



## ***PLANNING AND DEVELOPMENT CONTROL COMMITTEE***

***2.00 PM - TUESDAY, 30 SEPTEMBER 2014***

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

### **PART 1**

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on the 19th August 2014 (*Pages 1 - 6*)

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

### **Planning Application Recommended for Approval following Planning & Development Control Committee Members' Site Visit**

3. **APPLICATION NO: P2014/0217** - Wards Affected: Bryn & Cwmavon, Pelella (*Pages 7 - 64*)

Temporary permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases – Land within Foel Fynyddau Forest, near Pontrhydyfen, Cwmafan, Port Talbot.

## **Planning Applications Recommended for Approval**

4. **APPLICATION NO: P2014/0246** - Wards Affected: Sandfields East  
(Pages 65 - 80)

Gas-powered electricity generating station (20MW) and associated works (Amended location plan, block plan, floor plan and elevation plans received 03/09/14) – Ex Gas Works, Afan Way, Port Talbot, SA12 6HQ

5. **APPLICATION NO: P2014/0248** - Wards Affected: Pelenna  
(Pages 81 - 96)

Detached dwelling and garage (outline) – Land adjacent to The Barracks, off Queens Street, Pontrhydyfen.

6. **APPLICATION NO: P2014/0501** - Wards Affected: Baglan  
(Pages 97 - 130)

Demolition of existing buildings and construction of a building to accommodate a new primary and a secondary school with associated outbuildings, means of access, sports facilities and playing fields, car parking, external lighting, boundary treatment and hard and soft landscaping – Western Avenue Playing Fields, adjacent to Seaway Parade, Sandfields, Port Talbot.

7. **APPLICATION NO: P2014/0615** - Wards Affected: Alltwen  
(Pages 131 - 136)

Bay Window to front elevation, conversion of garage to living accommodation, and extension of hardstanding to facilitate replacement off street car parking – 27A Ynys Y Mond Road, Alltwen, Pontardawe SA8 3BA.

8. **APPLICATION NO: P2014/0795** - Wards Affected: Coedffranc West  
(Pages 137 - 144)

Outbuilding for overspill residential accommodation – 9 Prettyman Drive, Llandarcy, Neath, SA10 6HZ.

## **Planning Applications Recommended for Refusal**

9. **APPLICATION NO: P2013/0762** - Wards Affected: Pontardawe  
(*Pages 145 - 160*)  
Demolition of existing dwelling and construction of two pairs of semi detached dwellings, land infill and associated works – Dan-Y-Graig House, 36 Swansea Road, Pontardawe, Swansea, SA8 4AL.
10. Delegated Applications Determined between 9th August 2014 and 22nd September 2014 (*Pages 161 - 186*)
11. 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, 24 September 2014**

**Committee Membership:**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor J.Warman

**Members:** Councillors Mrs P.Bebell, J.R.Bryant, A.Carter, Mrs.A.Chaves, Ms.C.Clement-Williams, D.W.Davies, Mrs.R.Davies, Mrs.J.Dudley, M.Ellis, J.S.Evans, C.P.Golding, P.Greenaway, S.K.Hunt, I.B.James, A.Jenkins, E.E.Jones, M.Jones, Mrs.D.Jones, S.Jones, D.Keogh, E.V.Latham, A.R.Lockyer, J.Miller, J.D.Morgan, Mrs.S.Paddison, Mrs.K.Pearson, Mrs.S.M.Penry, D.M.Peters, M.Protheroe, L.M.Purcell, S.Rahaman, H.G.Rawlings, C.E.Richards, A.J.Siddley, A.Taylor, A.J.Taylor, A.L.Thomas, R.Thomas, D.Whitelock, I.D.Williams, Mrs.L.G.Williams and Mrs.A.Wingrave

**Plus 1 Vacancy**

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



## **PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

(Civic Centre, Port Talbot)

**Members Present:**

**19<sup>th</sup> August, 2014**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor J.Warman

**Councillors:** A.Carter, Mrs.A.Chaves, Ms.C.Clement-Williams, D.W.Davies, Mrs.R.Davies, M.Ellis, J.S.Evans, S.K.Hunt, A.Jenkins, Mrs D.Jones, S.Jones, Mrs.M.A.Lewis, Mrs.S.Paddison, Mrs.K.Pearson, Mrs.S.M.Penry, L.M.Purcell, S.Rahaman, C.E.Richards, A.L.Thomas, R.Thomas, D.Whitelock, I.D.Williams and Mrs.A.Wingrave

**Observer:** Councillor P.A.Rees

**Officers in Attendance:** Mrs.N.Pearce, D.Adlam, K.Davies, M.Fury and Mrs.T.Davies

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### 1. **MEMBERS' DECLARATION'S**

The following Members made declarations at the commencement of the meeting:

- |                     |  |
|---------------------|--|
| Councillor M.Ellis  | - Report of the Head of Planning – Minute No. 4 - as he has predetermined the application. |
| Councillor J.Warman | - Report of the Head of Planning – Minute No. 4 - as he has predetermined the application. |

2. **MINUTES OF THE LAST MEETING**

**RESOLVED:** that the Minutes of the Planning and Development Control Committee, held on the 29<sup>th</sup> July, 2014, as circulated, be confirmed as a correct record.

**Report of the Head of Planning**

(Note: An amendment sheet – attached and agreed – was circulated at the commencement of the meeting, as detailed in Appendix A hereto).

3. **PLANNING APPLICATION APPROVED**

Planning Application No. P/2012/354

Construction of 32 holiday homes, new access road, stables and children's play area (Outline) and retention of existing holiday lodge as resort Information Centre/Managers Office, at Parc Peleenna, Fairyland Road, Tonna, Neath, Neath Port Talbot, SA11 3QE.

**RESOLVED:** that the above mentioned application be approved, subject to the Conditions contained in the circulated report and amendment sheet.

(Note: with regard to the amendment sheet referred to above and attached as Appendix A, on which the Chair had allowed sufficient time for Members to read, in respect of application items on the published agenda, the Chairman had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and the circumstances being not to further delay the planning process, unless the Committee itself wanted to defer any applications and to ensure that Members take all extra relevant information into account before coming to any decision at the meeting).

4. **SITE VISIT BY THE PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

(Councillors M.Ellis and J.Warman re-affirmed their interests in this item and withdrew from the meeting during the discussion and voting thereon.)

**RESOLVED:** that, in light of the sensitive nature of the development and the significant level of representations received as a result of public consultation with local residents and other statutory bodies, the undermentioned application be deferred for a site visit by the full Planning Committee, in order to give Members the opportunity to fully assess the application site and surrounding environs, including the access to the site, so that they are able to make a fully informed decision when the application is reported to Committee for determination at a future date.

Application No. P/2014/217

Temporary permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases, at land within, Foel Fynyddau Forest, near Pontrhydyfen, Cwmafan, Port Talbot.

5. **APPEAL DETERMINED**

**RESOLVED:** that the following Appeal determined be noted, as detailed in the circulated report:-

- (a) Appeal Ref: A2014/0003 – Without planning permission, erection of a platform to facilitate the construction of an outbuilding and veranda (breach as amended by Inspector), at 33 Drumau Park, Skewen, Neath, SA10 6PL.

Decision: Dismissed.

6. **DELEGATED APPLICATIONS DETERMINED BETWEEN 22<sup>ND</sup> JULY AND 8<sup>TH</sup> AUGUST, 2014**

Members received a list of planning applications which had been determined between 22<sup>nd</sup> July and 8<sup>th</sup> August, 2014, as contained within the circulated report.

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

**CHAIRMAN**

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

**18<sup>th</sup> AUGUST 2014**

**ENVIRONMENT**

**AMENDMENT SHEET**

**SECTION A – MATTERS FOR DECISION**

**1. Planning Applications  
Recommended For Approval**

1.1	APP NO: P/2012/354	TYPE: Outline	Page Nos: 3 - 30	Wards Affected: Tonna
PROPOSAL:	Construction of 32 Holiday homes, new access road, stables and children's play area (Outline) and retention of existing holiday lodge as resort Information Centre/Managers Office.			
LOCATION:	PARC PELENNIA, FAIRYLAND ROAD, TONNA, NEATH NEATH PORT TALBOT SA11 3QE			

Paragraph 1 on the top of page 9 indicates that extant permission exists for 11 holiday units at the site. Further assessment has been undertaken and it is evident that the permission for four of the eleven units has lapsed despite engineering operations being undertaken. This is on the basis that the developer failed to discharge pre-commencement conditions associated with the planning permission. Nevertheless the principle still stands that planning permission has previously been granted for a total of 11 units at the application site, albeit only 7 of those units have extant consent.

The report also indicates that it is intended to utilise the existing holiday chalet as a reception and managers accommodation. This unit is not ideally located within the site to act as such a facility and as such it is proposed to relocate this facility to a different unit, which would be more readily visible to tourists upon arriving at this destination. As a result an amendment is required in relation to condition 6 which seeks to secure the provision of this unit. The amended condition reads as follows:

(6) The holiday lodge within Parcel A as defined on approved Plan B472/21, and identified in green on the attached plan NPT1, shall only be used as an Information Centre/Managers Office. This facility shall be provided prior to the occupation of any of the holiday lodges approved under this planning permission.

#### Reason

To ensure that the resort is served by an appropriate administrative building from the commencement of development.

In addition to the above it is also proposed to amend condition 22 to control the phasing of the access road and to secure a physical barrier to prevent use of Fairyland Road by the development. This amendment also negates the need for condition 26 which is now to be deleted.

(22) Prior to work commencing on site a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the following:-

- i. Longitudinal sections showing a gradient of not more than 1 in 12 or less than 1 in 150 metres (this includes the new access road and the roads around the development).
- ii. Cross sections every 20 metres and where there are any proposed culverts, outfalls, and headwalls are located.
- iii. A physical barrier to prevent access to the site from Fairyland Road.
- iv. A phasing plan associated with the provision of the internal access roads.
- v. Details of proposed signage restricting access to the site from Fairyland Road.

No development shall commence on the proposed holiday units until the approved access road from the B4434 to the site is complete. There shall be no vehicular access to or egress from the site via Fairyland Road following construction of the new access road. The approved access road, internal access roads, physical barrier and signage shall be completed in accordance with the approved details and an approved phasing plan.

#### Reason

In the interest of highway safety and visual amenity.

## PLANNING AND DEVELOPMENT CONTROL COMMITTEE

### REPORT OF THE HEAD PLANNING – N. PEARCE

**30<sup>TH</sup> SEPTEMBER 2014**

#### SECTION A - MATTER FOR DECISION

- 1. Planning Applications  
Recommended for Approval Following Full Planning &  
Development Control Committee Members' Site Visit**

<b><u>ITEM 1.1</u></b>	
<b><u>APPLICATION NO:</u> P/2014/217</b>	<b><u>DATE:</u> 27/03/2014</b>
<b>PROPOSAL:</b> Temporary permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases.	
<b>LOCATION:</b> Land Within, Foel Fynyddau Forest, Near Pontrhydyfen, Cwmafan, Port Talbot	
<b>APPLICANT:</b> UK Methane Limited	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Bryn & Cwmavon	

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

The application site is located on land within Foel Fynyddau Forest, near Pontrhydyfen.

The application site is an irregular shaped parcel of land measuring approximately 0.157 hectares in area. It has an overall width of 55.6m and a depth of 35m. The site lies adjacent to a gravel forestry track some 350m to the west of the village of Pontrhydyfen, and at a level of around 170-180m AOD. The nearest residential dwellings are located at Danybont, which is at a lower level than the application site, at a distance of approximately 300m “as the crow flies”. The area of land is sparsely vegetated, and has

previously been utilised as a lay down area by the Forestry Commission (now part of Natural Resources Wales). The site is surrounded by dense conifer woodland on all sides, except the adjacent forestry track. Cwm Pelenna forms the valley feature between the hillside and the village of Pontrhydyfen.

There is an existing forestry access road leading to the site, off the B4286 Pontrhydyfen to Cwmafan Road. There is a Grade II Listed Building (Pontrhydyfen Viaduct) adjacent to the existing access point.

The site is located outside the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP) and within the open countryside.

### **Brief Description of Proposal:**

This proposal seeks temporary planning permission for the drilling of an exploratory borehole to test the Westphalian and Namurian strata for coal bed methane and shale gases. This would be under a Petroleum Licence issued by the Department of Energy and Climate Change (DECC). The activity would also be the subject of a Coal Bed Methane Access Agreement from the Coal Authority.

Members should be aware that this application is for exploration test drilling only, and is **not** an application for hydraulic fracturing (otherwise known as ‘fracking’).

The development will consist of site preparation and set up by importing 7 buildings comprising tool shed, toilet, fuel store, site laboratory, site office, crew office and generator. A drilling rig would also be erected on the site with associated settling tanks and ancillary pipe work rack. The site would be surrounded by temporary heras fencing fitted with Echo-barrier noise control system.

The proposed portacabins would measure 6.2m in length by 2.7m in depth and reach a height of 2.5m. The drilling rig would have a maximum height of 11 metres.

The borehole will be constructed to comply with current legislation and will include an initial 30 cm diameter hole to cement the structure in place. After



pressure testing, drilling would be undertaken at approximately 16 cm diameter into the coal bearing strata, utilising suitable well head protection and diversion systems to a suitable venting system. The borehole would be terminated at the Namurian strata at a depth of approximately 1300m. No horizontal drilling is proposed.

General set up and activities associated with movements into and out of the site would occur during day time 08.00 to 18.00 hours. However, drilling would be undertaken on a 24 hour basis for a period of up to 10 weeks (which is approximately 4 week longer than the previous permission ref. P2011/0039). The applicant has indicated the following time-scales for the proposal:

Site establishment (and site clearance):	4 weeks.
Drilling and associated operations:	10 weeks.
Laboratory testing:	4 weeks.
Gas Testing:	36 weeks.

All buildings, drilling rig and associated tanks would be removed at the end of the operation. The borehole would be plugged with concrete and sealed, and the surface restored by grass seeding any areas damaged during the activity (where appropriate).

Members should also note that some exploratory boreholes are normally 'Permitted Development' under Part 22 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended). However, as the regulations specifically exclude boreholes for petroleum exploration, including hydrocarbon gases, planning permission is required for this proposal.

However, in practice, there is little difference in the drilling techniques with this application than those which could be done under 'permitted development'. Furthermore, it should be noted that the technical aspects of the drilling will also have to be assessed and approved in writing by the Health and Safety Executive Oil and Gas Division, The Coal Authority and the DECC before work starts.

Members should also note that planning permission has already been granted for an exploratory borehole on this application site under ref: P2011/0039. The techniques used under that scheme are essentially the same as this

proposal, albeit the proposed borehole would be deeper and therefore the length of time for the operation would be an additional 4 weeks.

### **EIA Screening/Scoping Opinion:**

The proposal does not fall within any of the descriptions given in Schedule 1 of *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*, as amended. Whilst Schedule 2 of the same regulations includes deep drillings, the site is not in a sensitive area and the applicable thresholds and criteria refer to the area of the works exceeding 1 hectare, which would not be the case with this application. As such, a screening opinion is not required for this application. Accordingly it is concluded that the proposal is **not EIA development**.

It is noted further that the recent WG guidance letter (referred to in details below and included at Appendix 1) clarifies that “MPPW states that EIA is unlikely to be required for exploratory drilling activities. The Welsh Government continues to support this view on the basis that such exploratory drilling does not involve hydraulic fracturing, or is not located on a site that is unusually sensitive to limited disturbance occurring over the short period involved”.

### **Planning History:**

The site has previously been the subject of a previous application for exploratory drilling as follows: -

P2011/0039 To carry out temporary exploratory borehole investigation for coal bed methane into Westphalian coal measures. Approved 25/05/2011.

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

No properties were consulted directly by letter. However, site notices were displayed on site, and the application was advertised in the Local Press (Neath Port Talbot Courier).

To date, in the region of 1,036 letters of objection have been received, together with a petition against the development comprising 1,564 signatures. Two letters of support were received.

Cllr Martin Ellis has objected to the development on the grounds that there is no evidence that the Health and Safety Executive has been notified or the British Geological Survey and the developers have not undertaken public consultation. Also, details have not been provided in respect of flaring and, highway safety concerns including the access point and access route. Finally, concerns in terms of residential amenity, biodiversity, land instability, and pollution of watercourses.

Bethan Jenkins AM has also objected to the development on the grounds that the development would affect the amenity of local residents and visitors in terms on highway safety, seismic disturbance, pollution to watercourses, noise dust and disturbance from traffic and impacts upon biodiversity. Also, potential gas leaks.

Peter Black AM has objected to the proposal in terms of highway safety, residential amenity including noise, traffic movements and light pollution, the potential abstraction of water, impacts on biodiversity, and treatment and handling of radon gas.

David Rees AM has also objected to the application in respect of the potential impacts in terms of noise which could exceed the specified 8 weeks, biodiversity impacts, the potential loss of trees, highway safety and the potential to create a precedent for future applications and the potential impact on tourism in the area.

Given the significant number of letters received, it is not possible to detail all objections, but the nature of objections are broadly summarised as follows:

- (1) Concerns over highway and pedestrian safety, including damage to local roads, and access issues with large vehicles negotiating bends in the roads. The CAD drawing produced by the Engineering Section shows that vehicles entering the site will overshoot the track where there is a steep bank.
- (2) Potential pollution to local watercourses and impact upon angling and fish.
- (3) Potential unacceptable impacts upon the residential amenity and health of local residents in terms of noise, dust and disturbance from 24-hour

- working and vehicle movements, and toxic chemicals used in the drilling process.
- (4) Concerns that the proposal will impinge on the human rights of local residents.
  - (5) Potential detrimental impacts upon biodiversity and local wildlife, including badgers and bats.
  - (6) Potential unacceptable impacts upon the environment, including climate change.
  - (7) Potential unacceptable impacts upon the ground conditions, including seismic disturbance or subsidence as a result of the proposal, due to old mine workings in the area, some of which are un-recorded.
  - (8) Potential detrimental impacts upon existing and new tourism in the area.
  - (9) Potential impact upon the school in the local area. Friends of the Earth Scotland suggest a buffer zone distance of 2-2.5km is needed, whereas the actual distance on this site is only 350m.
  - (10) There are concerns with the proximity of the site to a children's play area and bowling green.
  - (11) There are concerns that the proposal would affect the existing forestry, which is used by walkers, bikers and horse riders.
  - (12) Potential negative impacts upon the property values in the local area, and potential difficulties getting house insurance cover. The developer and LPA should cover the cost of any reasonable damages that occur to people or property, and de-valuation in property prices and any home insurance exclusions or increases in premiums.
  - (13) The proposal is contrary to Planning Policy Wales, including protecting local residents and minimising climate change.
  - (14) The applicant is a very small company with very limited financial assets. Should there be a major incident then they would not have the resources to deal with it.
  - (15) Has the applicant's company got sufficient public liability insurance? If the company goes into liquidation, will the Local Authority underwrite the payment?
  - (16) According to UK legislation (Control of Major Accidents Hazards) all onshore hydrocarbon sites are considered major hazard sites. The operator should inform people who could be affected. This information has not been provided as part of the planning application.
  - (17) There are no details of how emissions/gases would be monitored and how any leaks and emission would be fixed.
  - (18) No details have been provided regarding the weights of vehicles. Are there weight restrictions on the bridges in the area?

- (19) The viaduct adjacent to the access off the B4286 is a listed structure, and the access track is 1-2m away from its base.
- (20) The local community have not been adequately consulted on this application.
- (21) The Drilling Method Statement has been 'copy & pasted' from another project. For example, there is reference to Chalk. Chalk formations are only present in southern England. Also, there is no Limestone in the Port Talbot area.
- (22) There is no consistency with the volumetric units provided as there is reference to both gallons and cubic metres which misleads the reader
- (23) The noise impact assessment provided is not suitable for these works. They have not covered the noise impact of pneumatic hammers attached to the top of the drill rig. The drill rig will have a pneumatic hammer.
- (24) The Drilling Method Statement does not specify the type of drilling technology that will be utilised.
- (25) There is no Traffic Management Plan or Dust Management Plan submitted.
- (26) The applicant has omitted to say that a methane flare will be occurring continuously.
- (27) Where is the waste water going to be disposed of?
- (28) If there is a spillage who will it be cleaned up by, and who will be liable for the cost?
- (29) If this development is allowed, it could pave the way for fracking and the industrialisation of the countryside.
- (30) Has the HSE had notice of the well design and are they satisfied with it?
- (31) Has the British Geological Survey been notified of the intent to drill?
- (32) The developers have not undertaken any public consultation. The UK Onshore Operators Group (of which the applicant is a member) states that members should engage with local communities from an early stage.
- (33) The proposal has the potential to create landslides onto the B4286.
- (34) There are no details of how the borehole well would be monitored in the future.
- (35) What happens to the waste water left in the ground which is potentially contaminated?
- (36) There are concerns over NORMS (naturally occurring radioactive material). Is this something that would be licensed? Would it need to be disposed of to a licensed facility?

- (37) The 'precautionary principle' should be used with this application. The UK Government has committed, since the signing of the Rio Declaration on Environment and Development in 1992, to Principle 15 which states "where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation". The EU has stated that policy on the environment "shall be based on the precautionary principle". There are concerns that the LPA is not applying a precautionary approach in this case.
- (38) An EIA should be undertaken on the application and an application should not be granted without one.
- (39) The submitted plans do not show the extent of the borehole under the ground. A 3D seismic survey should be submitted.
- (40) The description of the application is inadequate as it does not state how deep the borehole would go or if there are lateral drills.
- (41) The applicant has indicated that they need large volumes of fresh water but have not stated where it would come from.
- (42) The applicant has stated that no hazardous material is involved in the proposal. However, The List of Wastes (Wales) Regulations 2005 includes drilling mud and wastes.
- (43) No information has been provided for the testing and treatment of radon gas.
- (44) There are potentially unexploded bombs in the area. Ivor Emmanuel's family were killed by a bomb in the Second World War.
- (45) There are concerns that the submitted block plan is inaccurate in terms of the size of the site and impact on trees.
- (46) NRW are felling trees in the area, which means the drilling site will be visible. Also, this could impact on noise pollution.
- (47) It should be noted that fracking has recently been banned in the Netherlands.
- (48) By not allowing public speaking in the Planning Committee the Authority is not in compliance with Article 7 of the Aarhus Convention.
- (49) In July 2014 West Sussex County Council rejected an application for "exploration testing and evaluation of hydrocarbons" partly on the grounds that "the applicant failed to demonstrate that the application site presents the best option in comparison with other alternative sites within the area of the Petroleum Exploration and Development Licence (PEDL)". The same logic should apply here.

- (50) In June 2014 NPTCBC refused an application (P2012/0759) for exploratory driveage and associated engineering works on the grounds that: “The applicant has failed to submit adequate technical information, site specific data, investigatory methods and monitoring to demonstrate adequately and robustly and beyond reasonable doubt that the development will not have an adverse effect on:
- (a) the existing hydrological and hydrogeological conditions of the site and surrounding area in respect of ground conditions, ground water pathways and ground stability;
  - (b) the land stability of the area and the consequences to the health and safety of the local community; and
  - (c) The proposal is therefore contrary to Policies M1, ENV12, GC2 (d) and (f) and M8 (a), (i), (vi) and (vii) of the Neath Port Talbot Adopted Unitary Development Plan. The same grounds would apply here, and the application should be refused.

**Pelenna Community Council:** Objection, on the grounds that the test drilling will lead to heavy traffic through the community of Pelenna.

**Natural Resources Wales:** No objection, subject to conditions.

**The Coal Authority:** No objection.

**Air Pollution Unit:** No objection, subject to conditions.

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

**Head of Business Strategy & Public Protection (Environmental Health - Noise):** No objection, subject to conditions.

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

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

**CADW:** No objection.

**Material Considerations:**

The main issues for consideration with this application are as follows:

- The planning policy and principle of development at this site.
- The potential impact of the proposal upon visual amenity.
- The potential impacts on residential amenity, including noise, dust and vibration.
- Any potential highway and pedestrian safety issues, including access.
- Potential impacts upon ecology and biodiversity, including protected species.
- The potential impact upon the water environment, hydrology and drainage.
- The potential impact upon Cultural Heritage and Archaeology.
- Any potential requirements for Restoration and Aftercare.

Each of these are addressed in turn below.

### **Policy Context:**

#### National Planning Policy:

Planning Policy Wales (Edition 7, July 2014).

Minerals Planning Policy Wales (MPPW) (2001) sets out the five key principles that LPAs must take into account when making development management decisions. These principles are to:

- Provide mineral resources to meet society's needs and to safeguard resources from sterilisation
- Protect areas of importance to natural or built heritage
- Limit the environmental impact of mineral extraction
- Achieve a high standard of restoration and beneficial after-use
- Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

Technical Advice Note (Wales) 11, Noise (October 1997)

The Welsh Government's "*Energy Wales: A Low Carbon Transition*" states that gas will be a key transitional fuel because green house gas emissions from gas are significantly less than coal subject to the method of extraction.



It goes on to note that gas is a flexible, responsive and reliable source of energy which can play a key role in the transition to a genuinely low carbon energy system.

Likewise, the Department of Energy and Climate Change's *Overarching National Policy Statement for Energy EN-1* indicates that fossil fuel power stations will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy.

In addition to the above, Members should note that on the 8th July 2014 the Welsh Government issued a clarification letter on national planning policies that apply for onshore unconventional gas and oil development (CL- 04-14). The WG letter, attached in full at **Appendix 1**, is largely based on the Department for Communities and Local Government document "*Planning practice guidance for onshore oil and gas*" which explains the separate process that runs alongside planning with regard to authorising exploration and extraction of gas.

The letter advises that the Welsh Government has been working with the Office for Unconventional Gas and Oil on the production of the **Regulatory Roadmap** (Onshore oil and gas exploration in the UK: regulation and best practice (December 2013)), which identifies all the regulatory processes that an operator will need to satisfy before drilling for unconventional gas and oil.

Specifically, it advises that the following issues will be addressed by other regulators:

- Seismic risk – the Department of Energy and Climate Change (DECC) is responsible for controls to mitigate seismic risks.
- Well design and construction – the Health and Safety Executive is responsible for enforcement of legislation concerning well design and construction.
- Operation of surface equipment on the Well Pad – these are controlled by Natural Resources Wales and the Health and Safety Executive.
- Mining Waste – Natural Resources Wales is responsible for ensuring that extractive waste is appropriately controlled through issuing an environmental permit.

- Chemical content of fracking fluid (if it is to be used) – Operators are obliged to inform Natural Resources Wales of all chemicals that they propose to use to hydraulically fracture in order to obtain an environmental permit.
- Flaring or venting of any gas – is subject to DECC controls and is regulated by Natural Resources Wales. However planning authorities may still need to consider any issues of noise and visual impact that this process may create.
- Final disposal of water – Natural Resources Wales is responsible for issuing permits for flowback water, which may contain naturally occurring radioactive materials (NORM). This responsibility extends to ensuring that the final treatment/disposal of flowback water at suitable water treatment facilities is acceptable. Depending on the phase of development and the scale of production there may be significant volumes of water that will require transporting to and from the site. Therefore local planning authorities will need to consider access, traffic generation, and the visual impact of on site storage facilities.

Having regard to the above, it is emphasised that MPPW identifies that the planning system should not conflict with or attempt to duplicate the controls better regulated by other bodies under different consent regimes, a view reinforced in the WG letter of July 2014.

The letter reinforces that in Wales the relevant national planning policies for mineral development are set out in Minerals Planning Policy Wales (MPPW), which provides general guidance which is applicable to all applications for unconventional gas or oil whether it is at the exploratory, appraisal, or production (extraction) phase of development. In terms of limiting the environmental impact of mineral extraction, it emphasises that MPPW identifies that the following issues must be addressed to ensure that minerals proposals do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

- Access and traffic generation (including the routes to be used for minerals transportation)
- Noise (in terms of limits, type, and location)
- The control of dust, smoke and fumes
- Disposal of mineral waste

- Blasting controls (if relevant to shale or coal bed methane applications)
- Land drainage, impact on groundwater resources and the prevention of pollution of water supplies
- Visual intrusion and general landscaping
- Impact on sites of nature conservation, historic and cultural importance
- Land instability
- Promotion of the use and treatment of unstable, derelict or contaminated land
- Cumulative impact
- Restoration, aftercare, and after-use.

These matters (where relevant) are addressed within the report below.

Purpose of the Application:

Having regard to the strength of local feeling, and notably the local fears that this development is the precursor to further exploratory mining for shale gas extraction, it is emphasised that the proposal relates purely to a borehole to test the geological strata in this area. It does not include extraction, whether by hydraulic fracturing or otherwise (although this is testing for both conventional gas and shale gas), and any extraction proposals would require a further application.

In this respect, Members are advised of a relevant appeal decision for similar exploratory drilling in Llandow, Vale of Glamorgan, where the decision of the Council to refuse permission was overturned at appeal by the Planning Inspectorate. In his appeal decision (included in full at **Appendix 2**) the Inspector emphasised that the Vale of Glamorgan UDP makes it clear that the grant of planning permission for mineral exploration will not indicate a presumption in favour of future exploitation of any minerals found. In this regard, Policy M1 of the Neath Port Talbot UDP similarly emphasises that “A planning permission to carry out any search or exploration will not in itself create a presumption that planning consent will be granted for the extraction or working of the mineral or fossil fuel”.

The July 2014 WG letter also emphasises that “each stage will involve slightly different processes, timescales, equipment, and vehicle movements. Therefore it is necessary to consider all these matters afresh for each planning application. Consequently it does not mean that just because it has been appropriate to grant planning permission to explore for the resource it would necessarily be appropriate to allow commercial extraction and hydraulic fracturing in the same location. Each planning application should be determined on its own merits”.

Having regard to the above, any concerns over the impact of future mineral extraction cannot, therefore, be considered under this application.

#### Local Planning Policy:

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

- GC2 Engineering Works and Operations (including Minerals and waste)
- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- ENV1 Development in the Countryside
- ENV5 Nature Conservation
- ENV12 Proposals affecting Water Resources
- ENV15 Air Quality
- ENV19 Proposals within Conservation Areas or which would affect the setting of a Listed Building
- ENV29 Environmental Quality
- M1 Mineral Prospecting And Exploration
- M8 Criteria for Assessment of Coal Mineral and Gas Applications

The site is located outside the settlement limits defined by Policy H3 and within the open countryside, however due to the temporary nature of the proposed works and the fact that the borehole would be decommissioned, abandoned and the site restored once testing has completed, there would be no objection to the principle of such development in the countryside.

The primary policies to assess the proposals against are Policies GC2, M1 and M8.

In summary, Policy GC 2 requires proposals to have no unacceptable impact on matters including biodiversity, habitats, local communities and their amenity and health (including noise, pollution, blasting, grit, dust, smoke, smell, vibration, illumination, views and cumulative impacts), water supply, water quality or quantity, land drainage and flooding; highways/ rights of way, including movement of materials. It also requires that proposals indicate satisfactorily how the work will be undertaken including: (i) the method, planning and duration; (ii) the control of environmental and other impacts; and (iii) restoration and/or aftercare.

Policy M1 is especially pertinent in relating to Mineral Prospecting and Exploration. It notes that, where planning permission is required for the exploration, search and prospecting of any mineral or fossil fuel, consent will only be granted when the development or temporary activity does not have an unacceptable impact on the site the surrounding environment or residential amenity. It also emphasises that “A planning permission to carry out any search or exploration will not in itself create a presumption that planning consent will be granted for the extraction or working of the mineral or fossil fuel”.

The supporting justification to Policy M1 advises that the criteria set out in Policy M7 (which should state M8) will guide the appraisal of such activity. Policy M8 is a criteria-based policy governing the need to ensure no unacceptable impacts on matters including, but not limited to, pollution or disturbance to ground or surface water supply or drainage; landscape; biodiversity; ground stability; contamination; noise, dust, blast, vibration arising from the methods of working; health; traffic generated to and from the site. It also requires that “measures are provided to reduce damage, harm or disturbance to individuals, communities and land uses caused by those issues to acceptable levels”.

Having regard to the above Policy context, it is considered that the principle of the proposed development would be acceptable, having particular regard also to its temporary nature, subject to an assessment against the above issues., and there being no unacceptable impacts identified. Such matters are considered in details in the remainder of the report.

### Impact on Visual Amenity:

The proposed drilling compound and application site is in a secluded area of Foel Fynyddau Forest above Pontrhydyfen. The site is a gently sloping area devoid of trees, as it has been used as a log storage area, and is completely surrounded by deciduous trees on its boundary and by a mature conifer plantation to the north east and west and a forestry track and hillside covered with conifer trees to the south. The nature and size of the drilling rig, and associated ancillary buildings and facilities, will be totally screened, and will ensure they are not visible from adjacent settlement areas.

Whilst it is noted that Natural Resources Wales are currently undertaking works in the area to fell diseased trees, they have provided clarification that the trees around the application are not earmarked for felling. This is shown in Figure 1 below. The site would, therefore, remain screened from the local area.

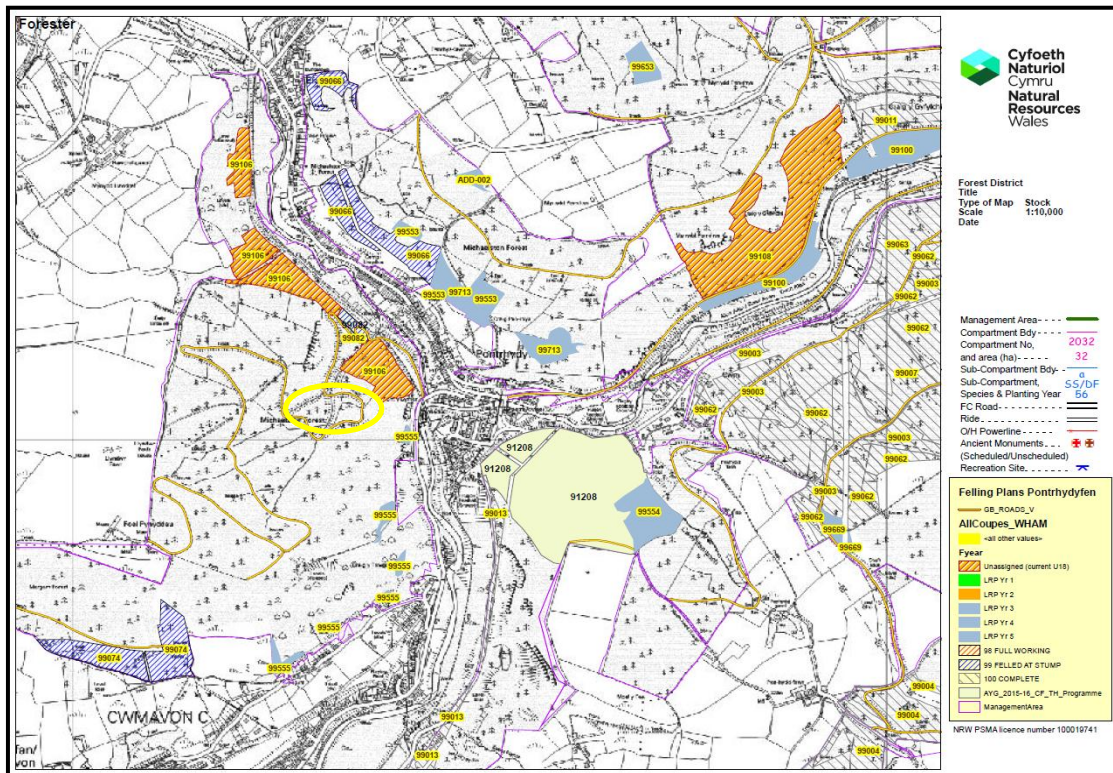


Figure 1 NRW Plan of Tree Felling. The approximate position of the application site is circled in yellow.

In respect of lighting, it is noted that temporary lighting is proposed on stands up to 3m in height. However, they will be hooded and pointed

downwards so that there is no light-spillage, matters which can be controlled by condition. It is considered that the type of lighting proposed and separation distance, including existing tree cover, would ensure there is no unacceptable impact from the development in terms of light pollution.

Having regard to the above, and especially the temporary nature of the works and the requirement to remove all works/operations at the end of the testing process, it is concluded that the temporary siting of the drilling rig and associated equipment/operations would have no unacceptable visual impacts for the duration of the works. Finally it must be noted that there will be no remaining effect on the appearance or character of the countryside once the site is restored in accordance with the required condition.

### **Impacts on Residential Amenity (including noise, dust and vibration):**

The application site is located some 350m to the west of the village of Pontrhydyfen, and at a level of around 170-180m AOD. The nearest residential dwellings are located at Danybont, which is at a lower level than the application site, at a distance of approximately 300m. As such, there would be no physical impacts on nearby residential properties, with the only issues of note to assess relating to the impacts of the drilling and associated activities on residential amenity.

#### *Noise and Disturbance*

A Noise Impact Assessment has been undertaken and submitted in support of the application to measure and consider if the proposed 24 hour working is likely to have an adverse affect on the amenities of the area and, in particular, local residents.

The submissions identify the nearest noise sensitive residential properties as follows:

- Houses on B4286 – 300m to southeast, 120m lower in elevation
- Queen Street – 350m to the northeast, 100m lower in elevation
- Oakwood Avenue – 360m to the southeast, 130m lower in elevation

In terms of equipment to be used at the site, the submissions indicate that the proposed drill rig has a typical noise level of 79 dB(A) at 1m, with details also provided for the diesel generator, telehandler and shaker/cyclone. The noise report then predicts combined noise levels (from stationary and mobile

plant) at the nearest noise sensitive residential property (300m) of 44.0 dB  $L_{Aeq}$ .

As detailed above, the proposed works include drilling which would be undertaken on a 24-hour basis for approximately 10 weeks. While the daytime levels would be acceptable, MTAN2 (aggregates) refers to the need for night-time working limits to not exceed 42 dB(A) at noise sensitive properties. Accordingly, without additional screening of plant the night time limits would be marginally exceeded at the nearest residential properties.

Having regard to these levels, in order to reduce the site noise to a minimum, additional screening around the noise sensitive equipment will be implemented. This will take the form of soft noise absorbent matting attached to the site fencing and around the main sources of noise - Echo Barriers - with the submissions indicating an acoustic performance with a 15-20dB noise reduction. As a consequence, noise levels at the nearest houses are predicted to fall to around 38.2 dB  $L_{Aeq}$ , which, allowing for a 15DB loss through a partially open window, would fall to below the 30dB(A) World Health Organisation threshold for sleep disturbance.

Having regard to the above, the submitted Noise Impact Assessment has been assessed by the Head of Business Strategy and Public Protection (Environmental Health Section), who notes that the mitigation measures proposed, in the form of the acoustic Echo barrier, would be sufficient to remove the 'line of site' from the main noise generating plant. On the basis of this assessment, the operation of the drill rig on a 24 hour basis will noty unacceptably impact upon the overall amenity of residents, including night time conditions. However, a condition should be imposed on the application, if approved, requiring a noise management plan to be submitted and agreed in advance of works commencing on site.

### *Dust*

The operations proposed include the use of fluids which should, in all reasonable circumstances, reduce and mitigate the potential for any dust emissions from the site. The Air Quality Section has been consulted on the application and offers no objection to the proposal, but notes that there may be some potential track-out of dust into the public highway, which the developer should make provision for. In response the applicant has confirmed that, in the event of any dust issues from use of the track, a



suitable clean water bowser would be kept on site to damp down the access track. Given that the track is already used by forestry vehicles, it is considered that the dust impacts arising from this development would be minimal. Nevertheless, a condition is recommended which requires a bowser to be available on site in order to address any potential issues arising from the development.

### *Vibration*

While it is acknowledged that drilling can generate vibration, given the distance to any sensitive properties, it is considered that vibration from the proposed drilling operation is highly unlikely.

It should be noted that gas controls and monitoring would be undertaken under the provisions of the licence.

It is considered that the overall development would be acceptable in terms of residential amenity, and should not affect the local amenity of residents within the surrounding area to an extent that would warrant refusal in terms of noise, dust or disturbance.

### **Impact on highway and pedestrian safety issues, including access**

The application site is accessed via an existing forestry track that has an access point west of Pontrhydyfen and off the B4286 Cwmafan to Pontrhydyfen Road.

All deliveries, including the drilling rig, are proposed to utilise a route along the A4107 from junction 40 of the M4 and then along the B4287 at Pontrhydyfen and onto the B4286. The route is illustrated on Figure 2 below.

The applicant has provided detailed information in support of the application in respect of the drilling rig, indicating that the size of the drilling rig will be very similar to that shown in Figure 3 below, but the engine and mounting on the truck will be changed to make the truck lighter. However, the truck and mast will be the same overall size. The length of the rig will be 12.8m, the width would be 2.50m and the height would be around the 4.65m. They have also indicated that the drill pipe will be delivered on flat bed trailers

and off-loaded by crane. These would have a maximum total weight (including load) of 40 tons and measure 10m long by 2.50m wide.

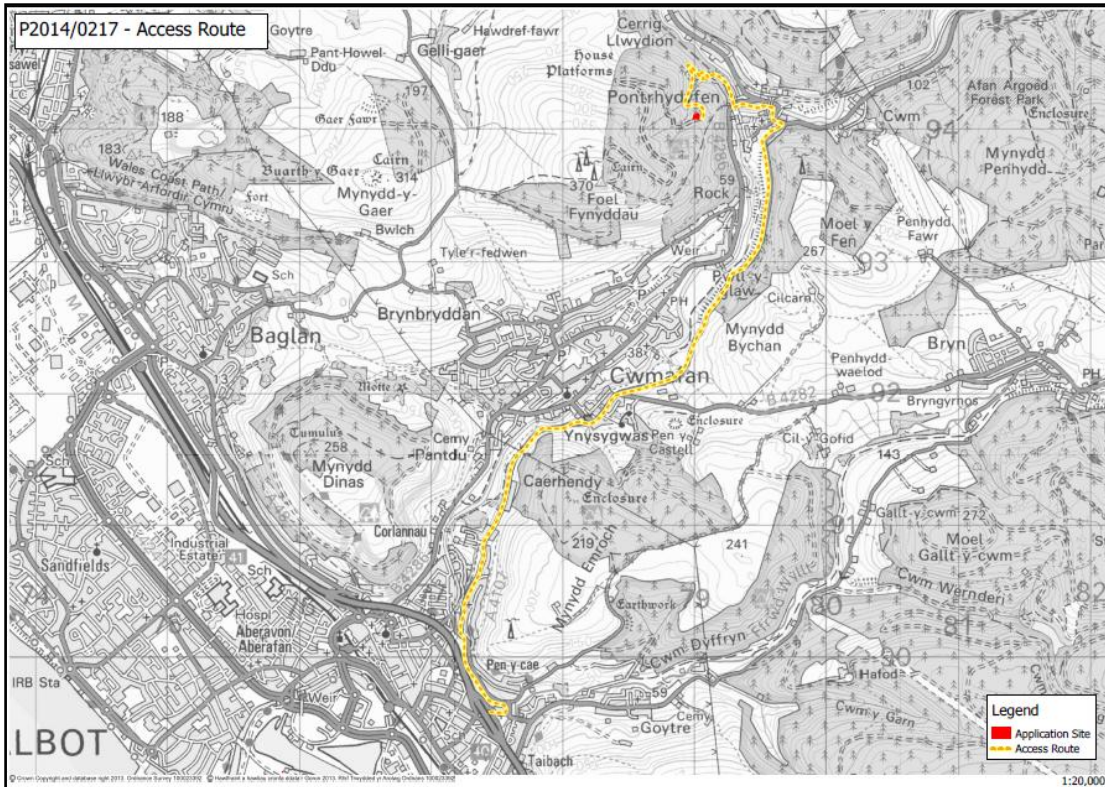


Figure 3 - Proposed Access Route to the Application Site from M4 Jct 40.

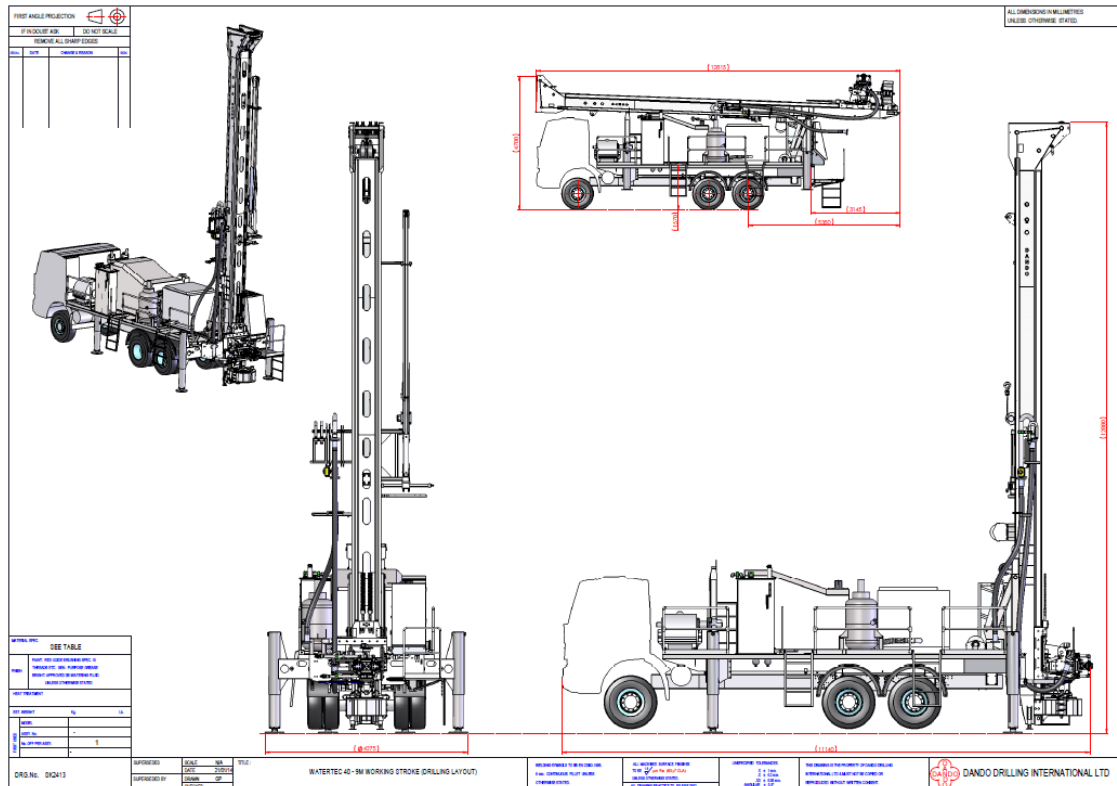


Figure 2 - Plan of proposed rig.

Figure 4 is a photograph of a similar rig to that proposed under this application.



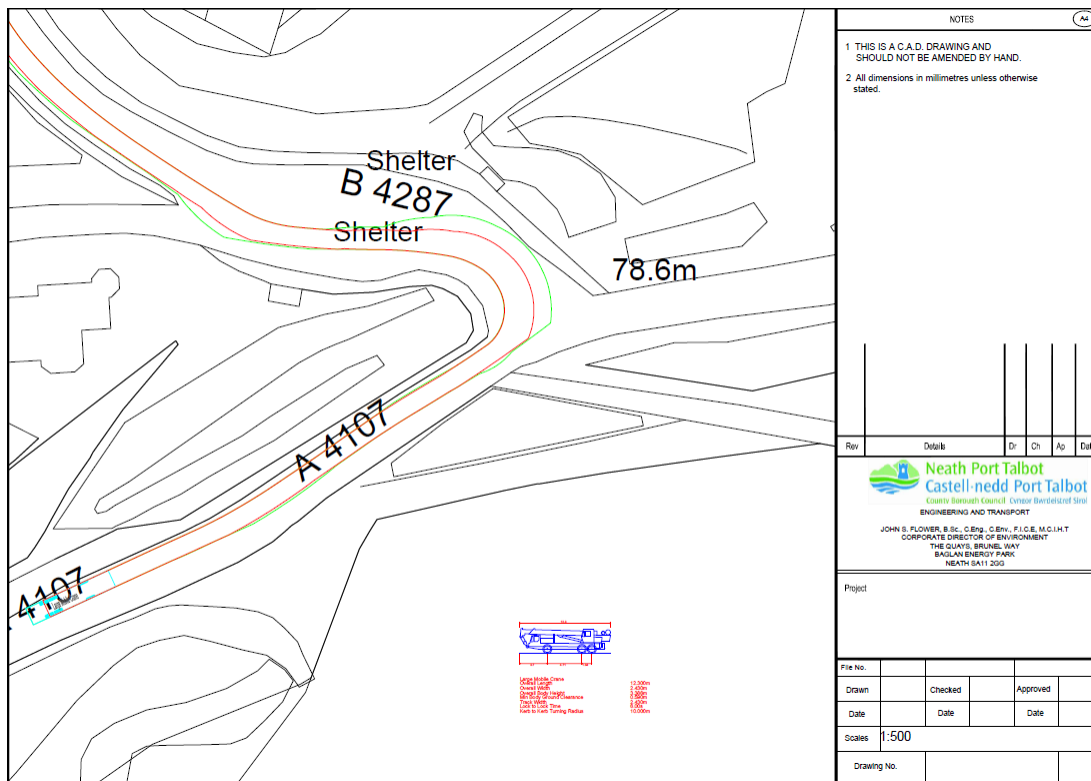
**Figure 4 - Photograph of rig vehicle.**

The applicant has stated that two drilling rigs would be utilised, to make the overall drilling process more efficient. They have indicated that the vehicle movements into the site (which should be doubled to take account of overall vehicular movements into and out of the site) would be as follows:

- Drilling Rigs = 2
- Drilling Pipe Vehicles = 4
- Casing vehicles = 5
- Tank vehicles and other equipment = 5
- Survey equipment vehicles = 2
- Cabin vehicles = 5
- Water tankers for used water = 7
- Steel lining vehicles = 3
- Foul sewage tanker = 1 per week
- Tankers to remove excess drilling fluid = 2/3 per week
- Skips = 2 per week
- Drilling supplies (transit size) = 5 per week
- Personnel vehicles (cars or vans) = 2/3 per 12 hour shift.

Due to the nature of the proposed drilling operations, they have indicated that 24 hour access would be required.

Members should note that the Head of Engineering and Transport (Highways Section) has assessed the submitted documents, including access routes and access points. They have also undertaken swept-path analysis (auto-tracking) for the proposed route, and a potential alternative route through Cwmafan village, and have confirmed that they are satisfied with the proposed access route for this equipment and associated HGV movements based on the largest vehicle, as shown with the swept-path analysis. These are included within Figures 5, 6 and 7 below.



**Figure 5 - Swept Path Analysis of the Junction off A4107 onto B4287.**

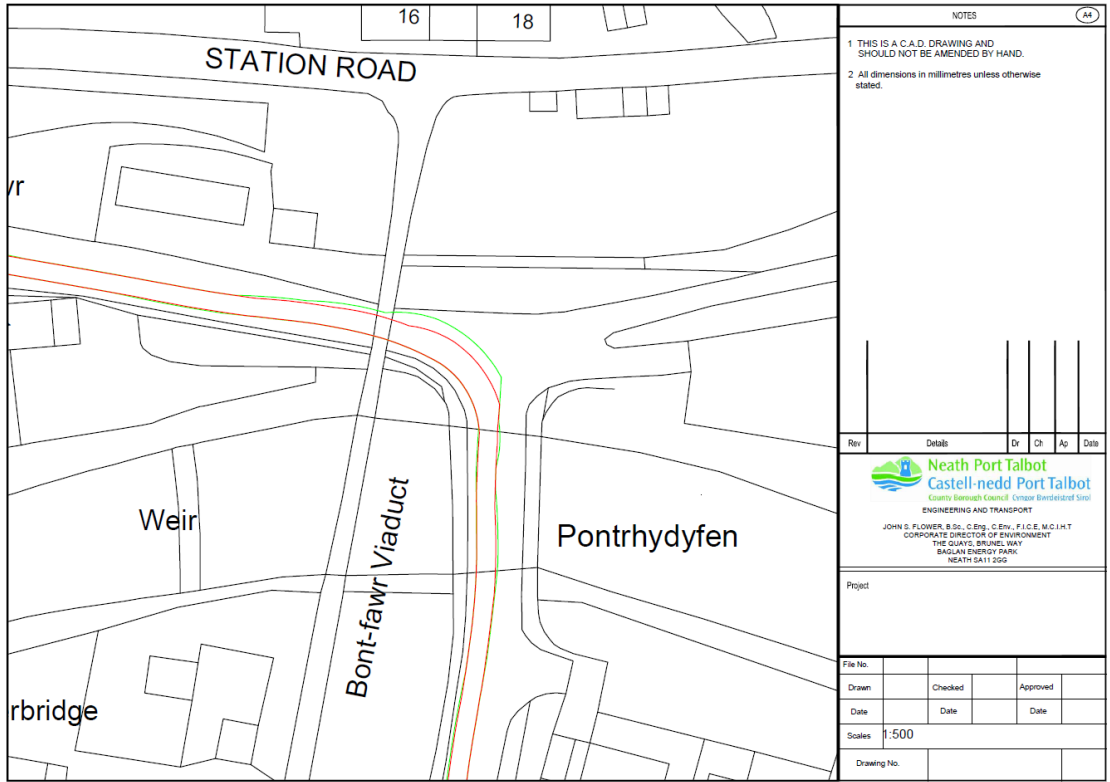


Figure 6 - Swept Path Analysis of the corner under Viaduct.

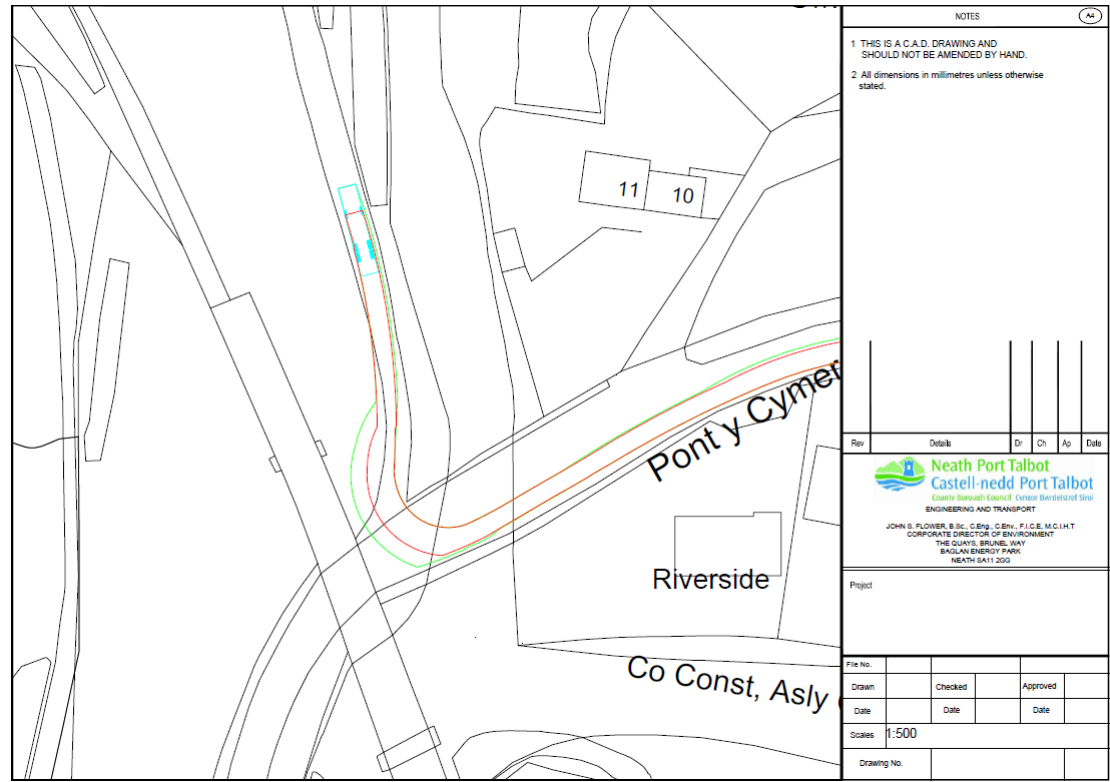


Figure 7 - Swept Path Analysis of the access off B4286.

It should be noted that Figure 7 illustrates a slight overhang over the 'track' area indicated on the plan. However, a detailed site inspection of the access point has been undertaken by the Highways Officer, who has confirmed they are satisfied that the proposed vehicles can adequately and safely enter and exit the site, as the swept path analysis used a slightly larger vehicle (12m long by 2.53m wide).

As detailed above, the number of vehicle movements using the access would also be relatively small in comparative terms, noting also that the access is already used by larger HGV's used for the forestry clearance operations.

It is also noted that planning permission ref. P2011/0039 has already been granted for this site for borehole drilling, which includes the use of this access by the same drilling rig, such that it would be difficult to sustain any objection to the scheme on highway safety grounds. It is therefore concluded that the proposal would be acceptable in terms of highway and pedestrian safety,

### **Impacts upon ecology and biodiversity, including protected species.**

Members should note that a revised ecology survey, including badgers and protected species, has been undertaken and submitted in support of this application. This has been fully assessed by the Authority's Biodiversity Unit and Natural Resources Wales.

It should be noted that there are no statutorily designated sites within 2km of the site. The application site is primarily composed of a cleared area within the conifer plantation and has been utilised as a lay down area in the recent past by the Forestry Commission (now NRW). As such, vegetation is sparse and does not constitute a significant local resource and any temporary damage or loss is not considered to be significant.

It is proposed to cover most of the site area with terram sheeting, to protect the underlying vegetation store that is anticipated to recover after the removal of the buildings. However, some surface damage may be experienced around the drilling rig and adjacent tank areas.

In respect of trees, the applicant has confirmed that there are no trees on the application site, and no trees are proposed to be felled as part of the development. As such, no impacts are anticipated in terms of the loss of trees.

Although the submissions state that bat flight line surveys are needed, the Council's Biodiversity Unit are satisfied that there is no need for these surveys as the site is very small and isolated within sub-optimal habitat, no trees are to be removed/worked on and the lighting will be directional, therefore, any effect on bats will be minimal and will not need licensing. NRW are similarly satisfied that there would be no adverse impact on bats subject to a suitable condition covering the lighting on the site in accordance with the submitted ecology report's recommendations.

As both the Biodiversity Unit and Natural Resources Wales offer no objection to the proposed development, subject to conditions, it is considered that the proposed development is acceptable in terms of biodiversity and protected species.

### **Water Environment, Hydrology and Drainage:**

The development consists of a single exploratory borehole at a diameter of approximately 16 cm diameter into the Westphalian and Namurian strata to test for coal bed methane and shale gases.

During such drilling operations there is a potential to affect the hydrology and water environment, unless adequate provisions are undertaken. Additional statements and explanatory information submitted and provided to the Natural Resources Wales indicates that a secure closed loop system and specific holding tanks demonstrate that any potential discharges into the water environment should be prevented and appropriate secure facilities for storage of oil and fuels will be provided. Little or no surface area disturbance is to be undertaken.

The provisions set out in a response statement are considered satisfactory to protect controlled waters and they also demonstrate how any contaminated material is stored and removed from the site.

Paragraph 30 of MPPW identifies that the need to protect the quantity and quality of surface and groundwater supplies should be taken into account by



local planning authorities. In doing so the local planning authority must consult Natural Resources Wales on these complex issues, and where doubt exists, should adopt the precautionary principle in taking planning decisions.

Natural Resources Wales has indicated that it is satisfied with the structure of pollution control measures, and has no subsequent objections to the proposal.

In considering such matters at the Llandow appeal (Appendix 2), the inspector stated that:

- “The monitoring would ensure that, if any fluid were to be lost, its volume would be extremely limited with high rates of dilution taking place within a limited radius of the borehole such that the risk to private water supplies would be minimal.
- The borehole would be sealed in accordance with guidelines published by the EA in *Decommissioning Redundant Boreholes and Wells* and I have no reason to believe that this would pose a threat to groundwater supplies. The density of the drilling fluid and the blow out preventer required to satisfy HSE guidance would provide adequate safeguards against gas escaping to the surface.”

For these reasons, and in light of the absence of any concerns or objections from NRW, it is considered that, subject to the imposition of a condition requiring that the pollution prevention measures are undertaken in accordance with the additional information submitted, the development would not have any adverse or detrimental effect on the hydrology or water environment of the area.

### **Cultural Heritage and Archaeology:**

Members should note that there is a Grade II Listed Building (Ponrthydyfen Viaduct) adjacent to the existing access point. However, as the B4286 already runs underneath this viaduct, and the forestry access onto the B4286 is existing and already used by forestry vehicles, it is considered that this temporary development would not adversely impact upon the setting of the Listed Building.

CADW has also been consulted on the application and they note that no scheduled ancient monuments, historic parks and gardens or historic landscapes are affected by this proposal, and they therefore offer no objections.

Finally, it should be noted that under the previous application (P2011/0039), Glamorgan Gwent Archaeological Trust confirmed that there were no archaeological restraints to the development.

It is therefore considered that the proposed development would be acceptable in terms of cultural heritage and archaeology.

### **Restoration and Aftercare:**

During the operational phase of the site little or no surface damage is to occur, with terram being provided as a protective layer to the majority of the site.

However, it is necessary to ensure that the whole of the site is adequately restored to a condition suitable for natural colonisation and regeneration. Given the nature of the temporary operations, it is considered the site can be adequately restored, and a suitably worded condition requiring a restoration scheme can be conditioned as part of the application.

### **Others (including objections):**

While the report above has addressed the main issues relating to the application, in response to matters raised in the significant number of representations received (together with a petition against the development comprising 1,564 signatures), the following additional comments are made:

- In respect of the concerns over highway and pedestrian safety, including damage to local roads, and access issues with large vehicles negotiating bends in the roads, it should be noted that this has been addressed previously in the report. In respect of potential damage to local roads, it would not be considered reasonable to require a financial contribution from the developer for road maintenance given the size and numbers of vehicle movements, and the fact that other HGVs and large vehicles, such as buses and forestry lorries, frequently use the same roads.

- With regards to the concerns that no details have been provided regarding the weights of vehicles and potential weight restrictions on the bridges in the area. It should be noted that details of the proposed vehicles have been provided by the applicant, as detailed in the report. The Highways Section has also confirmed that maximum weight limit of 40 tonnes would comply with the 40 tonne weight restriction on the bridges along the proposed route.
- Turning to the concerns regarding potential pollution to local watercourses and impact upon angling and fish, it should be noted that Natural Resources Wales have confirmed that all contaminated waste and water will be contained and removed from site pending treatment at a suitably authorised waste facility, and that fuels and other polluting substances will be appropriately stored and secured. They accept that there are always a residual pollution incident risks from activities such as this, however best practice procedures on site by the drilling contractors should help to minimise any such risk.
- In respect of the concerns relating to residential amenity and health of local residents in terms of noise, dust and disturbance from 24-hour working and vehicle movements, and toxic chemicals used in the drilling process, it should be noted that this has been covered previously in the report. Due to separation distance, both horizontally and vertically, from residential properties (over 300m and 100m respectively as a minimum), together with the mitigation measures proposed in terms of noise and light, it is considered that this temporary development would not have a detrimental impact sufficient to warrant refusal of the application or subsequently justify at appeal stage if necessary.
- With regards to the concerns that the proposal will impinge on the human rights of local residents, it should be noted that the potential impacts upon residential amenity, including Human Rights, have been taken into consideration when determining this application.
- Turning to the concerns with the proximity of the site to a children's play area, bowling green and Primary School, and the fact that Friends of the Earth Scotland suggest a buffer zone distance of 2-2.5km is needed. It should be noted that the current Policy guidance and Regulations do not

specify the need for a buffer zone. As such, it would be unjustified to impose a buffer zone under this application.

- In respect of the concerns that the proposal would affect the existing forestry, which is used by walkers, bikers and horse riders, and local tourism. It should be noted that the proposed development is temporary in nature and once the monitoring has been completed the borehole would be capped and the site restored. As such, it is considered that it would not prejudice the long-term use or future of the area for tourism and other recreational activities. Notwithstanding the above, the public right of way within the area of woodland does not extend into or lie adjacent to the application site.
- The potential detrimental impacts upon biodiversity and local wildlife, including badgers and bats, this has been addressed previously in the ecology section. It should be noted that Natural Resources Wales and the Authority's Biodiversity officer both offer no objection to the development, subject to conditions.
- Concerns over potential unacceptable impacts upon the environment, including climate change, and whether this proposal is contrary to Planning Policy Wales, are addressed within the main report, together with the Welsh Government Guidance letter in **Appendix 1**.
- Turning to the potential unacceptable impacts upon the ground conditions, including seismic disturbance or subsidence as a result of the proposal, due to old mine workings in the area, some of which are unrecorded. It should be noted that detailed information in respect of the mining legacy have been submitted in support of the application. The Coal Authority also offers no objection to the proposed application. As there are no proposals for induced 'fracking' operations, it is considered that the scale and nature of the drilling operation would be unlikely to create any issues in terms of seismic disturbance or subsidence.
- In respect of the concerns that the proposal has the potential to create landslides onto the B4286, it should be noted that the application site is located some distance off the B4286 and is not located in a known landslide area. As such, it is considered unlikely that the development would lead directly to landslides.

- Turning to the potential negative impacts upon the property values in the local area, and potential difficulties getting house insurance cover, it should be noted that these are not material planning considerations so cannot be taken into consideration when determining the application. It should be noted that the Local Planning Authority would not cover the cost of any reasonable damages that occur to people or property, or devaluation in property prices and any home insurance exclusions or increases in premiums. Any potential damages would be the developer's responsibility, along with the provisions of the licenses from the licensing authorities.
- In respect of the concerns that the applicant is a very small company with very limited financial assets, and would not have the resources to deal with any accidents and questioning whether there is sufficient public liability insurance. It should be noted that this is not a material planning consideration, so cannot be taken into consideration when determining this application. It should be noted that if there are any breaches of planning control, the Local Planning Authority can take enforcement action. If there was any pollution of the environment etc., then NRW would have powers to prosecute under their legislation. The Local Authority would not normally underwrite the payment of any insurance or contribute to rectifying accidents. It should be noted that the financial standing of the operator would be an assessment undertaken by the DECC license. The developer has also confirmed that sufficient public liability insurance will be in place to cover the onsite operations, as has been the case for the previous 6 boreholes drilled by the company.
- Concern that the viaduct adjacent to the access off the B4286 is a listed structure, and the access track is 1-2m away from its base, has been covered previously in the report.
- With regards to the concerns that the local community have not been adequately consulted on this application. It should be noted that yellow site notices were posted on lamp posts outside Willow Cottage, Pontrhydyfen, outside the community centre in Pontrhydyfen, the bus stop in Pontrhydyfen near the shop, on a wooden post at the application site entrance, on a lamp post outside Oakwood School, and on lamp post at Oakwood Avenue. The application was also advertised in the Neath Port Talbot Courier newspaper on 17/04/14 (page 7) and on the Neath

Port Talbot CBC website under the weekly list of planning applications. It is therefore considered that the Local Planning Authority has fulfilled its obligations in respect of publicity of the application under the Town and Country Planning (Development Management Procedure) (Wales) Order 2012. It should also be noted that only the Cwmafan Ward Members were notified, as the application site is located wholly within the Cwmafan Ward.

- In respect of the comments that the Drilling Method Statement has been ‘copy & pasted’ from another project, it should be noted that the applicant has confirmed there was a typographic error in the document. They have confirmed that they submit applications throughout the country, but site specific matters are covered on each individual site. They also note that there is limestone throughout the whole of South Wales.
- Turning to the concerns over NORMs (Naturally Occurring Radioactive Material), it should be noted that Natural Resources Wales have confirmed that on some sites, flow back fluid can contain low levels of naturally occurring radioactive minerals such as radium, which are similar to those found in granite rock. If the flow-back fluid contains NORMs above prescribed limits, Natural Resources Wales (NRW) will require the operator to apply for a radioactive substances environmental permit, which will include conditions for treatment and disposal. Where the flow-back fluid is not radioactive enough to require a licence, it will still be covered by regulations on the disposal of mining wastes under the Mining Waste Permit. Any operator intending to dispose of radioactive material must make a radiological assessment, giving a detailed plan for safe handling and disposal at an approved permitted facility. The assessment must demonstrate sufficient protection for people and the environment. The applicant has also confirmed that in accordance with the current regulations a bespoke environmental permit will be required and will be applied for in due course from NRW. As this is an exploration well not a production well different regulations apply i.e. this is governed by Environmental Permitting (England & Wales) Regulations 2010 SI 2010/675 Schedule 23. As a matter of good practice the fluids will be monitored for NORMs. In section 8.20 of the planning statement Public Health England have stated in their report – *“The risk from small scale drilling for exploratory purposes (e.g. single wells) are also clearly different from the risks from commercial scale operations.*

*The potential health impact from single wells is likely to be very small*". They have stated that this has been the case for every coal exploration borehole drilled in South Wales, of which there are thousands.

- With regards to the comments relating to waste water, it should be noted that Natural Resources Wales has confirmed that they consider all the spent fluid (usually referred to as flow-back fluid) to be waste under the 2006 EU Mining Waste Directive. This means a waste management plan will be required to show how spent fluid will be minimised, managed and disposed of. Any waste water produced would need to be contained in such a way as to prevent any leaks and spills into the environment. They also state that all treatment and disposal facilities that operators use must also hold appropriate permits from NRW, who will be notified in advance of any movement of the waste. The applicant's have confirmed that all waste water will be disposed off site via trucks/tankers. However, they consider it to be a 'non-hazardous' waste and a licensed operator will collect and dispose of it.
- Turning to the comments that there is no consistency with the volumetric units provided, as there is reference to both gallons and cubic metres which misleads the reader. The developer has confirmed that this is usual practice in the drilling industry. As a lot of drilling activity is based in the USA, some of the data refers to imperial based measurements, whilst metric measurements are quoted in other sections.
- In respect of the comments that this development, if allowed, could pave the way for fracking and the industrialisation of the countryside, it should be clear that this application relates to borehole test drilling only, and does **not** relate to 'fracking'. If such an application were submitted in the future, it would be treated on its individual merits at the time of its submission including the relevant policies in force at that time. It should also be noted that if this test drilling application is approved, it does not necessarily mean that an application for 'fracking' would be approved in the future or set a precedent.
- With regards to the concerns that the noise impact assessment provided is not suitable, and that the drill rig will have a pneumatic hammer. It should be noted that this has been covered previously in the report. The Environmental Health Officer has offered no objection to the proposed

development, subject to conditions. The developer has also confirmed that no pneumatic hammer will be used on site.

- In respect of the comments that the Drilling Method Statement does not specify the type of drilling technology that will be utilised, the developer has confirmed that this is included within Section 4. They state that a tricone or poly-crystalline rotary method will be used to drill the borehole.
- With respect to the comments that there is no Traffic Management Plan or Dust Management Plan submitted this is acknowledged. However, it should be noted that the Air Quality Officer considers the potential for dust nuisance to be limited and has not requested a Dust Management Plan. The developer has also confirmed that the drilling process does not produce dust, as there will be fluids in the borehole at all times. However, in relation to the access roads a clean water bowser will be kept on site and, if required, the access road will be damped down to reduce the dust rising from the access. In respect of a Traffic Management Plan this has not been requested by the Head of Engineering and Transport (Highways Section), as it is not considered necessary in this instance given the restricted vehicular movements proposed.
- In respect of the comments that there are potentially unexploded bombs in the area, this is acknowledged. However, this would not be considered a reason for refusal of the application. There is no overriding evidence or knowledge of any significant incidents of any unexploded bombs in the area.
- Turning to the concerns that the submitted block plan is inaccurate in terms of the size of the site and impact on trees, the applicant has confirmed that the submitted plans have been accurately drawn up based on a site survey undertaken around February when some of the vegetation had died back. They have confirmed that there are no trees on the application site itself, and hence no trees are required to be felled.
- In relation to the comments that NRW are felling trees in the area, which means the drilling site will be visible, it should be noted that this has been addressed in the report. In respect of noise, it should be noted



that the trees themselves do not normally act as noise barriers. The noise barriers will be created by the specialist Echo barriers, details of which were submitted as part of the application.

- With regards to the comment that fracking has recently been banned in the Netherlands this is acknowledged. However, it should be noted that this application has to be determined on its individual merits and based on the current relevant Welsh Government planning policies in force.
- Turning to the concerns that by not allowing public speaking in the Planning Committee, the Authority is not in compliance with Article 7 of the Aarhus Convention. It should be noted that under this Authority's current procedures there is currently no public speaking permitted at the Planning and Development Control Committee. Nevertheless, Members of the public have the opportunity to submit their concerns in writing and through their Elected members. As a result their Human Rights are not compromised.
- In respect of the concerns that an EIA should be undertaken on the application and it should not be granted without one. This has been addressed previously in the report.
- In respect of the concerns that the applicant has omitted to say that a methane flare will be occurring continuously, as previously stated in the report, the issue of flaring would be covered by DECC. However, it should be noted that no flaring is proposed as part of this application.
- Turning to the concerns that the submitted plans do not show the extent of the borehole under the ground and a 3D seismic survey should be submitted. Whilst it is acknowledged that the borehole would be drilled into the ground, a 3D seismic survey would not be considered appropriate or necessary to be submitted as part of the application as the seismic risks would be a matter for DECC, and the well design and geology would be a matter for the HSE as detailed in the report and letter in Appendix 1.
- With respect to the comments that the description of the application is inadequate as it does not state how deep the borehole would go or if there are lateral drills, it should be noted that the description of the application

cannot detail all technical aspects of the development, but is utilised to inform people viewing the application. The full technical details of the proposal are contained with the documents which are viewable on the Authority's website and in this report. The applicant has confirmed that this would be a single vertical exploration borehole.

- In terms of the comments that the operator should inform people who could be affected and undertake a public consultation as part of the UK Onshore Operators Group (of which the applicant is a member), this is a matter for the developer. In terms of the planning application, the LPA has fulfilled its obligations in respect of publicity, as detailed previously.
- With regards to the concerns regarding spillages and the liability for cleaning it up, it should be noted that this would be a matter for other regulatory bodies such as NRW, and would not be a material planning consideration. The Local Planning Authority would not cover the cost of any clean up operation. The applicant has confirmed that UK Methane Limited would be responsible for any spills, and any small spills will be cleaned by site crews.
- In respect of whether the HSE has had notice of the well design and whether they are satisfied with it, and whether the British Geological Survey has been notified of the intent to drill? It should be noted that these would not be material planning considerations as they would be dealt with by the HSE and BGS respectively and are controlled by other regulatory bodies. The applicant has confirmed that the HSE have to be notified prior to the commencement of drilling. The applicant has advised that of planning permission is granted the developer would commence this process. HSE notification is a DECC requirement before permission to drill is granted. They have also confirmed that the BGS have been notified as required by DECC.
- Turning to the comments that the 'precautionary principle' should be used with this application and that the LPA is not applying a precautionary approach in this case, it should be noted that the LPA are satisfied that the proposed development would be acceptable in terms of the relevant planning legislation and policies. Whilst there may be some unknown information or questions, these matters would be outside of the remit of the LPA as they would be controlled and regulated by other bodies, as detailed in the letter in Appendix 1.

- In respect of the comments that West Sussex County Council rejected an application for “exploration testing” and NPTCBC refused planning application P2012/0759 for exploratory driveage and associated engineering works it should be noted that each application is considered on its individual merits. It should be noted that refusal of this application could not be justified for the reasons outlined in the report, or justified at appeal stage if the application was refused. It should also be noted that application P2012/0759 was for a completely different type of operation and investigation so is not relevant to this application.
- In respect of the comments that the applicant has stated that no hazardous material is involved in the proposal, but the List of Wastes (Wales) Regulations 2005 includes drilling mud and wastes. It should be noted that this would be a matter for Natural Resources Wales under the water licensing/permits. As such, it would not be a material planning consideration.
- Turning to the comments that the applicant has indicated that they need large volumes of fresh water but have not stated where it would come from. The applicant has confirmed that all water would be tankered in by contractors (7 vehicles).
- In respect of the comments that there are no details of how emissions/gases would be monitored and how any leaks and emissions would be fixed. In the submitted method statement, the developer has stated that in the unlikely event that corrective measures are required all seals at the surface would be checked for leaks, then they would inject, via a tremmy pipe, a thicker weight cement to seal any potential leaks at the base of the borehole, wait for 12 hours and retest. The next level of remedy would be to drop a casing size and cement a secondary string of casing into place. Such matters would be dealt with by other regulators in accordance with the WG advice letter.
- With regards to the future monitoring of the borehole, it should be noted that this would not be material planning consideration, as this would be dealt with under the DECC Licence.

- Turning to the concerns regarding the waste water left in the ground which is potentially contaminated. It should be noted that the issue of waste water would be dealt with via the DECC License and NRW. The developer has clarified in their statement that all drilling fluids are maintained in a closed loop system which can easily be monitored for leaks. In the event of a loss of fluid to the system, the source of that loss will be investigated. If there is a leak to a tank/pipe this would be repaired immediately. In the event that there is an increase in drilling fluid that may allow a spillage from the tanks, drilling will cease until additional tanks can allow for the increase in fluid or the additional fluid is tankered off site to an appropriate facility. The applicant has also confirmed that if the borehole is shown to be not productive then it will be filled in accordance with the advice published by The Environment Agency – “Good Practice for Decommissioning Redundant Boreholes and Wells” (October 2012). This sets out the scope and legal framework for the decommissioning of borehole under the Water Resources Act 1991. This states ‘Boreholes and wells that are no longer required therefore need to be made safe, structurally stable and backfilled or sealed to prevent groundwater pollution and flow of water between different aquifer units’. This process is managed by completely filling the borehole with a similar density material that was removed i.e. cement.

Finally, the comments that no information has been provided for the testing and treatment of radon gas. It should be noted that the monitoring of gases and emissions would be undertaken by the developer. However, there are no overriding concerns with regard to the level of Radon Gas in this local geological area. The developer has also confirmed that provided the integrity of the impervious casings of the well bores is maintained, radon is unlikely to intrude into the well bore from surrounding rock. They have stated that the risk from small scale drilling for exploratory purposes (e.g. single wells) are also clearly different from the risks from commercial scale operations. The potential health impacts from single wells are likely to be very small.

### **Conclusion:**

The proposal seeks a temporary consent to undertake an exploratory borehole to establish the potential of coal bed methane and shale gas resources as part of a wider exercise in the region. There will be no unacceptable harm to the local environment to warrant refusal of the

application. It is also considered that the proposed access and route would be acceptable in terms of highway and pedestrian safety.

By virtue of this relatively secluded location and short period of operation, it is therefore considered that the development can be operated in an environmentally acceptable manner, subject to conditions, and in accordance with Policies GC2, ENV17, T1, ENV1, ENV5, ENV12, ENV15, ENV19, ENV29, M1 and M8 of the Neath Port Talbot Unitary Development Plan, together with the Welsh Government Policy Guidance.

It is also considered that refusal of the application could not be substantiated at appeal stage, in light of the Welsh Government Guidance letter of July 2014, while planning permission has already been granted for a test borehole on this site.

**RECOMMENDATION:      Approval with Conditions**

## **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.

(2) At least 48 hours prior to the commencement of drilling operations on site, the Local Planning Authority shall be notified in writing of the intended date of commencement.

Reason

To allow the Local Planning Authority an opportunity to check that requirements relating to matters to be dealt with prior to the commencement of drilling operations have been complied with and to arrange for the inspection and monitoring of the initial stages of the development.

(3) The drilling operations hereby approved shall be restricted to a maximum period of 10 weeks following the commencement of drilling operations on the site, as notified to the Local Planning Authority under Condition 2 of this consent.

Reason

In the interests of amenity

(4) Notwithstanding the submitted details, all lighting installed on site shall be in line with plan PEDL215/PLANNING/CWMAVON/LIGHTLAYOUT080114 to a maximum height of 3m, hooded and pointing downwards and inwards to the site only, in accordance with the recommendations within Section 7 of the Acer Ecology Report (June 2014)

Reason

In the interests of biodiversity.

(5) Prior to any other development on the site, terram sheeting or other similar covering shall be laid on all areas not subject to disturbance or excavation to prevent soil removal and damage and the preservation of

underlying vegetation, and retained as such throughout the operational phase of the development.

Reason

In the interest of local biodiversity.

(6) The application site shall be fenced in heras mesh fencing at all times throughout the operational phase of the approved development.

Reason

To ensure that the site is secured and to prevent badgers or any other mammals entering the site.

(7) Prior to the commencement of any development on site, a further check and consideration for the presence of badgers within or immediately adjacent to the site shall be undertaken by a suitably qualified ecologist.

Reason

To ensure that badgers are not present when development commences.

(8) Prior to the commencement of works on site a construction method statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall provide for the following:

- storage facilities for all fuels, oils and chemicals
- construction compounds, parking /welfare facilities etc
- details of surface water drainage arrangements to be installed to intercept and treat contaminated surface water run-off
- details of measures to ensure no polluting discharge from haul roads/disturbed areas
- details of the nature, type and quantity of materials to be imported (if any) onto the site
- measures for dealing with any contaminated material
- details of emergency contacts, for example Natural Resources Wales Pollution hotline 0800 807 060

The approved CMS should be efficiently communicated to all contractors and subcontractors (for example, via toolbox talks) throughout the course of the development and any deficiencies rectified immediately.

Reason

To protect controlled waters from the potential risk of pollution, and to specifically diffuse pollution to the water environment arising from ground works.

(9) Notwithstanding the submitted documents, prior to any drilling taking place, a detailed working method statement for the drilling operation, to include methods to minimise the risk of the loss of drilling fluid to ground water resources during the drilling process and monitoring for any loss of drilling fluid, as well as measures for the collection and disposal of spilt drilling fluid, shall be submitted to and approved in writing by the Local Planning Authority. All operations shall thereafter be carried out in accordance with the approved details.

Reason

In the interests of the amenity of the area

(10) The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction/drilling works has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented on site throughout the course of the development.

Reason

To prevent pollution to the water environment.

(11) Vehicular access to the site shall only be made in accordance with Section 7.6 of the submitted Planning Statement (February 2014) and, in particular heavy traffic (such as the rig, drill pipe and cabins) shall approach and leave the site only from / to the east via Queen Street / Dan-y-Bont.

Reason

In the interests of highway safety



(12) Drilling operations shall not commence until a detailed Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall identify the significant noise sources arising from the development, and detail the physical and operational management controls necessary to mitigate emissions from these noise sources (including strict noise limits at the nearest noise sensitive receptors), as well as noise complaint investigation procedures. The approved scheme shall then be implemented in full before the development is brought into use and shall be retained thereafter.

Reason

In the interest of adequate noise mitigation and residential amenity

(13) A water bowser shall be available at all times throughout the duration of the development hereby approved, and shall be used to deal with any dust issues arising from the development.

Reason:

In the interests of local amenity

#### REASON FOR GRANTING PLANNING PERMISSION

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

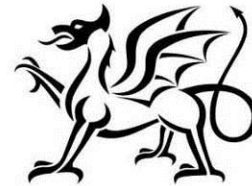
The proposal seeks a temporary consent to undertake an exploratory borehole to establish the potential of coal bed methane and shale gas resources as part of a wider exercise in the region. There will be no unacceptable harm to the local environment to warrant refusal of the application. It is also considered that the proposed access and route would be acceptable in terms of highway and pedestrian safety.

By virtue of this relatively secluded location and short period of operation, it is therefore considered that the development can be operated in an environmentally acceptable manner, subject to conditions, and in accordance with Policies GC2, ENV17, T1, ENV1, ENV5, ENV12, ENV15, ENV19,

ENV29, M1 and M8 of the Neath Port Talbot Unitary Development Plan, together with the Welsh Government Policy Guidance.

It is also considered that refusal of the application could not be substantiated at appeal stage, in light of the Welsh Government Guidance letter of July 2014, while planning permission has already been granted for a test borehole on this site.

Department for Housing and Regeneration  
Adran Tai ac Adfywio



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Llywodraeth Cymru  
Welsh Government

Our ref:

To all Chief Planning Officers

8<sup>th</sup> July 2014

Dear Colleague,

**CL- 04-14 – Clarification on the national planning policies that apply for onshore unconventional gas and oil development**

The extraction of gas and oil, whether by conventional or unconventional (i.e. hydraulic fracturing) methods, is classed as mineral development.

In Wales the relevant national planning policies for mineral development are set out in Minerals Planning Policy Wales (MPPW). Part one of MPPW provides general guidance which is applicable to all applications for unconventional gas or oil whether it is at the exploratory, appraisal, or production (extraction) phase of development.

**Stages of onshore unconventional gas and oil development**

**Exploration** is the use of seismic surveys to provide information about geological structures and exploratory drilling to verify the presence or absence of oil or gas reserves.

**Appraisal** is the assessment of exploration prospects using extended well tests and additional drilling to determine if reservoir development is economically feasible.

**Development and production** cover the development of field infrastructure and the production of hydrocarbons from the reservoir until economically feasible reserves are depleted.

**Decommissioning, restoration and aftercare** refer to operations for the abandonment of wells, the removal of surface installations and the restoration of the site.

Each stage will involve slightly different processes, timescales, equipment, and vehicle movements. Therefore it is necessary to consider all these matters afresh for each planning application. Consequently it does not mean that just because it has been appropriate to grant planning permission to explore for the resource it would necessarily be appropriate to allow commercial extraction and hydraulic fracturing in the same location. Each planning application should be determined on its own merits.

### **Minerals Planning Policy Wales**

Part One of MPPW sets out the five key principles that local planning authorities must take into account when making development management decisions. These principles are to:

- Provide mineral resources to meet society's needs and to safeguard resources from sterilisation
- Protect areas of importance to natural or built heritage
- Limit the environmental impact of mineral extraction
- Achieve a high standard of restoration and beneficial after-use
- Encourage efficient and appropriate use of minerals and the re-use and recycling of suitable materials.

#### **Providing mineral resources to meet society's needs**

MPPW identifies that the contribution that a resource could make to regional and UK demand must be taken into account, and policies which seek to meet only local needs or which rule out all forms of mineral working in an area will only rarely be acceptable.

MPPW identifies that in respect of energy minerals there is limited information about the resources that are likely to be commercially viable for extraction, and that planning authorities should therefore consider all available information on the extent of energy mineral resources.

#### **Protect areas of importance to the natural and built heritage from inappropriate mineral development**

Minerals development should not take place in National Parks and Areas of Outstanding Natural Beauty, save in exceptional circumstances. Paragraph 21 of MPPW identifies what assessment would need to take place in order to demonstrate that the development would be in the public interest.

Paragraphs 23 – 29 of MPPW provide guidance on mineral proposals within, or likely to affect Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsars, SSSI's, and locally designated sites.

Paragraph 30 identifies that the need to protect the quantity and quality of surface and groundwater supplies should be taken into account by local planning authorities. In doing so the local planning authorities should consult Natural Resources Wales on

these complex issues, and where doubt exists, should adopt the precautionary principle in taking planning decisions.

Paragraph 31 provides guidance to local planning authorities in respect of historic buildings, landscapes, parks and gardens, conservation areas, and ancient monuments.

Paragraph 32 provides guidance in respect of consideration of agricultural land, farm water supply, surface water, and field drainage. MPPW identifies that the objective should be, wherever possible, to minimise any adverse effects on agriculture occurring as a result of mineral development.

#### Limit the environmental impact of mineral extraction

MPPW identifies that the following issues must be addressed to ensure that minerals proposals do not have an unacceptably adverse impact on the environment and the amenity of nearby residents.

- Access and traffic generation (including the routes to be used for minerals transportation)
- Noise (in terms of limits, type, and location)
- The control of dust, smoke and fumes
- Disposal of mineral waste
- Blasting controls (if relevant to shale or coal bed methane applications)
- Land drainage, impact on groundwater resources and the prevention of pollution of water supplies
- Visual intrusion and general landscaping
- Impact on sites of nature conservation, historic and cultural importance
- Land instability
- Promotion of the use and treatment of unstable, derelict or contaminated land
- Cumulative impact
- Restoration, aftercare, and after-use.

MPPW identifies that the planning system should not conflict with or attempt to duplicate the controls better regulated by other bodies under different consent regimes.

The Welsh Government has been working with the Office for Unconventional Gas and Oil on the production of the Regulatory Roadmap, which identifies all the regulatory processes that an operator will need to satisfy before drilling for unconventional gas and oil. The roadmap can be downloaded from the following address:

<https://www.gov.uk/government/publications/regulatory-roadmap-onshore-oil-and-gas-exploration-in-the-uk-regulation-and-best-practice>

Consequently the following issues will be addressed by other regulators:

- Seismic risk – the Department of Energy and Climate Change (DECC) is responsible for controls to mitigate seismic risks.
- Well design and construction – the Health and Safety Executive is responsible for enforcement of legislation concerning well design and construction.
- Operation of surface equipment on the Well Pad – these are controlled by Natural Resources Wales and the Health and Safety Executive.
- Mining Waste – Natural Resources Wales is responsible for ensuring that extractive waste is appropriately controlled through issuing an environmental permit.
- Chemical content of fracking fluid (if it is to be used) – Operators are obliged to inform Natural Resources Wales of all chemicals that they propose to use to hydraulically fracture in order to obtain an environmental permit.
- Flaring or venting of any gas – is subject to DECC controls and is regulated by Natural Resources Wales. However planning authorities may still need to consider any issues of noise and visual impact that this process may create.
- Final disposal of water – Natural Resources Wales is responsible for issuing permits for flowback water, which may contain naturally occurring radioactive materials (NORM). This responsibility extends to ensuring that the final treatment/disposal of flowback water at suitable water treatment facilities is acceptable. Depending on the phase of development and the scale of production there may be significant volumes of water that will require transporting to and from the site. Therefore local planning authorities will need to consider access, traffic generation, and the visual impact of on site storage facilities.

### Environmental Impact Assessment

Paragraph 38 of MPPW states that planning authorities must consider whether proposed development requires EIA, including development which would otherwise be permitted in accordance with the General Permitted Development Order. The Regulatory Roadmap states that applications for the exploratory and appraisal phase for unconventional gas development will fall under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 if they exceed the applicable threshold, or if any part of the development is to be carried out in a sensitive area. An EIA is only required if the project is likely to have significant environmental effects. Schedule 3 of the 1999 regulations identifies the selection criteria for screening Schedule 2 development.

MPPW states that EIA is unlikely to be required for exploratory drilling activities. The Welsh Government continues to support this view on the basis that such exploratory drilling does not involve hydraulic fracturing, or is not located on a site that is unusually sensitive to limited disturbance occurring over the short period involved. The Regulatory Roadmap states that where an Environmental Statement is not required operators may still need to submit technical reports including ecology, noise, and archaeology.



Where it is determined that an EIA is required the Regulatory Roadmap identifies that the EIA must cover the geographical area where the impact occurs, both above and below ground. Therefore this is likely to be a larger area than just the surface development site, especially if horizontal drilling is to be used.

Achieve a high standard of restoration and beneficial after-use

MPPW states that unless mineral extraction provides satisfactory and suitable restoration planning permission should be refused. Properly worded and relevant planning conditions should be able to secure the restoration, aftercare, and after use of sites for unconventional gas development, whether this is for exploration, appraisal or production phases.

In conclusion paragraph 64 of MPPW states that where oil and gas operations can be carried out in an environmentally acceptable way and consistent with the principles of sustainable development, there is no case in land use planning terms for placing more restrictions on the development than are necessary to ensure the protection of the environment.

The guidance provided in MPPW, in conjunction with this clarification letter, should be taken into account by local planning authorities in Wales when making decisions on applications for unconventional oil and gas proposals.

Yours sincerely,



**Carl Sargeant AC/AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration

## APPENDIX 2 – LLANDOW APPEAL STATEMENT



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### Penderfyniad ar yr Apêl

Ymchwiliad a gynhaliwyd ar 22&23/05/12  
Ymweliad â safle a wnaed ar 11/06/12

**gan Emyr Jones BSc(Hons) CEng  
MICE MCMI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 06/07/12**

### Appeal Decision

Inquiry held on 22&23/05/12  
Site visit made on 11/06/12

**by Emyr Jones BSc(Hons) CEng MICE  
MCMI**

**an Inspector appointed by the Welsh Ministers**

**Date: 06/07/12**

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**Appeal Ref: APP/Z6950/A/11/2167112**

**Site address: Unit 1 Llandow Industrial Estate, Cowbridge CF71 7PF**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Coastal Oil and Gas Limited against the decision of The Vale of Glamorgan Council.
  - The application Ref 2011/00812/FUL, dated 13 August 2011, was refused by notice dated 21 October 2011.
  - The development proposed is to drill and test the insitu lower limestone and associated strata for the presence of gas.
- 

### Decision

1. The appeal is allowed and planning permission is granted to drill and test the insitu lower limestone and associated strata for the presence of gas at Unit 1 Llandow Industrial Estate, Cowbridge in accordance with the terms of the application, Ref 2011/00812/FUL, dated 13 August 2011, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
  - 2) No operations authorised by this permission, with the exception of the site restoration works set out in Section 7.10 of the supporting statement submitted with the application, shall take place after a period of 10 weeks following the commencement of drilling operations on the site, unless otherwise agreed in writing with the local planning authority.
  - 3) The drill rig and all other items of plant and equipment to be used in the drilling operations hereby approved shall each have a typical noise level at 1 metre not exceeding 74 dB(A).
  - 4) No operations authorised by this permission shall take place until details of a scheme to mitigate noise impacts at the nearest residential and commercial properties, as well as the bat roost to the west of the site, has been submitted to and approved in writing by the local planning authority. All operations shall subsequently be carried out in accordance with the approved details.
  - 5) Notwithstanding the submitted documents, prior to any drilling taking place, a detailed working method statement for the drilling operation, to include methods



to minimise the risk of the loss of drilling fluid to ground water resources during the drilling process and monitoring for any loss of drilling fluid, as well as measures for the collection and disposal of spilt drilling fluid, shall be submitted to and approved in writing by the local planning authority. All operations shall thereafter be carried out in accordance with the approved details.

- 6) Monitoring and assessment of vibration from the operations shall be carried out in accordance with the vibration methodology below unless otherwise agreed in writing with the local planning authority.
  - i) An acceptable datum level of vibration will be agreed with the local planning authority prior to drilling commencing.
  - ii) The inherent vibration of the drill rig will be monitored before transporting to site.
  - iii) Normal prevailing vibration over the drilling area will be measured at the nearest residential and commercial properties before drilling commences.
  - iv) From the commencement of the drilling operation, vibration will initially be continuously monitored without interruption; at times when the drill is both in use and not in use. Monitoring will take place at both the nearest residential and commercial properties. The duration of continuous monitoring will be agreed with the local planning authority once representative vibration data has been compiled and assessed.
  - v) Once the recorded vibration level approaches 10% below the agreed datum level, drilling will cease.
- 7) Any facilities for the storage of oils, fuels and chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses shall be located within the bund. There shall be no drain through the bund floor or walls.
- 8) Full details of a scheme for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the local planning authority and the approved scheme shall be fully implemented prior to any drilling operations or site preparation taking place. The submitted scheme shall include proposals for the treatment and disposal of suspended solids from surface water runoff and shall include emergency procedures to be implemented where any failure results in the pollution of controlled waters.
- 9) Within three months of the completion of drilling and testing operations, all plant, machinery, buildings and the bund compound shall be removed from the site and the site shall be restored in accordance with the details set out in Section 7.10 of the statement entitled Accompanying information submitted with the application or any alternative scheme that may first be agreed in writing with the local planning authority.
- 10) The works to prepare the site for drilling, construct and dismantle the drill and equipment, and restore the site shall not take place outside the hours of 08:00 to 18:00.
- 11) Any lighting shall be in accordance with details previously submitted to and approved in writing by the local planning authority.
- 12) Any drilling shall only be carried out between the months of October to March inclusive.

### **Application for costs**

2. At the Inquiry an application for costs was made by Coastal Oil and Gas Limited against The Vale of Glamorgan Council. This application is the subject of a separate Decision.

### **Main Issue**

3. I consider the main issue in this case to be the effect of the proposal on the quantity and quality of groundwater supplies in the vicinity of the site.

### **Preliminary matters**

4. A significant number of objectors raise concerns as to possible future proposals for gas extraction and the process known as hydraulic fracturing in particular. Whilst I understand these concerns, the proposal before me does not include extraction, whether by hydraulic fracturing or otherwise. Any extraction proposals would require a further application and the *Vale of Glamorgan Unitary Development Plan* (UDP) makes it clear that the grant of planning permission for mineral exploration will not indicate a presumption in favour of future exploitation of any minerals found. I cannot, therefore, take these concerns into account in my determination of the appeal.
5. It was suggested that UDP mineral policies do not apply to gas as no reference is made to it. However, the UDP notes that surveys for hydrocarbon resources were carried out over much of the western Vale in the early 1990's and one of its objectives is to encourage the best and most efficient use of all available resources. It acknowledges that, in the event of renewed exploration activity, it will clearly be necessary to address the policy issues raised in a review of the plan. In the meantime, it recognises that the existing policies will provide an adequate framework for decision-making.
6. The UDP safeguards land at the Llandow Trading Estate for uses falling within Use Classes B1, B2 and B8. Nonetheless, the proposal relates to a temporary development lasting no more than 10 weeks, including contingencies, such that there would be no real conflict with the underlying objective of securing adequate provision of employment land. Interested persons draw attention to lease clauses which may preclude exploratory drilling on the site, but this is essentially a private matter between the appellants and the landlord.
7. Some objectors questioned the need to explore for gas reserves at all. Nevertheless, the Welsh Government's *Energy Wales: A Low Carbon Transition* states that gas will be a key transitional fuel because green house gas emissions from gas are significantly less than coal subject to the method of extraction. It goes on to note that gas is a flexible, responsive and reliable source of energy which can play a key role in the transition to a genuinely low carbon energy system. Likewise, the Department of Energy and Climate Change's *Overarching National Policy Statement for Energy EN-1* indicates that fossil fuel power stations will continue to play an important role in our energy mix as the UK makes the transition to a low carbon economy.
8. It has also been suggested that the proposal should have been subject to Environmental Impact Assessment (EIA), but it was screened by the Council and it was determined that EIA was not required. The proposal does not fall within any of the descriptions given in Schedule 1 of *The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*, as amended. Whilst Schedule 2 of the same regulations includes deep drillings, the site is not in a sensitive area and the applicable thresholds and criteria refer to the area of the works exceeding 1 hectare which would not be the case here.

9. Schedule 3 of the Regulations refers to the need to consider the characteristics of the development having regard in particular to, amongst others, the cumulation with other development. However, it is only when development meets the threshold within Schedule 2 that one should go on to consider Schedule 3. The assessment of whether an application relates to a Schedule 2 application or not is to be decided by reference to the application for development consent applied for and not any development contemplated beyond that. I, therefore, conclude that the proposal is not EIA development.

## Reasons

### Groundwater

10. The application was refused planning permission on the basis of Dŵr Cymru/Welsh Water's (DCWW) belief at the time that there would be a very small risk of contamination of their reserve groundwater sites in the Vale of Glamorgan from the proposed exploratory drilling. They also indicated that, if there was an excessive loss of drilling fluid to the aquifer during the drilling procedure due to unforeseen geological features being met, then this level of risk would increase. However, DCWW have subsequently confirmed that they did not object to the planning application and, following further discussions with the appellants, now believe that there would be an insignificant risk of pollution of their sources given the nature of the drilling operation.
11. It is also of particular significance that DCWW indicated that they would expect the Environment Agency (EA) to consider the vulnerability of their groundwater sources and wider impact upon the water environment as part of the permitting process. The EA is the relevant regulatory authority insofar as groundwater pollution is concerned. The supporting text to UDP policy ENV 29 notes that advice will be sought from the relevant regulatory authorities, including the EA, and *Minerals Planning Policy Wales* emphasises the need to consult the EA. In this particular case, the EA did not object to the proposals, subject to the imposition of appropriate planning conditions.
12. The abstraction points for the reserve groundwater resource are some 7.8km and 8.6km from the appeal site and the nearest point of the resource's catchment is located over 3.7km away. Over this distance, the geology generally dips to the south (away from the resource) and then up and over a large anticline. Any drilling fluid lost would have to rise over the anticline, flow against the hydraulic gradient, and cross a series of faults with throws of at least 20-30m and around 1.5m of broken material between the fault planes, to reach the reserve groundwater resource. The most significant aquifer in the resource is the carboniferous limestone. This is known to have a low primary porosity with the flow being dominated by fracture/fissure flow and, because of overburden pressure, only the uppermost 100m or so is likely to be effective in transmitting water. As a result, I am satisfied that the risk of drilling fluid being transported towards the reserve groundwater sources, should there be any losses, would be negligible.
13. Furthermore, the risk of drilling fluid being lost to the formation in the first place would be minimised by using fluid of an appropriate density/viscosity and steel casing cemented in place in the carboniferous limestone forming the main aquifer. The use of a closed loop system would facilitate monitoring for any loss of drilling fluid through observation of the levels in the tanks, with excessive losses being addressed by the addition of materials that would swell and block the fractures where water was being lost.

14. The anticipated drilling fluid is a proprietary product known as 'Pure-Bore'. This is a biopolymer which biodegrades naturally within 8 to 52 weeks and is commonly used to drill water wells without contamination problems arising. It has been accredited by the Centre for Environment, Fisheries and Aquaculture Science (part of DEFRA) for use in the marine environment.
15. I have no reason to believe that bacteria, which would treat the product as a food source, are not found in the aquifer, particularly the uppermost layer which is likely to be effective in transmitting water. In any event, the manufacturer reports that it is still capable of breaking down in connate water (water trapped in sediment or rock at the time of deposition). Assessment using juvenile *Daphnia Magna* shows a minimal toxicity indistinguishable from the degree of error involved in the test at a 1:10,000 dilution. Whilst 42% of the organisms were immobile after 48 hours at a 1:1,000 dilution, this is likely to be due to the product's oxygen demand rather than any chemical toxicity.
16. Although not recorded on any public registers, there are private boreholes much nearer the site than DCWW's which are used to extract drinking water for consumption by humans and farm animals. Nevertheless, the process would be comparable to that used in the drilling of an additional water abstraction borehole. The monitoring would ensure that, if any fluid were to be lost, its volume would be extremely limited with high rates of dilution taking place within a limited radius of the borehole such that the risk to private water supplies would be minimal.
17. The site has a long history of military aviation and industrial use such that it is possible that some of the land is contaminated. Nevertheless, the top section of the borehole would be sealed after a day or so and before drilling progressed into the underlying limestone thereby preventing any contaminated groundwater near the surface from migrating downwards. I note that the concrete slab on the site is broken in places such that additional measures may be required to ensure that spilled drilling fluid can be collected and disposed of. Nonetheless, that is a matter of detail which could be adequately addressed by modifying the agreed condition relating to a detailed working method statement for the drilling operation.
18. The borehole would be sealed in accordance with guidelines published by the EA in *Decommissioning Redundant Boreholes and Wells* and I have no reason to believe that this would pose a threat to groundwater supplies. The density of the drilling fluid and the blow out preventer required to satisfy HSE guidance would provide adequate safeguards against gas escaping to the surface.
19. For the above reasons, I conclude that the proposal would not harm the quantity and quality of groundwater supplies in the vicinity of the site.

Other matters

*Noise and vibration*

20. The application proposes 24 hour working during the drilling, testing and restoration phases, but no justification was given for this. At the Inquiry, the appellants' geologist explained that the need arose from the significant extension in drilling time that would result from having to carry out additional operations at the start and end of each shift and the need not to compromise the structural integrity of the borehole.
21. The application was accompanied by a Noise Assessment which shows that the night time background noise level at the nearest dwelling (Six Wells Cottage) approximately



260m away is 20 dB(A) $L_{90}$ . This is well below the level at which it would be appropriate to use BS4142:1997 'Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas' for assessment purposes. It also predicts that, taking account of distance and screening losses, the noise at Six Wells Cottage from the drilling rig would have an equivalent continuous level of 25 dB(A) $L_{Aeq}$  and, taking account of the characteristic features of the noise, a rating level of 30 dB(A) $L_{Ar,Tr}$ . Allowing for a 15dB loss through a partially open window, noise levels would, therefore, be well below the 30 dB(A)  $L_{Aeq,8hr}$  limit for sleep disturbance given in World Health Organisation (WHO) 'Guidelines for Community Noise – 1999'.

22. However, the Noise Assessment only considers the drilling rig whilst the operation would also require such items as a shaker screen, pump and generator. Nonetheless, I have no reason to doubt the evidence of the appellants' geologist that the drilling rig is by far the noisiest item of equipment. The drill rig used in the assessment generates a typical noise level of 74 dB(A) at 1m and an unshielded 30Kva generator has a rating of around 65 dB(A). Even if the shaker screen and pump were individually as noisy as the rig, overall noise levels at the site would only be a few dB(A)'s higher, and could be controlled by the good practice suggested in the assessment. Given that the predicted levels from the rig inside bedrooms with windows partially open are well below the WHO guidance figure for sleep disturbance, I am satisfied that the overall level would also be below the limit such that residential living conditions would not be materially harmed.
23. The nearest offices are around 60m away and the appellants' noise consultants predict that the noise from the drilling rig would be some 48 dB(A) outside the nearest office, with a 15dB reduction through a partially open window giving 33 dB(A) inside. This can be compared with the 40-50 dB(A) quoted for offices in *BS8233 Sound Insulation and Noise Reduction for Buildings*. For the same reasons as given for Six Wells Cottage above, I consider that overall levels would also be below the lowest figure quoted in BS8233 and there would not be an unacceptable impact on businesses on the business park/industrial estate. It has been suggested that some businesses would relocate if the appeal was allowed but, given that I have not identified an unacceptable impact, there would be no reason for such action.
24. I recognise that tents and caravans would not achieve the 15dB reduction through a partially open window previously referred to and that customers are attracted to the neighbouring Caravan Park by the relatively quiet night time environment. Nevertheless, the Caravan Park is in the region of 800m away with the Noise Assessment predicting an equivalent continuous level of 15 dB(A) $L_{Aeq}$  (which is lower than the minimum consistent  $L_{A90}$  background noise levels measured) and a rating level of 20 dB(A) $L_{Ar,Tr}$ . Even allowing for a slight increase to reflect the contribution from other plant and equipment, overall levels would still be relatively low such that there would be no material impact on the Caravan Park or tourism in general.
25. An interested person raised the issue of noise impacts on persons with brain and central nervous system conditions. Although they may well be more susceptible to noise, I have no evidence that would lead me to conclude that the noise generated would be sufficient to significantly harm the living conditions of any such persons living in the immediate vicinity of the site. I also note that the Council's Environmental Health Officer offered no objection on noise grounds.
26. Concerns were also raised as to vibration, but the appellants' geologist has never experienced any problems in that regard. In view of the intention to use rotary rather than percussive drilling methods and the existence of up to 5m of made ground and

glacial till which would absorb surface vibrations, I have no reason to believe that vibration levels would pose any particular problems. The agreed condition would provide further safeguards in this respect.

*Protected species*

27. The Countryside Council for Wales notes that the site is within 800m of a known lesser horseshoe bat maternity roost site and in an area where great crested newts are known to occur. It indicates that the nature of the proposals and resultant effects such as noise, vibration and lighting have the potential to affect both species. The appellants Ecological Assessment demonstrates that the site has negligible potential as dispersal, foraging and hibernating grounds for great crested newts, and offers very low potential for supporting commuting and foraging bats - as confirmed by the results of the single night's survey undertaken. It is also noted that the high level of existing lighting on the industrial park is a contraindicative factor for foraging and commuting lesser horseshoe bats.
28. It states that the effect of noise on bats is very complicated and difficult to predict with numerous studies showing that noise levels decrease foraging efficiency and in some situations even very low changes in noise levels can lead to roost abandonment. Conversely, provided background levels are consistent, lesser horseshoe bats have been found roosting in large numbers beneath motorway bridges and in the middle of industrial complexes. There does not appear to be any published literature suggesting that great crested newts are particularly sensitive to increased noise levels and there is very limited published information documenting vibration impacts on bats or great crested newts.
29. The Noise Assessment predicts an equivalent continuous level of 15 dB(A) $L_{Aeq}$  (which is lower than the minimum consistent  $L_{A90}$  background noise levels measured) and a rating level of 20 dB(A) $L_{Ar,Tr}$  from the rig at the lesser horseshoe bat roost and great crested newt ponds. Even allowing for a slight increase to reflect the contribution from other plant and equipment, noise impacts would still be low, and vibration levels at these locations would not be significantly higher than background levels.
30. On the basis of the evidence before me, I am satisfied that the proposal would not harm protected species.

*Traffic, visual impact, and dust*

31. Interested persons are concerned as to the volume of traffic that would be generated. However, the site is on a business park/industrial estate which is likely to generate a substantial volume of traffic including HGVs, which would be further increased if all the plots/units were occupied. In contrast, the proposal would involve around 18 HGV movements to bring plant and equipment to the site at the start, a similar number to take them away at the end, together with around 8 regular HGV servicing movements per week. This is unlikely to be significant in the context of overall HGV movements to the business park/industrial estate.
32. The site is in relatively poor condition and is largely surrounded by industrial/commercial buildings. In such circumstances, the temporary siting of a 12m high rig and associated equipment would not have an unacceptable visual impact. Given the intention to use a drilling fluid, I have no reason to doubt the Council's view that there are no objections to the scheme on the basis of dust.

Conditions

33. The Statement of Common Ground includes a list of conditions with reasons agreed between the Council and appellants. Subject to the specific matters addressed below and minor modifications in the interests of clarity and precision; I am satisfied that these are necessary and should be imposed for the reasons given.
34. *Minerals Planning Guidance Note: The Control of Noise at Surface Mineral Workings* (MPG 11) advocates setting limits at noise sensitive properties. However, given the very discrete area of the proposed operations, as compared to most mineral extraction sites, the Council's Environmental Health Officer favours setting limits on individual items of plant in this case. I accept his reasoning and agree that the limit should be set at that of the drilling rig used in the Noise Assessment.
35. I have already referred to good practice recommended in the Noise Assessment and adherence thereto, as well as measures such as acoustic enclosures, could be secured by an additional condition requiring a noise mitigation scheme to be subject to prior approval and thereafter complied with. I have also referred to the need to modify the agreed condition requiring the detailed working method statement for the drilling operation to incorporate measures to collect and dispose of spilt drilling fluid.
36. The agreed condition on transporting the rig, drill pipes, cabins and other equipment to the site conflicts with guidance in Circular 35/95 on *The Use of Conditions in Planning Permissions* to the effect that planning conditions are not an appropriate means of controlling the right of passage over public highways. Furthermore, the business park/industrial estate is likely to attract a substantial number of HGV movements throughout the day. Those associated with the proposal would be unlikely to result in a significant increase such that I see no reason to restrict these movements to night time.
37. The submitted Ecological Assessment includes a number of recommendations to mitigate the potential impacts on protected species. Those relating to lighting could be addressed by requiring lighting to be subject to prior approval, which would also control light pollution in general. Limiting drilling operations to the period between October and March to coincide with the period of lowest bat activity should be conditioned. This would also ensure that drilling operations would not coincide with the holding of the National Eisteddfod in the vicinity during August of this year and that they would take place when there is less likelihood of bedroom windows being left open at night and the Caravan Park being at its busiest. The six recommendations on operational procedures could be covered by the noise mitigation scheme previously referred to.
38. The suggested monitoring at the bat roost would require the agreement of the appropriate landowner and there is no guarantee that this could be obtained. In any event, the predictions are that noise levels at the bat roost would be very low with vibration not being significantly above background levels. Subject to limiting drilling to certain months and the noise mitigation scheme, monitoring is not necessary.
39. Because the proposed drilling fluid is a standard one accredited by DERFRA, the EA sees no need for it to be subject to an ecological assessment. As spent drilling fluid is to be treated as controlled waste and disposed of accordingly, the EA does not consider it necessary for it to be tested to see if mobilisation of hazardous substances from underlying strata has taken place. I accept the advice of the Agency and will not impose conditions relating to these matters.

Overall conclusion

40. For the reasons given above, I conclude that the proposal does not conflict with UDP policies MIN 1 and ENV 29 and that the appeal should be allowed.

*E Jones*

Inspector



<b><u>ITEM 2.1</u></b>	
<b><u>APPLICATION NO:</u> P2014/0246</b>	<b><u>DATE:</u> 03/09/2014</b>
<b>PROPOSAL:</b> Gas-powered electricity generating station (20MW) and associated works (Amended location plan, block plan, floor plan and elevation plans received 03/09/14).	
<b>LOCATION:</b>	<b>Ex Gas Works, Afan Way, Port Talbot, SA12 6HQ</b>
<b>APPLICANT:</b>	<b>Mrs Sarah Ward</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Sandfields East</b>

### **Background Information:**

Cllr T Latham requested on 6 May 2014 that the application be determined via Planning and Development Control Committee, due to the potential safety implications with the development given proximity of the application site to the PDR/Afan Way, and the fact it would be predominately un-manned.

### **Planning History:**

03/0170	Retention of tank for storm water	Approved	15/04/03
03/0661	Submission of details under Condition 2 of P03/0170 re. landscaping	Approved	08/08/03

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

3 neighbouring properties were consulted and site notices were displayed on site. To date, 7 letters of objection have been received, with the main points raised summarised as follows:

- (1) The submitted documentation states that the nearest residential property is in Addison Road adjacent to Port Talbot Workshops. This is not the case, as the properties in Victoria Road are much nearer.
- (2) There are concerns regarding the access, as it is not suitable on safety grounds for HGVs, and will restrict access to the rear of the properties adjacent to the access.
- (3) The documentation states that the site will not generate noise or emissions when not working, as it is only used for a low number of hours per year. However, it also states that it could be used continuously if National Grid requests it.

- (4) The documentation states that there would be periodic reviews after 1 year, but will it be done by their own employees?
- (5) There is a contradiction in the documentation as some parts refer to a 3m fence, and other parts a 2m fence.
- (6) The proposed should not be allowed in view of local residents' homes and in a residential area close to residential properties.
- (7) There is enough dust and air pollution in and around Port Talbot without adding to it.
- (8) The proposal would affect property values in the area.
- (9) Local residents should be better informed of the proposals by letter.
- (10) The turbines will create a noise pollution problem and there is evidence to support environmental pollution.
- (11) The design and access statement refers to 8MW facility, whereas the air quality assessment refers to 20MW facility.

In addition, a petition of 97 signatures has been received stating that the undersigned "*object to the proposed gas-fired electricity generation plant to be sited on the old gas works at Victoria Road, due to the close proximity of residential properties*".

Air Pollution Unit: No objection, subject to conditions.

Wales & West Utilities: No objection.

Welsh Water: No objection.

Coal Authority: No objection.

National Grid: No reply, therefore no observations to make.

Contaminated Land Unit: No objection, subject to conditions.

Head of Business Strategy & Public Protection (Environmental Health - Noise): No objection, subject to conditions.

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

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

Natural Resources Wales: No objection, subject to conditions.

Glamorgan Gwent Archaeological Trust: No objection.

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

The application site is located on the site of the former Victoria Road Gas Works, adjacent to Afan Way, Aberavon, Port Talbot.

The application site is an irregular parcel of land measuring a total of 0.44 hectares in area. It is relatively flat in profile and comprises existing hardstanding areas. It relates to two separate portions. The first area relates to the access track into the site, and the second area relates to the site for the proposed generating station/compound. Access to the site is proposed off Victoria Road, utilising an existing vehicular access.

The site is bounded by Afan Way and an electricity sub-station to the east, Victoria Road to the north, residential dwellings and the former Gas Works site to the west, with a covered reservoir to the south.

The site is located within the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP).

### **Brief Description of Proposal:**

This application seeks full planning permission for the erection of a gas-powered electricity generating station (20MW) and associated works.

The proposed development involves the erection of a new detached building. It will be rectangular in shape and measure 42.5m in length by 21m in depth, and will reach a height of 10m to ridge level. A total of 8 ventilation stacks are proposed within the roof of the building reaching a total height of 12.3m (2.3m above ridge height). The building is proposed to be constructed with dark green metal cladding.

A small outdoor compound measuring 7m long by 5m in depth is also proposed to the north side of the building, which would be enclosed by a 2m high palisade fence. The overall site compound would also be enclosed with a 2m high palisade fence. A total of 4 car parking spaces are proposed within the compound area, together with a small kiosk, measuring 2m high by 5m wide and 2.5m in depth. Access to the site is proposed via the existing access off Victoria Road. The applicant has indicated that the site, once operational, would be predominately un-manned and operated remotely, with the exception of ad-hoc visits by service and maintenance engineers.

The proposed generating station would contain 8 gas generators in their own sound-proofed engine cells, which would generate up to 20MW of electricity as part of National Grid's Short Term Operating Reserve (STOR). The applicant has stated this initiative provides power to the National Grid during unexpected periods of high demand. The average number of STOR calls in a day would be less than 1, with the average running time for a STOR call being approximately 83 minutes. The average operational time per annum for a STOR is less than 300 hours. They have also indicated that over the last four years there has only been one STOR call over the night time period (23.00hrs to 06.00hrs). This lasted for 30 minutes.

The applicant has indicated that surface water would connect to a soakaway system, with an on-site toilet being connected into a septic tank. They have also indicated that external lighting would be provided only for use when operatives visit the site. However, no specific details have been provided in support of the application.

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

As the development is not Schedule 1 or Schedule 2 Development on the EIA Regulations, as the site area measures less than 0.5 hectares, a screening opinion will not be required for this application.

However, a Test of Likely Significant Effects (TLSE) was undertaken for the application. This concluded that the proposed development would by itself, or in combination with any other development/project be unlikely have a significant effect on the Kenfig SAC or Crymlyn Bog SAC/Ramsar. As such, an Appropriate Assessment, as set down within the Conservation and Habitats and Species Regulations (2010) was not required.

### **Material Considerations:**

The main issues for consideration concern the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regards to prevailing planning policies.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1 New Buildings/Structures and Changes of Use

- ENV17 Design
- T1 Location, Layout and Accessibility of New Proposals
- H3 Infill and Windfall Development within Settlement Limits
- ENV13 Brownfield, Derelict and Waste Land
- ENV15 Air Quality
- ENV16 Contaminated Land
- ENV11 Proposals in Areas of Flood Risk
- IE2 Infrastructure Facilities (not including drainage)

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

Port Talbot Harbourside and Town Centre Development Framework Supplementary Planning Guidance (SPG).

As the application site is brownfield land located within the settlement limits defined by Policy H3 in the UDP, the principle of the development at this location is generally acceptable under the above policies, provided there are no overriding issues in terms of highway safety, visual or residential amenity or environmental quality (including pollution, flooding and ecology).

In respect of the Harbourside SPG, it should be noted that the former gas works site is identified as potential residential and light industrial uses. However, further work has been undertaken as part of the emerging Local Development Plan (LDP) which proposes that the site is allocated for light industrial use, not residential, due to potential flooding issues and the fact that a residential use is 'highly vulnerable' where light industrial is not. Due to this, it is therefore considered that the proposal would not, if approved, sterilise potential future development of the gas works site.

### **Visual Amenity:**

It is noted that the application site is located on a brownfield site that was previously utilised as a gas works. Although the proposed building would reach a height of 10m to ridge, and 12.3m to the top of the flues, it is partly screened by the PDR's 3m high acoustic fencing. Furthermore, as it would be located adjacent to an electricity sub-station and reservoir, it would not be out of context with the locality. It is therefore considered that the proposal would not impact upon the character and appearance of the surrounding area to warrant refusal of the application on visual grounds.

### **Residential Amenity:**

In respect of potential overlooking, overshadowing or overbearing issues, it should be noted that the proposed electricity generating station would be located a minimum of 46m away from the nearest dwellings at Glenavon Street. These properties are located to the east of the site on the opposite side of the PDR. There are also residential dwellings at Victoria Street to the west of the site. These are located a minimum of 75m from the generating station. Due to this separation distance and the fact that the site is relatively flat in profile, it is considered that the proposal would not create any unacceptable overbearing, overshadowing or overlooking issues.

Turning to potential issues in terms of noise and disturbance, it should be noted that a detailed noise survey has been submitted in support of the application. This has been assessed by the Head of Business Strategy & Public Protection (Environmental Health Section) who offers no objection, subject to conditions, and notes that the applicant has also confirmed that plant operations during the quiet night time hours will be minimal. Accordingly, he confirms that he is satisfied that there will not be significant noise impacts from this proposed development.

As the development would be operated on a short term basis, during peak times for electricity consumption, and given the fact that the noise assessment demonstrates that the proposed development will not give rise to noise disturbance during the times when the developer states that it is most likely to be in operation, it is therefore concluded that the development would have no unacceptable impact on terms of any potential noise disturbance.

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

It should be noted that access to the site is proposed off Victoria Road, which is a classified highway (C290). It should be noted that there is an existing access to the rear of Numbers 1, 1A and 2 Victoria Road.

As the access off Victoria Road is existing and, once operational, the site would be un-manned, with the exception of sporadic maintenance, the Head of Engineering and Transport (Highways Section) offers no objection to the development, subject to conditions. Provided that the requested conditions are imposed on the application, it is therefore considered that there would be no detrimental impact upon highway or pedestrian safety.

### **Ecology (including trees & protected species):**

A biodiversity survey was submitted in support of the application, which notes that the site is of low biodiversity value. This survey was assessed by the Biodiversity Unit, who offer no objection to the proposal, subject to a condition in respect of Japanese Knotweed. It is therefore considered that the proposal is acceptable in terms of ecology.

**Flooding:**

It should be noted that the application site is located within a C1 flood zone. A Flood Consequences Assessment was submitted in support of the application, and has been assessed by Natural Resources Wales. They note that although the site is at risk from tidal flooding, mitigation is proposed in the form of raising critical instruments above the predicted tidal level, which they are satisfied with. Having regards to the tests in Technical Advice Note 15, and given the low occupancy of the building, it is therefore considered that the proposed development would be acceptable in terms of flood risk.

**Pollution (air and ground):**

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

With regards to potential air pollution, it should be noted that an air quality assessment was submitted in support of the application. This has been assessed by the Air Pollution Unit, together with Natural Resources Wales. They note that dispersion modelling has been carried out in order to assess the impact of carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>). They note that the location of the receptors look acceptable, and CO<sub>2</sub> levels are expected to be well below the air quality objective. However, a condition should be imposed on the application requiring a scheme for NO<sub>2</sub> diffusion tubes at a handful of locations for the first year of operation, to ensure that the concentrations are not exceeded. Provided these conditions, and a condition in respect of a dust management plan, are imposed on the application, it is therefore considered that the proposed development would be acceptable in terms of air pollution.

**Others (including objections):**

In response to the 7 letters of objection and petition received, the following comments are made.

- Firstly, the concerns regarding the nearest residential properties. It is acknowledged that the nearest residential dwellings are located at the access point along Victoria Road and at Glenavon Street. The developer has provided an email and plan to confirm that there was a typographical error in the Design and Access Statement (DAS), and also illustrating the respective distances to the nearest dwellings.
- Secondly, the concerns relating to the use of the existing access and highway safety issues have been addressed previously in the report. In respect of the concerns that the proposal, including construction traffic, would restrict the rear accesses for the properties along Victoria Road, it should be noted that access rights would be a civil matter and not a material planning consideration.
- Turning to the issue regarding noise, and the fact that it could be used continuously if National Grid request it, it should be noted that the proposed facility is intended to be used on a short-term basis (i.e. an average of once per day or less) and is not intended to be used on a full-time 24 hour a day basis. This will be conditioned as part of the application, to ensure there are no unacceptable impacts in terms of noise or air pollution.
- In respect of the comments in the DAS that “periodic reviews on the environmental performance of the site, during both the construction and operational stages, will be carried out by our Project Management and Field Service Engineer team”, it should be noted that this would not impact upon any monitoring of the site the Local Authority could undertake in terms of condition enforcement, and/or the Environmental Health Section in terms of noise nuisance.
- Turning to the issue regarding the fence height, it should be noted that the submitted block plan illustrates a 2m high palisade fence around the site. The 3m fence relates to the existing acoustic fence alongside Afan Way, which was installed as part of the Peripheral Distributor Road (PDR).
- With regards to the concerns that this development should not be allowed in a residential area in close proximity and views from local residents’ homes, it should be noted this has been addressed previously in the report. As the building is located on the site of a former gas works and is located over 46m from the nearest residential dwelling, it is considered that the proposal would not create any overbearing, overshadowing or overlooking issues, and would also be acceptable in terms of visual amenity.
- In respect of the concerns regarding noise, dust and air pollution, it should be noted that this has been fully assessed by Natural Resources Wales, together with the Environmental Health and Air Pollution Unit. As they offer no objection to the proposal (including the submitted reports), subject to conditions, it is therefore considered that the proposal would not create any unacceptable impacts in terms of noise or air pollution.



- With regards to the potential impact on property values in the area, it should be noted that this is not a material planning consideration, so cannot impact upon the determination of this application.
- Turning to the concerns regarding local consultation. It should be noted that site notices were erected in the local area to inform local residents, and 3 residential properties adjoining the application site edged in red were notified by letter.
- Finally, the issue regarding the description of the development. It should be noted that the proposal is for a 20MW facility, not an 8MW facility as originally advertised. This was confirmed with the developer, who clarified in writing that there was a typographical error in the original DAS. This has since been amended in the publicity and description of the application.

### **Conclusion:**

It is considered that the proposed development would not have an unacceptable 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 GC1, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**RECOMMENDATION:      Approval with Conditions**

### **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.

(2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, including the flues, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(3) Prior to the commencement of work on site, a detailed scheme for the implementation of NO<sub>2</sub> diffusions tubes for a 12 month period shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first operation of the generating station, and retained for a minimum period of 12 months, upon which a copy of the results shall be submitted to and approved in writing by the Local Planning Authority. If the results show mitigation measures are required, these shall also be included together with a timetable for its implementation.

#### Reason

In the interest of air quality and to ensure the validity of these dispersion modelling data.

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

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

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

(iii) an assessment of the potential risks to:

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

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

#### Reason

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

(5) Prior to the commencement of work on site, and if required by Condition 4, a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

#### Reason

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

(6) Prior to beneficial use of the proposed development commencing, and if required by Condition 5, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 5 shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason

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

(7) 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.

(8) Prior to the commencement of works on site, a detailed method statement for the removal, long-term management or eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement only.

#### Reason

Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

(9) Notwithstanding the submitted details, all critical equipment shall be installed so that it is above the predicted tidal level, as specified within the approved flood consequences and supporting information, and retained as such thereafter.

#### Reason

In the interest of adequate mitigation as the site is located within a flood zone.

(10) No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage has been submitted

to and approved by the Local Planning Authority, including measures to prevent any new surface water from flowing onto the public highway. The approved scheme shall be implemented on site prior to the construction of any impermeable surfaces draining to this system, and retained as such thereafter.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

(11) Piling or any other foundation designs using penetrative methods shall not be permitted unless a scheme has been submitted to and approved in writing demonstrating that there is no resultant unacceptable risk to groundwater.

Reason

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

(12) The generating station hereby approved shall only be used for the production of standby electricity (a Short Term Operating Reserve (STOR)) in accordance with the details provided in the Design, Access and Planning Statement (April 2014).

Reason

To clarify the nature of the approval, and in the interests of residential amenity.

(13) No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the highway drainage system.

Reason

To prevent hydraulic overload of the highway drainage system and pollution to the environment.

(14) Prior to first beneficial use of the standby electricity generation plant hereby approved, the four off-street parking spaces and the turning area shown on the approved plans shall be provided within the curtilage of the property, and these shall be retained open and free for such use thereafter.

Reason

In the interest of highway safety by ensuring safe and adequate off street parking provision.

(15) Prior to first beneficial use of the standby electricity generation plant hereby approved, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first beneficial use of the development, and retained as such thereafter.

Reason In the interest of highway safety and amenity.

#### REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development would not have an unacceptable 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 GC1, ENV17, T1, H3, ENV11, ENV13, ENV15, ENV16 and IE2 of the Neath Port Talbot Unitary Development Plan.



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<b><u>ITEM 2.2</u></b>	
<b><u>APPLICATION NO:</u> P2014/0248</b>	<b><u>DATE:</u> 06/06/2014</b>
<b>PROPOSAL:</b>	<b>Detached dwelling and garage (outline)</b>
<b>LOCATION:</b>	<b>Land Adj To The Barracks, Off Queens Street, Pontrhydyfen, Port Talbot</b>
<b>APPLICANT:</b>	<b>Ms A Howells</b>
<b>TYPE:</b>	<b>Outline</b>
<b>WARD:</b>	<b>Peenna</b>

### **Background Information:**

Cllr Ellis requested on May 21<sup>st</sup> that the application be determined by the Planning and Development Control Committee as he considers that due to high level of public interest in the application it warrants full committee scrutiny. Cllr Ellis also requested that soil sampling and ground stability testing should be undertaken prior to the application being presented to committee.

### **Planning History:**

The site has the following relevant planning history: -

- P2002/0967 – Outline for residential Development – Approved 14.8.2002
- P2006/1635 – Reserved Matters application for Residential Development (45 dwellings and associated highways & car parking). Granted permission 8/8/08.
- P2006/1637 – New access and retaining works – Approved 11.3.2008
- P2010/0810 – Variation of condition 4 of application P2002/0967 approved 11/11/03 regarding the period of time by which the developer must start development (Reserved Matters application P2006/1635 approved on 08/08/08). Finally disposed (Resolution to grant planning permission but no decision issued due to failure to enter into required legal agreement).

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

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

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

Countryside Section (Footpaths) – No objection

Natural Resources Wales – No objections

Contaminated Land section – No objections

The Coal Authority – No objections

Pelenna Community Council – concerns regarding the ownership of the access and that the access issues affect neighbouring properties

3 neighbouring properties were consulted and site notices displayed. In response, to date 246 letters of objection have been received, which are summarised as follows:

1. The applicant has already started work without permission.
2. It is claimed that the applicant is demonstrating intimidating behaviour to existing residents and visitors.
3. The applicant has stopped children playing sports due to blocking up of a designated footpath which could lead to more anti social behaviour in the area.
4. The development will affect community space, green space, wildlife, children and young persons' health by access to sporting facilities being prevented.
5. Loss of access to areas for walking and riding.
6. Other dwellings in the area have been demolished due to flooding.
7. Loss of local heritage such as carnival days.
8. The development will affect the aesthetics of the surrounding area as a tourist attraction.
9. Increased traffic and noise along the existing road.
10. The development will be an eyesore.
11. Further possible restrictions on a public right of way.
12. A full ecological study needs to be carried out during different seasons to fully assess the local flora and fauna.
13. Impact of further development on an area of outstanding natural beauty.
14. The development will affect the habitat of many animals including badgers and otters.
15. The development may cause problems with land stability in the area.
16. The danger caused by heavy plant in the area.
17. The development could overload the existing sewer system.

18. Highway safety due to the visibility and angle of the road.
19. Query why are alterations to the settlement boundaries of the Local Development Plan are being considered.
20. The site is not within an area allocated for development within the Draft Unitary development Plan. The site is outside the boundaries of the village of Pontrhydyfen and within open countryside contrary to current policy.
21. If this development was allowed it would set a precedent for future development
22. Objections to the application being dealt with as a delegated application as it is controversial and subject to may local objections.
23. The site is contaminated and that a more detailed environmental report should be obtained.
24. The land is of sentimental value which was a gift to mine workers.
25. The village does not need another dwelling.
26. The long term implications of the development of the site should be considered, the objector wants the green belt land to stay green belt.
27. Many trees have been cut down in the area and this has damaged the ecology of the area with the biodiversity being decreased and that a full environmental assessment would be of value.

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

The application site lies off Danybont, to the east of an existing detached residential dwelling known as “The Barracks”. It is served by an existing access off Queen Street, the junction of which lies to the north of the river crossing. The site is a triangular shaped parcel of land measuring an area of approximately 0.5 hectares. The site contains a level portion of land approximately 0.4 ha in area which is surrounded by a large former railway embankment to the south and by rising ground to the north. To the eastern boundary of the site is the access track which then continues along the river bank to the sport playing fields. There is a public footpath which runs along this access road in front of the application site and beyond.

The site is located within the settlement limits as defined by Policy H3 of the Neath Port Talbot Unitary Development Plan.

It should be noted that the site forms part of a larger site which has previously been granted consent for residential development, although these consents are no longer extant. An application (P2010/0810) for variation of condition 4 of application P2002/0967 to extend the time period of the above approval was the subject of a resolution to grant planning permission, but no decision was issued due to the applicants failure to enter into the required legal agreement.

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

This application seeks outline planning permission for the erection of one detached dwelling and a detached garage. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

In accordance with the outline requirements, the applicant has submitted an indicative block plan demonstrating the siting of a detached dwelling with access off the existing access track off Queens Street, Pontrhydyfen.

The submitted details indicate that the dwelling will have the following scale parameters:

- Height: Minimum: 8.5 m ; Maximum: 9m
- Width: Minimum: 7m ; Maximum width: 8m
- Depth: Minimum: 11 m ; Maximum: 10m

The detached garage will have the following scale parameters:

- Height: Minimum: 4 m ; Maximum: 5m
- Width: Minimum: 6m ; Maximum width: 6m
- Depth: Minimum: 6 m ; Maximum: 7m

### **Material Considerations:**

The material issues related to this planning application concern the principle of residential development, together with the impact of the proposal upon visual and residential amenity, and highway and pedestrian safety.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1	New Buildings/Structures and Changes of Use
ENV17	Design
T1	Location, Layout and Accessibility of New Proposals
H3	Infill and Windfall Development within Settlement Limits
H4	Affordable Housing
ENV5	Nature Conservation

Policy H3 – the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space; proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing programmed infrastructure or community facilities; there will not be significant detrimental effect on the amenity of the existing residents of the area; and there would be no unacceptable highway implications.

Policy GC1 – Promotes new development subject to the satisfaction of criteria.

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principle of residential development is generally acceptable, provided there are no highway, amenity or other overriding objections. Such matters are explored further below.

It is noted at this stage that the site is not proposed for inclusion in the settlement limits in the emerging Local Development Plan (LDP). At present, however, the LDP is not adopted and therefore the application must be assessed against the current UDP which shows the site to lie within the settlement of Pontrhydyfen and is thus not considered to be development within the open countryside. It is also noted that that the site does not form part of any green belt.

With regards to the issue of affordable housing (Policy H4) as the application only relates to a single dwelling the developer would not be required to provide any affordable housing as the development would be under the threshold set in the Unitary Development Plan and Supplementary Planning Guidance.

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

As the development is not a Schedule 1 nor Schedule 2 Development of the EIA Regulations, a screening opinion will not be required for this application.

### **Visual Amenity:**

This proposal is an outline planning application with all details being reserved for subsequent approval. As such, there are no formal details on the appearance or scale of development available except the indicative scale parameters. The indicative layout shows the dwelling set back a minimum of 6 metres from the highway to the front of the proposed dwelling with the proposed detached garage to the rear of the site.

The application site is considered to be of adequate size to ensure that a suitably designed dwelling could be constructed without having an adverse impact upon the character or appearance of the surrounding area, or the varied street-scene in which the site is located.

It is therefore considered that the proposal would be acceptable in terms of visual amenity and would comply with UDP Policies GC1 and H3 in particular.

### **Residential Amenity:**

In terms of the impact on residential amenity, it should be noted that the nearest residential property will be 'The Barracks' which has its side elevation located 10 metres from the proposed siting of the dwelling.

However, given the width and depth of the application site, it is considered that a sensitively sited and designed property could be erected on the site without having an unacceptable impact upon the residential amenity of the neighbouring properties in terms of overlooking, overbearing or overshadowing. It is therefore considered that the proposal would be acceptable in terms of residential amenity.

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

The site has adequate space to provide the requested off street car parking spaces in accordance with the Council's guidelines. It is considered that the increase in vehicular traffic associated with the development of a single dwelling will not significantly worsen the free flow of traffic along the access to justify refusal of the application.

The Head of Engineering and Transport (Highways) offers no objection to the proposed development, subject to conditions.

### **Ecology (including trees & protected species):**

The Biodiversity Section has offered no objection to the proposal subject to a condition relating to an artificial nesting box for birds to be erected on the new dwelling. There has been no request any further ecology surveys to be undertaken. It should be noted that the land is not located within a designated

area of outstanding natural beauty nor are there are any Tree Preservation Orders on any trees within the site.

**Flooding:**

A negligible part of the application site adjacent to the access road is within a designated flood zone. Due to this and the proposed siting of the dwelling away from this area of flood zone Natural Resources Wales offered no objections to the proposed development in relation to flooding.

**Pollution (air and ground):**

The application has been accompanied by a desktop study of potential soil and groundwater liabilities. The Authority's Land contamination section and Natural Resources Wales have no objection to the proposed development. However a condition has been attached dealing with unsuspected contaminated land.

**Others (including objections):**

In relation to the objections received it is considered that issues of highway and pedestrian safety, visual amenity and residential amenity, contamination and biodiversity have been addressed within the report. It is not considered that the development would impact significantly on these issues to warrant refusal in this case.

The remaining objections are addressed as follows:

- With regard to development commence on site, during a recent site visit there is no evidence of construction work being carried out at the application site.
- Matters relating to the behaviour of the applicant is not a material planning consideration.
- In response concerns relating to the loss of community space and access to recreational space/green space for recreational activities which it is claimed could lead to anti social behaviour. It should be noted that the land does not form part of any designated recreational land and is under private ownership and thus access to that land can be withdrawn at any time. A number of the objections relate to the development preventing access to existing sports and leisure facilities which are accessed via the access lane which will also provide the access to the site. It should be

noted that this lane is a registered Public Right of Way (Footpath 4.Mst). As such, public access and use of it must be maintained at all times in agreement with the Authority's Footpaths Section. As stated above there are no objections to the development from the footpaths officer and should the access become blocked then this is a matter for the footpath officer.

- With regard to the effect the development will have on the aesthetics of the area and the surrounding area as a tourist attraction and the claim the development will be an eyesore. As this development is made in outline there are no details of the design of the development, given the application site position it is considered that a dwelling could be constructed and partially screened by the existing surrounding sloping land and as stated previously in the report it is considered that the development of a single dwelling would not have an unacceptable impact upon the visual amenity of the area.
- With regard to the effect the development of a single dwelling will have on the children and young person's health due to the fact that the existing sports field can not be maintained due to the access track being blocked. It is acknowledged that access to the public footpath needs to be maintained, however the blocking up of a private right of way is a civil matter between parties.
- In relation to the claim that the development of this site will lead to the loss of local heritage days such as carnival days due to the access being blocked to the field. As stated above the use of the access track is a civil matter between to parties.
- In respect of noise and increased traffic issues, it should be noted that the proposed use would be residential, and the site is located in a predominantly residential area, the noise and disturbance during the construction phases is an inevitable short term consequence of any form of building work and is insufficient reason to withhold the grant of planning permission.
- The development will not set a precedent for future development as each application is considered on its own individual merits and against the policies contained within the adopted development plan.



- As stated above the application is being presented to planning committee at the request of the local member and is not being decided at a delegated level.
- Turning to the comments regarding flooding, it should be noted that the existing river banks lying outside the application site would remain unaffected by the proposed development. It is also confirmed that only a negligible part of the site adjacent to the access is within a flood zone. No details have been provided regarding the objector's statement that dwellings have been previously demolished due to flooding. As stated previously Natural Resources Wales have offered no objections to proposed development in relation to any flooding issues
- As previously stated in the report, the drainage of the site is planned to connect into the combined sewer. As Welsh Water, Natural Resources Wales and the Head of Engineering and Transport (drainage) offer no objections to the principle of the drainage for the proposed scheme, subject to conditions, the scheme is considered acceptable in terms of drainage.
- It is claimed that the land is of sentimental value and was previously a gift to the miners of the area. It should be noted that the application site is within private ownership and is not under community ownership.
- In relation to ground contamination and the claim that further contamination reports and soil sampling should be carried out. No objections have been received from the Council's Contaminated Land Section there is no knowledge of ground contamination on the site, Natural Resources Wales have also offered no objection to the development of this site, however a condition is attached to deal with any unexpected land contamination found during the construction of the dwelling.
- With regards to the concerns relating to the highways safety issues, it should be noted that these have been addressed previously in the report. As the Head of Engineering and Transport (Highway Section) offers no objection to the proposed development, and is satisfied that there is capacity within the highway network leading to this site to allow for a development of this site and the existing access to the site.
- With respect to the use of heavy plant during the construction, no details of the use heavy plant is provided however it's use will be a matter for

health and safety and not a material planning consideration in the determination of this application.

- In relation to land stability the site does not fall within the Coal authority's defined High Risk Area and is located instead within the defined low risk area, however the Coal Authority's standing advice has been attached as an informative note to the applicant in the interests of public health and safety.
- As stated previously in the report the development due to its type and size does not require an Environmental Impact Assessment. It is also noted that the site does not have a tree preservation order on it and thus consent is not required for the removal of any trees.
- Finally turning to the issue of the statement that the village does not need another dwelling, as stated above the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space. No evidence has been provided illustrating that there is an overprovision of housing in the Pontrhydyfen area.

### **Conclusion:**

It is considered that the proposal represents an appropriate form of in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies GC1, ENV17, T1, H3, H4 and ENV5 of the Neath Port Talbot Unitary Development Plan. Approval is therefore recommended.

**RECOMMENDATION:      Approval with Conditions**

### **CONDITIONS**

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

Reason

The application was made for outline planning permission.

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

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

(5) In the event that contamination is found at any time when carrying out the approved development, 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.

(6) Unless otherwise agreed in writing with the Local Planning Authority the development shall be connected to the main sewage system prior to the occupation of the dwelling.

Reason

In order to ensure the provision of adequate foul drainage.

(7) Adequate provision, in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority, shall be made for the drainage of the land. Such scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of the dwelling.

Reason

To ensure satisfactory drainage.

(8) Prior to the occupation of the dwelling at least two car parking spaces, three if the gross floor area exceeds 120 sq.m., shall be provided within the curtilage of the dwelling in accordance with a scheme which shall be submitted to and approved in writing by the local planning authority. The approved car parking area shall be retained as such and thereafter not be used for any purpose other than vehicle parking.

Reason

To comply with the requirements of the local planning authority concerning off-street car parking in the interests of amenity and highway safety.

(9) Pedestrian vision splays of 2.4 metres by 2.4 metres either side of the access shall be provided with nothing greater than 1 metre in height to be erected or allowed to grow and remain as such thereafter.

Reason

In the interests of highway and pedestrian safety.

(10) Prior to first occupation a turning area at the entrance to the proposed dwelling shall be provided, with a maximum gradient of 1 in 9, a length of 7

metres measured from the track boundary nearest to the dwelling known as The Barracks and have a width of 4.5 metres, and surfaced in granular stone material to match the existing on site.

Reason

In the interests of highway safety.

(11) Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground. Dimensions: H150 x W340 x D150mm

Reason

In the interest of Biodiversity.

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

Reason

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

(13) Any existing drainage pipe, land drain, highway drain or highway run-off entering, crossing or discharging onto the development site must be accommodated into the site development works by the Developer. No building should be erected over or within the safety zone of any culvert or watercourse.

Reason

To ensure satisfactory drainage.

(14)The Public Right of Way shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of the Local Planning Authority. No alteration or change of condition to the Public Right of Way is to be undertaken without written consent from the Local Planning Authority.

Reason

To protect the Public Right of Way

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

Reason

To protect the integrity of the public sewerage system

(16) No surface water shall be allowed to connect either directly or indirectly to the public sewerage system unless otherwise approved in writing by the Local Planning Authority..

Reason

To prevent hydraulic overload of the public sewerage system to protect the health and safety of existing residents and ensure no detriment to the environment.

(17) Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

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

(18)Any gates erected shall be of a type that solely open inwards only , can be seen through and shall be maintained as such thereafter.

Reason

In the interests of highway and pedestrian safety.

REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development site would accord with Policy H3 of the Neath Port Talbot Unitary Development Plan, as infill residential development within settlement limits. In addition it is considered that the parameters of the development clarify that subject to detailed design, the site can accommodate the development without impacting detrimentally upon visual amenity and character of the area, and the amenity of residents within the adjoining property. Subject to conditions, the proposal will not impact detrimentally upon highway and pedestrian safety. The proposal would therefore accord with Policies H3, GC1, ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.

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<b><u>ITEM 2.3</u></b>	
<b><u>APPLICATION NO:</u> P2014/0501</b>	<b><u>DATE:</u> 04/06/2014</b>
<b>PROPOSAL:</b> Demolition of existing buildings and construction of a building to accommodate a new primary and a secondary school with associated outbuildings, means of access, sports facilities and playing fields, car parking, external lighting, boundary treatment and hard and soft landscaping.	
<b>LOCATION:</b> Western Avenue Playing Fields, Adjacent To Seaway Parade, Sandfields, Port Talbot	
<b>APPLICANT:</b> Neath Port Talbot County Borough Council	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Baglan	

### **Background Information**

The application is reported to Committee due to its strategic importance.

Cllr Paddison requested the application be determined at Committee due to the following issues:

1. The new school may cause future traffic problems within the locality. The area is already suffering increased traffic volume due to the M4 junction's experimental closure.
2. I have received representations from residents regarding pollution on their fear that it may increase due to slow moving traffic and increased volume of traffic.
3. Residents are concerned that trees and vegetation will be removed and that they will not be replaced
4. The safety of residents by placing insufficient or incorrectly placed parking and drop off spaces.
5. The possible ill effects on the road surface due to increased traffic on Seaway Parade.
6. The reduction in accessibility of the playing fields as a local amenity.
7. Because this development is to be carried out by the Council and to allow the public access to the debate.

### **Planning History:**

T1983/4462 – Change of use from changing room and showers to boys club: Approved – 23/08/2014

**Publicity and Responses if applicable:**

**National Resources Wales:** Original response agrees with findings of FCA but requested additional flood modelling was undertaken in advance of determination. The comments of NRW on the updated FCA are awaited and will be reported to Members as part of an amendment sheet.

**Crime Prevention Design Officer:** No objections (recommendations made in respect of Secure by Design)

**Coal Authority:** No objections

**Welsh Water:** No objections

**Contaminated Land:** No objections

**Head of Engineering and Transport (Highways):** No objections

**Head of Engineering and Transport (Drainage):** No objections

**Biodiversity Unit:** No objections

**Noise Pollution:** No objections

**Play Development:** No reply received

**Air Pollution:** No objections

The application was advertised through the display of a number of Site Notices in the vicinity, with a number of nearby residential properties also notified. The application was also advertised in the press as a major development.

In response, 8 letters of representation have been received to date, one of which was accompanied by a petition signed by the residents of 51 of the dwellings in Afandale (in excess of 70 signatures).

The objections to the development are summarised as follows: -

- Seaway Parade is a bus route with currently 3 bus shelters. Buses being stopped at bus-stops will cause queues of traffic to form during the busy school-run periods each days.
- School-run drivers associated with the expected 1500 students will use Afandale to drop off and pick up their children. This is so that they do not have to complete a full loop and a half of the proposed pit-stop parking bay and exit from the school and 2 roundabouts.
- Drivers doing the school-run will attempt to find quicker routes rather than using the roundabouts. The proposed layout will cause driver frustration which will lead to annoyance, anger and dangerous driving
- In the afternoon, 30 minutes before the school day ends, cars will start to park in Afandale.
- In the colder months, parked cars will have their engines running, increasing the local pollution levels. This is also the case in the hotter months, as engines will still be running because the air-conditioning will be on.
- Unless 'h bars' are painted across them, driveways will be blocked by school run cars.
- Afandale is a cul-de-sac, all these cars will have to turn around, and will often use resident's driveways to do this.
- Vehicles associated with the emergency services will be hampered by the moving, stationary and parked school-run cars in both Afandale and sea way parade.
- The increased traffic will cause many hazards for pedestrians wanting to cross the road to get to the opposite side of the road from Afandale.
- There does not appear to be any safe crossing for older school children wishing to cross seaway parade.
- The proposed pit lane drop off area on the school premises alongside seaway parade, at the very least need to start at the smaller roundabout and continue along the full length of the school property to the second larger roundabout and not have its exit half way along Seaway Parade.
- Still object to the pit-stops regardless
- An alternative drop off point could be 265m across the proposed football fields next to the old industrial estate on the other side of the school, still parallel to Seaway Parade.
- Inconsiderate parking by residents causes a great deal of stress to residents
- No consideration of the safety of residents is taken by the School-

run parents

- Waste of resources when residents have to contact police to complain.
- Changing Seaway Parade will have an extremely negative effect on the traffic on the estate.
- Increased traffic flow, queuing and congestion caused by the children travelling from the Briton Ferry area.
- I will have to travel much further to visit relatives on the estate.
- Traffic accidents for those trying to pull out of Afandale
- Create a third lane on Seaway Parade to facilitate safer and easier access at the pupil drop off area.
- A solution may be to extend the area allocated to staff parking to encompass drop-off area for pupils.
- The removal of a considerable amount of mature trees along the southern boundary of Seaway Parade. Trees provide a physical/noise barrier to the playing fields and their removal will remove the oxygenating effect to our world.
- Upset that not all 62 homes on Afandale were consulted
- Increased traffic on Seaway Parade will cause health and safety issues for residents of Afandale as they have only one access and egress point.
- Plans do not take into account parents parking as they wait for their children
- Stationary cars with their engines running emit large amounts of carbon monoxide.
- The removal of the existing playing fields, children's play area and community centre will have an effect on the local environment as these are the only provisions for leisure activities for children in this area.
- The entrance at the site should be at the position of the industrial estate. This would allow the playing facilities to remain.
- Enquired as to who owns the land
- Increased traffic on Seaway Parade would produce a choke point
- Why is the School being built on contaminated land
- Negative Impact of pulling down a well established tree line on Seaway Parade.

A letter has also been received from Cllr J. Evans requesting that the application be deferred until a full assessment is undertaken of the surface condition of the roads around the application site, given that they will be further affected by increased traffic.

**Description of Site and its Surroundings:**

The site covers an area of approximately 15.4ha and comprises of playing fields, a running track, changing rooms and educational centre (Sandfields) and a children's playground adjacent to Seaway Parade. It is mainly flat, although some of the football pitches in the south of the site are slightly raised relative to the rest of the site by approximately 1m. There are also two floodlights in the centre of the site serving the sports pitches. With reference to the sports pitches, these are used by the existing Sandfields Comprehensive School, adjacent to the site and the local community.

To the immediate north and west of the site is the former BP Chemical Works, which occupies an area of at least 200. The majority of the buildings have been demolished and the site has been identified for regeneration to include residential and new employment uses.

To the north-east of the site is the Seaway Parade Industrial Estate which comprises of a number of Industrial units. To the south and west are residential properties.

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

This application is submitted by the Council as part of Neath Port Talbot's Strategic School Improvement Programme, which aims to improve education provision through opening, amalgamating, merging and closing schools.

The application seeks full planning permission for the construction (following demolition of existing buildings) of a new primary and secondary school with associated outbuildings, means of access, sports facilities and playing fields, car parking, external lighting, boundary treatment and hard and soft landscaping.

The development will provide an "all through school" facility as follows:

- A 11,796 sq.m. three storey secondary school for 1100 secondary pupils and 100 additional learning needs (ALN) pupils;
- A 1,915m<sup>2</sup> single storey primary school for 300 primary pupils.

The new school will amalgamate the following four existing schools onto

one site: -

- Traethemelyn Primary School;
- Cwrt Sart Comprehensive School;
- Glanafan Comprehensive School; and
- Sandfields Comprehensive School, including existing Learning Support Centre and Pupil Inclusion Centre.

It is anticipated that the school would employ 157 staff.

### *Demolition Works*

The demolition works include the existing buildings along with children's play area facing Seaway Parade as well as the changing facilities and Sandfields Community Education Centre.

### *Building Design and Size*

The Primary and Secondary School building will measure 13,711 square metres in floor area. The building has three floors and will have maximum height of approximately 16.4m when measured from ground level. The building shape has been designed to rise from a single storey primary school to the three storey portion at the central hub area of the school.

The submitted DAS notes that the building is designed based on a courtyard plan with a split layout, with the primary school having its own single storey wing to provide its own identity, scale and entrance. It also notes that the overall scale of the building responds to the need to provide a landmark building and reduce the extent to which sports facilities will be affected.

Key components of the developed Master Plan are the need for:

- An architectural solution that links the school to the community so it becomes a focus for the community.
- A single facility approach, creating flexible options, resource sharing and community zoning.
- A sense of arrival to each of the new schools with direct links to the central hub.
- Clear vehicular and pedestrian separation principles offering good visual connectivity and legibility.

- Increased learning opportunities with different ‘zoning’ options responding to school year activities and Additional Learning Needs (ALN) and special educational needs (SEN) requirements.
- Hard and soft landscape integrated with a hierarchy of external space for different uses - all linked to the internal spaces.
- Provide a coordinated traffic management scheme with the Council’s Highways Engineers.

With regard to external materials, the roof will be a stucco embossed aluminium standing seam system over the teaching accommodation, with the flat roof area and canopies utilising a light grey single membrane roofing system. Staffordshire Blue Brindle engineering brickwork is proposed in the walls at ground level, whilst in the upper level walls there will be coloured insulated render with some feature coloured panels between the windows. The feature walls plan to utilise coloured metal cladding panels for the large central spaces and early years primary school classrooms. The Sports Hall will have a perforated cladding panel system known as a Transpired solar Collector. The entrance area and leadership suite will be clad in rainscreen panels. All window reveal panels within the rainscreen system will be brightly coloured pressed metal to close off the cavity around the windows. In terms of doors, they will be Louvre and Metal faced doors to the halls.

### *Access and Car Parking*

The application has been supported by a Transport Assessment, with the plans and the assessment detailing measures on and off site to mitigate the impacts of the development.

The submitted plans indicate two new vehicular access points, one from the south-west (Seaway Parade) to provide access for day time visitors and pupils arriving by taxi or minibus, the other from the north-east (via Sirius Drive and Baglan Energy Park), to provide access to the main staff car park and servicing area. These will be supported by new 3m wide cycle and pedestrian paths.

The scheme also proposes the construction of a new on-site staff car park (117 spaces), 17 visitor spaces and 11 disabled spaces, and cycle parking plus new drop-off parking areas along the Seaway Parade boundary and to the south-western boundary there is proposed a new pedestrian access.

To assist access to the school, a series of works are to be carried out as part of the “Safe Routes to Schools” initiative. Full details are included in the Transport Assessment, and are addressed later in the report.

### *Children’s Play / Sports Facilities*

Sports facilities include a 3G Artificial Grass Pitch with floodlighting as well as associated landscaping, including boundary treatments and drainage/ servicing works that include a sprinkler tank enclosed under a grass sculpted mound, and small incoming services enclosures at the boundaries.

A replacement children’s play area will be provided at the south western corner of the site.

### *Community Use:*

The new School will also be available for community use out of school hours, with internal planning of the building allowing for a sequential shut down of the teaching wings, permitting community access to the central hub spaces during normal school hours, with entry to be controlled by staff at the main reception areas for each school.

Changing facilities are proposed to be located as close to the sports areas as possible. All changing areas will include shower areas and they will each have a separate lockable entry door. There are toilet facilities located within the entrance areas for informal use without gaining access to the locked changing area.

### **EIA and AA Screening:**

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



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

### **Material Considerations:**

The main issues to be considered in the determination of the application are the principle of the proposed development, the impact upon the character and appearance of the surrounding area, the impact upon the residential amenity of the occupiers of the adjacent dwellings. The impact upon highway safety, the impact upon the existing landscaping and Ecology of the application site and the impact upon Contaminated Land.

### **Policy Context:**

#### **Neath Port Talbot Unitary Development Plan**

The relevant policies that must be considered in the determination of the application are:

- GC1 New buildings/structures and changes of use
- H3 Infill and windfall development
- EC3 Creation or expansion of business within settlement limits
- BB1 Regeneration Initiative
- ENV16 Contaminated land
- ENV17 Design
- ENV29 Environmental quality and amenity
- T1 Location, layout and accessibility of new proposals
- R01 protection of recreation, sport facilities and open space
- R02 New sport and recreation facilities

### **Principle of Proposed Development**

The application site is located within the identified settlement as set down within the Neath Port Talbot Unitary Development Plan, where the principle of development is considered to be acceptable subject to the development complying with the requirements of the other policies within the development plan. In addition to key areas relating to highway safety and local amenity, a further issue relates to the impact on playing fields/ open space provision.

In this respect, Planning Policy Wales states that all playing fields should be protected from development except where facilities can best be retained and enhanced through the redevelopment of a small part of the site; alternative provision of equivalent community benefit is made available; or there is an excess of such provision in the area. This guidance is essentially reflected in the criteria within UDP Policy RO1 - Protection of Recreation, Sport Facilities And Open Spaces - which seeks to resist the loss of playing fields, formal and informal open space, children's playgrounds, allotments and indoor facilities for development

The application site is currently occupied by playing fields, running track and community centre and the proposal does include the temporary loss of playing field facilities during the schools construction. This however would soon be rectified as the development would represent an enhancement of the current facilities that are on site with new and replacement facilities, which will be open to the community.

The table below details the existing and proposed recreational facilities:

<b>Existing</b>	<b>Proposed</b>
5 number grass pitches	1 number 3G Grass Pitch (AGP) (Floodlit) 4 number full size grass football pitches 1 number junior football pitch
2 number grass rugby pitches	1 number grass rugby pitches
1 number cricket pitch	1 number cricket pitch
	1 astro turf pitch
	2 netball courts
2 number long jump pits	Replacement long jump facilities
Cinder athletics race track (400m)	100m running track 740m running track
Changing facilities and WC block	Re-located within School building
Children's play area	Replacement facility on site

In addition to the above facilities, the proposal involves the loss of approximately 3.12ha of open space to facilitate the school development. This equates to a 27% reduction across the whole site. There is however an enhancement in the overall recreational value of the land providing greater community benefit, as well as the wider educational benefits which will be delivered by the new development. Therefore it is considered that the proposal is in accordance with UDP Policy R01

which promotes the following:

*“Where an existing facility which serves the area well can best be retained and enhanced by virtue of development of a small part of the site”.*

It is therefore considered that the principle of the proposed development would be acceptable and the proposed development would comply with Policies R01 and R02.

### **Visual Amenity:**

The proposed development would replace the existing community buildings with a new purpose built structure. The applicants have stated in their accompanying documents that; “The approach to the form of the building has been heavily influenced by the desire to create a landmark building and also one that reflects the character of the surrounding landscape”. With regard to the landscape, there are significant hills surrounding the site to the east and north, which is in contrast to the flat topography of the site itself and the surrounding area. The applicant considers the building design is such that it provides a visual replication of the surrounding landscape where the building mass and sculpted landscape combine to replicate the soft landforms of the Mynydd Dinas beyond.

The proposed design, size and massing of the development would make it a visual landmark within the immediate area, while the use and facilities proposed within the site would help to create an activity focus for the community within which it is located and will serve.

As such it is considered that the proposed development would result in the formation of a visually pleasing development which would act as an attractive landmark building and would have no detrimental impact upon the character or appearance of the surrounding area.

### **Sustainable Building Design**

Although TAN22 (Sustainable Buildings) has now been cancelled by the Welsh Government, the Council nevertheless seeks to encourage developers to develop high quality, sustainable buildings. Furthermore it is a requirement of the funding arrangements of this project that a BREEAM Excellent rating is obtained and a BREEAM pre-assessment forms part of the application.

To achieve this rating the new school will embrace innovative and forward thinking energy efficiency and low/zero carbon principles and technologies delivering a state of the art school for future generations, and include sustainable features including:

- Broad use of natural daylight for both learning environments and distribution spaces. This will have a direct effect by reducing the reliance on artificial light and will enhance the visual quality of the classrooms.
- Natural ventilation
- A Façade design which responds to the orientation of the building with shading devices and g-values for glass that will limit solar gains during school operation.
- Use of renewable energy systems, such as photovoltaic cells on the roof and the transpired solar collector on the Sports Hall wall, which will provide preheated air to the Sports Hall and Activity Studio areas.
- Water attenuation in the landscape proposals: SUDS etc. with rainwater harvesting from the roofs for flushing toilets.

All of the above design features will ensure that the development will embrace Welsh Government sustainability objectives.

### **Residential Amenity:**

The proposed development is located within an area of land where the nearest residential properties are located at Glan Afan and Handel Avenue, which are located at a distance of 90 and 295m away from the nearest elevation of the proposed development respectively. These residential estates are separated from the site perimeter by highway roads serving Seaway Parade and access to the Industrial Estate. As such, there would be no unacceptable overlooking or overbearing impacts upon these residential properties.

### *Noise*

It is clear that there will be an increase in noise with the activities associated with an educational environment as opposed to it just serving as a community recreational area. Such impacts will be notable especially during drop-off and pick-up times, during ‘play times’ and

when the facility is in use by the community. Nevertheless, given its location within the settlement boundary, and also adjacent to a main highway network which also separates it from existing residential areas opposite, the increase in noise from the new use is not considered to have any unacceptable impacts on the nearby residents.

### *Proposed Lighting*

A lighting plan has been submitted which indicates the provision of 38no. 6metre high columns for parking and drop-off areas. In addition, the sports pitches (hockey pitch and Multi use Games Area (MUGA)) in the northern part of the site will be illuminated by 18 no. 12metre high columns.

The submission indicates that it is intended that the all-weather pitches will be used from 8am-10pm Monday to Friday, with external lighting controlled via various contactor, multi-channel time-switch and photocell arrangements, all set to limit “hours of use”.

The lighting scheme indicates satisfactorily that there would be no unacceptable impact from the lighting of the public areas or sports pitches, in relation to nearby residential properties. As a responsible authority, the adoption of the controls on hours of use will further ensure that there would be no unacceptable impact from out of hours use of such facilities.

### **Highway Safety**

In accordance with guidance in TAN18 Transport (2007), the application for the new school has been accompanied by a Transport Assessment, including data regarding the accessibility of the site by all modes and the impacts on likely movement patterns.

The Transport Assessment (TA) concludes that the site is highly accessible by sustainable means of travel and is centrally located within the revised catchment for secondary school pupils. The levels of car parking are broadly in line with the adopted CSS Standards taking into account the nature of the proposals, which will amalgamate 4 existing schools, the resulting scale of the development proposals and the number of pupils proposed within the new school. Adequate provision has also been made for drop-off and pick-up provision by cars and buses associated with the school. Furthermore the TA did not highlight any conflict between emergency vehicles and traffic using the School facility

on either Seaway Parade or Western Avenue.

Whilst the submitted plans proposed a drop off point on Western Avenue, further discussions have considered the traffic coming from a northern direction and utilising an additional drop off point off Sirius Drive. This area of the site is currently used as the access to a staff car parking area, however there is also sufficient land available to accommodate a drop off and turning area. Whilst this has not been incorporated into the development, it can be secured by a condition and will result in a potential decrease in traffic accessing the site via Western Avenue.

The Head of Engineering and Transport (Highways) has assessed the scheme along with the accompanying supporting information, while as part of the submission the applicant has undertaken a Stage 1 Road Safety Audit which concluded that no significant matters have been raised.

The “Safer Routes to Schools” initiative aims to enable more young people to walk and cycle to school, and in this context it is necessary to ensure that infrastructure is available to encourage pupils and other members of the public to walk and cycle to the site.

The submission indicates that approximately two thirds of the pupils will be travelling to school from the communities north of the site (and the M4). In this respect, in addition to pedestrian and cycle access points alongside the vehicular entrances, additional works are proposed outside of the site boundary, including from Briton Ferry to the north of the site via Central Avenue and Sirius Drive to ensure that the infrastructure is provided to make the development sustainable and accessible to the local community. These new highways works (listed below from the TA, and required by condition) will need to be in place before first beneficial use of the school.

	<b>Potential intervention</b>	<b>Recommendation</b>	<b>Supporting Information</b>
1	Improved pedestrian crossing provision on Seaway Parade arm off Rutherglen roundabout	Strongly advised	Consideration should be given to upgrading the existing dropped kerb provision to a zebra, using the same alignment as the existing facility
2	Provision of guard railings to separate the footway from the carriageway on Seaway Parade (on dualled section	Could be advised	The level difference between the westbound and eastbound carriageways inhibits

subject to 50mph speed limit).		pedestrian crossing. However, traffic speeds could be intimidating to pedestrians and guard railings may make child pedestrians and their parents feel more confident in using this route.
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The works described in the table above will be secured by a condition prior to the first beneficial use of the School should this application be successful.

Other off site improvement works recommended by the TA (for example a ghost island crossing on Brunel way (linking southern and northern carriageways); Provision of a continuous footway past the Briton Ferry Industrial Estate HWRC to link Brunel Way to Church Street; traffic calming or speed enforcement on Brunel Way to reduce vehicle speeds and maintenance of vegetation at the Seaway Parade roundabout to ensure adequate visibilities for pedestrians wishing to cross the western arm of Seaway Parade) are to be delivered by the Council outside the terms of this consent, and are not conditioned since they are not considered strictly necessary for this development having regard to an existing safer route to the school. Once delivered, however, they will allow an alternative route which will also have wider community benefits.

Once the school becomes fully operational it is important to assess whether there has been any impact on traffic as a result of the scheme. This will be secured by a condition that will re-assess the signal controlled junction of Neath Road/Ynysmaerdy Road/Shelone Road during term time. If an increase of more than 2% of traffic travelling in a southerly direction associated with the proposed school has developed over the figures present in the TA then mitigation measures will have to be implemented.

The TA will also need further analysis before the school is ready to open to take into account the slip road closure of the M4 Motorway at Port Talbot. If any necessary mitigation measures are identified then these will have to be completed on site prior to the first beneficial use of the school.

### *Local objections*

A number of highway related objections and concerns have been raised by the local residents. These will be addressed in the following paragraphs.

Seaway Parade currently serves 3 bus shelters. The public is concerned that during the busy school-run periods queues of traffic will accumulate impacting on highway safety. ***This is not considered to have a negative impact on highway safety because the width of the road should be able to accommodate the passing of a regular sized car. Furthermore as a rule, the average stopping time for a parked Bus is around 20 seconds.***

School-run drivers associated with the expected 1500 students will use Afandale to drop off and pick up their children. This is so that they do not have to complete a full loop and a half of the proposed pit-stop parking bay and exit from the school and 2 roundabouts. ***In the event that this potential scenario occurs and causes unacceptable problems for the residents of Afandale, Traffic Regulation Orders could be enacted to prohibit vehicles, except for access to residents of the housing estate.***

Drivers doing the school-run will attempt to find quicker routes rather than using the roundabouts. The proposed layout will cause driver frustration which will lead to annoyance, anger and dangerous driving. ***The road layout will be designed as such so that it is clear what route drivers should be using.***

In the afternoon, 30 minutes before the school day ends, cars will start to park in Afandale. ***This has been addressed in the earlier paragraphs with the potential for Traffic Regulation Orders.***

The increased traffic will cause many hazards for pedestrians wanting to cross the road to get to the opposite side of the road from Afandale. ***A scheme is required to be submitted by means of condition to provide controlled crossing points.***

The proposed pit lane drop off area on the school premises alongside seaway parade, at the very least needs to start at the smaller roundabout and continue along the full length of the school property to the second larger roundabout and not have its exit half way along Seaway Parade. ***This area has been deemed to be acceptable to accommodate the intended traffic generation along the stretch of highway.***



Inconsiderate parking by residents causes a great deal of stress to residents. ***While this fear is acknowledged, it is not something that can be controlled by the Local Authority.***

No consideration of the safety of residents is taken by the School-run parents. ***This is acknowledged, but the statement is not based on any factual evidence, nor is it a matter which affects the conclusions reached above on the impacts of the development.***

Changing Seaway Parade will have an extremely negative effect on the traffic on the estate. ***The Head of Engineering and Transport is satisfied with the submitted TA which does not indicate any major negative effects on the surrounding area.***

There will be increased traffic flow, queuing and congestion caused by the children travelling from the Briton Ferry area. ***The submitted Transport Assessment does not indicate there being a capacity issue due to the increased traffic flow to and from the site in any direction***

Traffic accidents for those trying to pull out of Afandale. ***The proposal has had a Road Safety Audit stage 1 undertaken which has not highlighted any issues.***

Create a third lane on Seaway Parade to facilitate safer and easier access at the pupil drop off area. A solution may be to extend the area allocated to staff parking to encompass drop-off area for pupils.

***The above suggestions are noted, and have been addressed in terms of safety and deliverability. The first suggestion has been dismissed for both highway safety and land ownership reasons. However the provision of a drop off point via Sirius Drive has been assessed and can be delivered within the site without unacceptable impact. This additional drop off point can be secured via the imposition of a condition.***

Increased traffic on Seaway Parade will cause health and safety issues for residents of Afandale as they have only one access and egress point. ***The Road Safety Audit Stage 1 undertaken has not highlighted such issues***

Plans do not take into account parents parking as they wait for their children. ***The proposals have included a dropping off and picking up areas for parents.***

The entrance at the site should be via the industrial estate, allowing the playing facilities to remain. *Noted, but it is necessary to consider the impacts of the development as proposed within the application, which are considered acceptable as detailed above.*

Increased traffic on Seaway Parade would produce a choke point *The submitted Transport Assessment has indicated that there is sufficient capacity within the surrounding highway network to accommodate both existing and proposed traffic generation.*

The application should be deferred to allow an assessment to be undertaken in relation to the fitness of the road surface around the application site, as this will deteriorate further with additional traffic using the network. *It has been confirmed that the roads around the site will be re-surfaced following construction of the school. This can be secured by condition.*

#### *Public Transport*

The site is in an accessible and sustainable location, well served by existing bus stops (served by 4 existing bus services including the 224 and 227 which serve the Sandfields, Aberavon and Port Talbot residential areas) along Seaway Parade/Western Avenue to the south of the site, with Baglan Railway Station less than a kilometre walk from the main entrance of the site. To enhance such access, however, the plans indicate provision of a new bus bay for the school adjacent to the site entrance.

In addition to these conditioned works, a Transport Implementation Strategy has been submitted which, in accordance with TAN 18, seeks to limit the potential impact on local and strategic junctions on the highway network to enable the delivery of these development proposals.

The main tool which will be used for managing travel demand for the proposed development will be a School Travel Plan (STP), which will comprise a package of measures that discourage car-use and promote walking, cycling and the use of public transport for the journey to school. This is conditioned accordingly.

Having regard to the above, the Head of Engineering and Transport is satisfied that the proposal offers no adverse impact on highway safety provided suitable conditions are imposed relating to the above highway improvements, plus parking restrictions on Seaway Parade, creation of controlled pedestrian crossing facilities and new Bus lay-bys. It is thus

concluded that the proposed development, subject to the additional highway works and Travel Plan measures, will have no unacceptable impact on the local highway network.

### **Land Contamination:**

The Councils Contaminated Land section were involved at the pre-planning stage and were subsequently consulted on the Geotechnical and Geoenvironmental interpretive Report along with other reports which included the Groundwater Risk Assessment and the Carbon Disulphide Vapour Assessment. The Contaminated unit offered no negative observations in relation to the proposal.

The only outstanding issue on the site is relating to shallow contamination in the area of BH4 on the northeast boundary. The original proposal indicated that the school buildings would be located above this area and as such a barrier would cap the contamination. However the position of the school has been amended and the BH4 is now in an area of proposed landscaping and recreation use. As a result this area will need further consideration at the detailed design stage to mitigate any risks to the end user and a remediation strategy will be required prior to any work on site. This level of work can be secured through the imposition of suitable land contamination conditions and is not something that would warrant the refusal of the application on land contamination grounds.

### **Flooding:**

Technical Advice Note 15 Development and Flood Risk (TAN15, July 2004) identifies schools as ‘highly vulnerable development’, which are not appropriate in Zone C2. Only less vulnerable developments should usually be allowed in Zone C2, subject to the application of the justification test, including acceptability of consequences. Less vulnerable developments include access roads and car parks.

UDP Policy ENV11 states that “proposals located in areas identified as being at high risk from flooding and other areas where the Authority is satisfied there is a significant risk from flooding will not be permitted unless a flood risk assessment demonstrates that:

- The development could be justified in the location;
- The proposal would not result in the intensification of existing

development which may itself be at risk or would increase the potential adverse impacts of flooding;

- The proposal can be properly protected by engineering works and /or other flood protection measures, which are committed expenditure or would be provided as part of the proposal, and could be expected to be effective for the lifetime of the development”.

A small part of the north eastern boundary of the site is located within Development Advice Map Zone C2 (Areas of the floodplain without significant flood defence infrastructure), with the access road from the north proposed in this area. As a result the application was accompanied by a Flood Consequences Assessment (FCA).

Natural Resources Wales (NRW) advises that they agree with the findings of the FCA that the application site is not considered to be at risk of fluvial flooding in the 1% or 0.1% fluvial flood. They noted, however, that the FCA had not considered the 1% fluvial flooding including allowance for climate change. Although they consider this scenario would not affect the development, they required it to be addressed for completeness, as should the tidal flood risk for 0.5% (including allowance for climate change over the lifetime of the development) and the 0.1% tidal.

NRW therefore requested that the application was not determined until such time as the FCA had been amended to incorporate climate change.

The FCA has since been updated and submitted to Natural Resources Wales for comment. At the time of writing this report, the amended FCA has been forwarded to NRW but their observations have not yet been received. Assurances have however been given that the comments will be received before the determination of the application. These comments will therefore be made available to Members as part of the amendment sheet along with any additional conditions which may be required as a result of such response.

NRW welcome the recommended site specific flood management plan, noting that while the actual development is not considered to be at risk, the surrounding area is and a large number of children located in close proximity to a flood plain should be carefully managed as proposed within the management plan.

Subject to receipt of a satisfactory response from NRW on the updated FCA, the proposals are considered to be acceptable in terms of managing the risk of flooding, and as such it accords with the objectives of Policy ENV11.

### **Drainage**

The Drainage section have reviewed the submissions and raise no objections to the development subject to a condition requiring that surface drainage works are undertaken in accordance with agreed details, and that these should utilise Sustainable Drainage System (SuDS) if possible.

### **Welsh Water:**

Welsh Water offers no objections subject to the imposition of certain conditions which are specifically related to a water main which is in the ownership of Welsh Water. However following scrutiny of the plans it appears that there is no development proposed within 4m of the water main other than landscaping and planting work. These conditions are therefore not considered to be relevant.

### **Ecology (including trees & protected species):**

The application has been assessed by the Local Authority's Biodiversity Unit, who offered no adverse observations. They were satisfied that the information submitted was sufficient subject to the imposition of a number of conditions concerned with biodiversity enhancements, reptile and habitat mitigation, hedgerow management and treatment of invasive Non-native species. These have been incorporated into recommended conditions.

### **Coal Mining:**

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which factor in the determination of the application. The Coal Authority's records indicate that the site is located in an area of surface coal resources.

The applicant has obtained appropriate and up-to date coal mining information for the proposed development site and has used this information to inform the Geotechnical and Geoenvironmental Interpretive Report (August 2013), which accompanies this planning

application. The report concludes that the site is at a low risk from shallow mine workings and the boreholes logs submitted indicate that no coal was encountered in the fifteen boreholes drilled within the site. Accordingly, no specific remedial measures are recommended to address the coal mining legacy.

The Coal Authority considers that the content and conclusions of the Reports are sufficient in demonstrating that the application site is, or can be made safe and stable for the proposed development. As a result the Coal Authority offers no objection to the proposed planning application. Following this conclusion made by the Coal Authority, the Planning Authority is also satisfied that there is no danger to the public and the environment within this coal mining area.

### **Others (including objections):**

A number of letters have been received which oppose the development. Whilst some of the comments were highlighted and addressed within the highway safety part of this report, the remainder are as follows;

- In the colder months, parked cars will have their engines running, increasing the local pollution levels. This is also the case in the hotter months, as engines will still be running because the air-conditioning will be on. *The Councils Pollution Control section has not offered any negative feedback with regard pollution generation from engines running. Nevertheless a landscaping scheme will be implemented within and around the perimeter of the site which can accommodate species of plants which absorb pollution*
- Unless ‘h bars’ are painted across them, driveways will be blocked by school run cars. *This has been addressed in the highway section of the appraisal.*
- Still object to the pit-stops regardless. *Noted and addressed previously.*
- An alternative could be 265m across the proposed football fields next to the old industrial estate on the other side of the school, still parallel to Seaway Parade. *Noted and addressed previously.*
- Waste of resources when residents have to contact police to complain. *Note, but not a material planning consideration.*

- I will have to travel much further to visit relatives on the estate. *It is not clear what the complainant is trying to convey here.*
- The removal of a considerable amount of mature trees along the south end boundary of Seaway Parade. Trees provide a physical/noise barrier to the playing fields and their removal will remove the oxygenating effect to our world. *This issue has been addressed earlier.*
- Upset that not all 62 homes on Afandale were consulted. *Statutory obligations with regard to consultations were carried out both on site, in the Press and in letter format to the properties that qualified for notification by post.*
- Stationary cars with their engines running emit large amounts of carbon monoxide. *Addressed previously in this report.*
- The removal of the existing playing fields, children's play area and community centre will have an effect on the local environment as these are the only provisions for leisure activities for children in this area. *The playing fields, children play area and community facility will be provided within the new development and will be an improvement on the current facilities.*
- Enquired as to who owns the land. *Land ownership is not a material planning consideration.*
- Why is the School being built on contaminated land? *The issues of land contamination have been addressed earlier on in the appraisal.*
- Negative Impact of pulling down a well established tree line on Seaway Parade. *The issue of visual amenity has been addressed earlier in the appraisal and the application has provided a comprehensive landscape scheme which will ensure that the development is well landscaped and softened by planting both within the site and around its perimeter.*

## **Conclusion:**

The principle of the proposed development at this location is considered to be acceptable, and the proposal would have no detrimental impact upon the character or appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings. In addition to this the proposed development would not adversely impact upon the highway safety of the existing road networks, the landscaping, ecology, flood risk, contaminated land or drainage environment of the application site or the wider area. The development therefore complies with Policies GC1, H3, EC3, BB1, ENV16, ENV17, ENV29, T1, RO1 and RO2 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:      Approval with Conditions**

## **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.

(2)No development on the superstructure shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(3)Prior to the commencement of work on site details of the existing and proposed ground levels and finished floor levels of the school buildings and associated outbuildings shall be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved levels.

Reason

In the interest of the amenities of the area and visual amenity



(4) Prior to the first beneficial use of the school a scheme at a scale of 1:500 detailing the lay-bys to the west of the site, the central medians on Seaway Parade, the bus lay-bys on Seaway Parade, the entrance to the drop off area and entrance to the school, the drop off parking area, anti-skid surfacing on Seaway Parade, the barrier and drop off area for the SEN and visitor car park, and all associated signing and lining shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed on site prior to the first beneficial use of the building or playing fields.

Reason

In the interest of highway safety

(5) Prior to the first beneficial use of the school, a scheme detailing the required alterations to the existing cycleway/footway on Seaway parade, together with alterations to the street lighting, highway drainage and pedestrian access points including any signing and lining shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed on site prior to the first beneficial use of the building or playing fields.

Reason

In the interest of highway safety

(6) Prior to the first beneficial use of the school, a scheme at a scale of 1:500 regarding improvements to Sirius Drive to extend the existing carriageway, improve the street lighting, highway drainage, extension of the cycleway footway from Central Avenue in Baglan into the site, including any signing and lining shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be constructed on site prior to the first beneficial use of the building or playing fields.

Reason

In the interest of highway safety

(7) Prior to the first beneficial use of the school, a scheme at a scale of 1:500 detailing Traffic Regulation Orders to prohibit traffic from parking or unloading at any time along Seaway Parade and the roundabout on Western Avenue, including any signing and lining shall be submitted to, and approved in writing by, the local planning authority. The approved details shall be implemented on site prior to the first beneficial use of the building or playing fields.

Reason

In the interest of highway safety

(8) Prior to the first beneficial use of the school, a scheme at a scale of 1:200 detailing the access road and pedestrian link from Sirius Drive into the school, including any signing, lining, street lighting and highway drainage shall be submitted to, and approved in writing by, the local planning authority. The approved layout shall be constructed as such prior to the first beneficial use of the school or playing fields.

Reason

In the interest of highway safety

(9) Notwithstanding the submitted plans, a scheme detailing the provision of a drop off area and turning facility off Sirius Drive shall be submitted to, and approved in writing by, the local planning authority. The approved scheme shall be constructed on site prior to the first beneficial use of the building or playing fields and shall thereafter be retained and available for such purposes.

Reason

In the interest of highway safety

(10) Prior to the first beneficial use of the school, further analysis shall be undertaken of the transport assessment dated May 2014 to include the impact of the slip road closure of the M4 Motorway at Port Talbot. The results of this amended transport assessment shall be submitted to, and approved in writing by, the local planning authority. Any necessary mitigation improvements identified to any junction as a result of Ysgol Bae Baglan traffic generation as part of the re-analysis shall be detailed in the submitted Transport Assessment undertaken, including any associated signing and lining and shall be completed on site prior to the first beneficial use of the school.

Reason

In the interest of highway safety

(11) Within the first 12 months of the first beneficial use of the school the signals controlled junction of Neath Road/Ynysmaerdy Road/Shelone Road shall be re-assessed during term time to determine if there has been any impact from traffic due to the school. If an increase of more than 2% of traffic travelling in a southerly direction has developed above the AM figures detailed in the Transport Assessment May 2014 for the AM opening year 2016 with developments, then a Microprocessor Optimised Vehicle Actuation (MOVA)

system shall be introduced within 12 months of the report being approved by the Local Planning Authority.

Reason

In the interest of highway safety

(12)Prior to the first beneficial use of the school a scheme at a scale of 1:500 detailing mitigation measures indicated in items 1 to 2 on pages 100 to 101 of the transport assessment dated May 2014, including all associated signing and lining shall be submitted to, and approved in writing by, the local planning authority, prior to work commencing on site. The schemes as approved shall be constructed on site to the approval of the Local Planning Authority prior to the first use of the school.

Reason

In the interest of highway safety

(13)Prior to the first beneficial use of the school a scheme at a scale of 1:200 detailing a controlled pedestrian crossing on Seaway Parade with all associated signing and lining and associated streetfurniture near the proposed bus stops shall be submitted to, and approved in writing by, the local planning authority, prior to work commencing on site. The scheme as approved shall be constructed on site to the approval of the Local Planning Authority prior to the first use of the school.

Reason

In the interest of highway safety

(14)Prior to the first beneficial use of the school, a scheme at a scale of 1:200 detailing a controlled pedestrian crossing on Seaway Parade with all associated street furniture, signing and lining, near the roundabout junction of Western Avenue/St Helier Drive/Seaway Parade shall be submitted to, and approved in writing by, the local planning authority, prior to work commencing on site. The scheme as approved shall be constructed on site to the approval of the Local Planning Authority prior to the first use of the school.

Reason

In the interest of highway safety

(15)Within 3 months of the first beneficial use of the school a travel plan shall be submitted to and approved in writing by the Local Planning Authority and shall include reduction targets of vehicles accessing the site and a monitoring

regime. Full monitoring shall take place in the 1st, 3rd and 5th year with an interim report in the 2nd and 4th year and submitted for the written approval by the Local Planning Authority. After five years of operating the first travel plan, a further travel plan shall be submitted for approval in writing by the Local Planning Authority to view the effectiveness of the plan and if the agreed targets set out in the first travel plan have been met. The assessment of these travel plans shall continue every five years and a new plan submitted every time to be approved in writing by the Local Planning Authority.

Reason

In the interest of highway safety

(16)All highway scheme works requiring alteration of the highway network in relation to Ysgol Bae Baglan shall be subject to Stages 2 to 4 Road Safety Audit in accordance with HD19/03, and shall be submitted to, and approved in writing by, the local planning authority. at each stage of the audit. Any mitigation requirements identified as part of the Road safety Audit shall be undertaken and completed on site before the first beneficial use of the school.

Reason

In the interest of highway safety

(17)Prior to commencement of any work on site a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i)The parking of vehicles of site operatives and visitors.
- ii)loading and unloading of plant and materials
- iii)storage of plant and materials used in constructing the development
- iv)the erection and maintenance of security hoarding including decorative displays where appropriate
- v)wheel washing facilities
- vi)measures to control the emission of dust and dirt during construction
- vii)a scheme for recycling/disposing of waste resulting from construction works
- viii)Restriction in times for deliveries to and vehicles leaving the site during school start and finish times.

Reason

In the interest of highway safety

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

Reason

To protect the integrity of the public sewerage system.

(19) No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment

(20) Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

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

(21) The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Reason

To protect the integrity of the public sewerage system, and sustain an essential and effect service to existing residents.

(22) The development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within 3metres of either side of the centreline of the public sewer.

Reason

To protect the integrity of the public sewer and avoid damage thereto.

(23) Notwithstanding the bird and bat boxes on trees, prior to the first beneficial use of the building the development will be fitted with artificial nesting/roosting opportunities for birds and bats. This is to include:

- A cluster of Swift nest boxes/bricks to be placed under or close to roofs at least 5m from the ground.
- A house sparrow terrace on each elevation
- Bat bricks/boxes incorporated unto the roof/eaves on each elevation

Reason

In the interest of biodiversity.

(24) No site clearance/demolition to take place between 1st March to 31st July inclusive.

Reason

In the interest of biodiversity

(25) If during the commencement of works on the development Japanese Knotweed is encountered on site, work must cease and it must be eradicated immediately.

Reason

In the interest of biodiversity.

(26) Prior to the start of any works on site, the reptile mitigation area (area 17 on 70152\_LP(90)100 E Landscape Masterplan) shall be fully prepared as outlined in the Reptile Mitigation Strategy & Phase 1 Survey (Rob Colley Associates 2014) 6.2.2.

Reason

In the interest of biodiversity

(27) Throughout the construction of the development hereby approved the working method for reptiles as outlined in the Reptile Mitigation Strategy & Phase 1 Survey (Rob Colley Associates 2014) 6.2.1 are to be implemented.

Reason

In the interest of biodiversity

(28) Following the first beneficial use of the school the maintenance of the reptile mitigation area (area 17 on 70152\_LP(90)100 E Landscape Masterplan) will be undertaken annually in line with the recommendations in the Reptile Mitigation Strategy & Phase 1 Survey (Rob Colley Associates 2014) 6.2.3.

Reason

In the interest of biodiversity

(29)The Sharp rush on site shall be retained in accordance with the methods in the supporting document entitled; Ecology: Summary dated July 2014.

Reason

In the interest of biodiversity

(30) All hedgerows retained on site shall be managed as outlined in the document entitled; Ecology: Summary document dated July 2014.

Reason

In the interest of biodiversity.

(31)The secondary/coastal sand dune floral assemblage on site shall be retained and the management of area 15 on 70152\_LP(90)100 E Landscape Masterplan shall be undertaken annually in line with the recommendations in the Reptile Mitigation Strategy & Phase 1 Survey (Rob Colley Associates 2014) 6.3.

Reason

In the interest of biodiversity

(32) Prior to the occupation of the school full details of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the findings of an assessment into the potential disposal of surface water by means of a sustainable drainage system in accordance with the principles set out in TAN15. If a sustainable drainage scheme is proposed the following information shall also be provided:

i information about the designed storm period and intensity, the method employed to delay and control the discharge flow of water to greenfield run-off greenfiled run-off (unless otherwise agreed in writing by the Local Planning Authority) and an indication of emergency overland flow routes and measures to prevent the pollution of receiving ground water and/or surface water;

ii a timetable for its implementation;

iii details of the management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by the any public authority or statutorily undertaker.

The scheme shall be implemented in accordance with the approved details and shall be retained as such thereafter.

#### Reason

To ensure satisfactory drainage in accordance with TAN 15 Development and Flood Risk.

(33) Prior to the commencement of work on site a remediation scheme to bring the footprints of the buildings and the area of the site hatched green on the approved plan PA 01 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.

(34) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) shall be submitted to and agreed in writing with the Local Planning Authority.

#### Reason:

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



(35) 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.

(36) Prior to the first occupation of the school, a condition survey of the road network immediately surrounding the application site shall be undertaken and any necessary re-surfacing of that road network shall be completed to address deficiencies identified in the condition survey.

Reason:

In the interest of highways safety

## REASON FOR GRANTING PLANNING PERMISSION

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

The principle of the proposed development is considered to be acceptable, and the proposal would have no detrimental impact upon the character or appearance of the surrounding area or upon the residential amenity of the occupiers of the adjacent dwellings. In addition to this the proposed development would not adversely impact upon the existing highway safety of the road networks, the landscaping, ecology, flood risk, contaminated land or

drainage environment of the application site or the wider area. The development therefore complies with Policies GC1, H3, EC3, BB1, ENV16, ENV17, ENV29, T1, RO1 and RO2 of the Neath Port Talbot Unitary Development Plan.

<b><u>ITEM 2.4</u></b>	
<b><u>APPLICATION NO:</u> P2014/0615</b>	<b><u>DATE:</u> 04/08/2014</b>
<b>PROPOSAL: Bay window to front elevation, conversion of garage to living accomodation, and extension of hardstanding to facilitate replacement off street car parking.</b>	
<b>LOCATION: 27A Ynys Y Mond Road, Alltwen Pontardawe, Swansea, SA8 3BA</b>	
<b>APPLICANT: Mr &amp; Mrs Ryder</b>	
<b>TYPE: Householder</b>	
<b>WARD: Alltwen</b>	

**Background:**

Members should note that this planning application is referred to Committee as the applicant is a close family member of Cllr. Linda Williams.

**Planning History:**

P2004/0047 – 8 No. Houses and associated works – Approved 24/02/04  
P2004/0714 – Works to Tree covered by Tree Preservation Order

**Publicity and Responses if applicable:**

Cilybebyll Community Council – No objections

Alltwen Ward Member consulted – No response therefore no comment to make

Two Neighbouring properties were consulted, with English and Welsh Site Notices displayed on 13 August 2014. To date 1 letter has been received which raised no objection to the development, but expresses concerns regarding parking.

**Description of Site and its Surroundings:**

The application dwelling is situated on the main road between the villages of Alltwen and Glais. The properties along the road vary greatly in terms of their size and style.

The property is a modern detached dwelling with an integral garage which is the second property in a group of six dwellings of similar design.

The front garden is open plan with a small lawned area and a driveway which currently accommodates 2 off road parking spaces, with a further space provided within the existing garage.

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

This application seeks planning permission to replace the existing garage door with a bay window to facilitate the change from a garage into a living area. Planning permission is required for the development due to Permitted Development Rights having been removed under Conditions 7 and 9 of planning approval P2004/0047.

Condition 7 requires that “the garage shall not be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the commencement of any conversion works and shall provide for one additional car parking space of each space lost by any conversion”.

The application site at present is able to accommodate 3 parking spaces, one space within the existing garage and two on the existing driveway. The existing driveway will be extended by 2.0 metres, reaching a total width of 8.0 metres to provide the additional parking space required due to the one space being lost by the garage conversion. The applicant has stated that the surface will be constructed from porous paving.

Condition 9 states that ”Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and reacting 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 prior grant of planning permission in that behalf.”

The garage is located on the western side, front elevation of the property, the existing window will be replaced by a bay window which will sit above a 1.0 metre high facing brick wall. The bay window will project 440mm off the existing front elevation, measure 2.6 metres in width and reach a height of 2.7 metres to the eaves and 3.5 metres to the top of the existing roof. The window itself will measure 2.6 metres in width by 1.3 metres in height, and will consist of three glazed panels at the front and two single glazed panels splayed either side.

## **Material Considerations:**

The main issues to be considered in the determination of this application concern the impact upon the character and appearance of the surrounding area, the impact upon the amenity of residents within the neighbouring properties, together with the impact upon highway and pedestrian safety

## **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1 – General Considerations

ENV17 - Design

## **Visual Amenity:**

In terms of visual amenity, the replacement bay window will be installed in a design and finish which is in keeping with the ground floor window design of the host property. As such, it is not considered that the development will undermine the overall appearance, design and finishes of the existing property.

It is therefore considered that in visual amenity terms, the proposed development will not detract from the character and appearance of the application dwelling, nor will it result in a detrimental impact upon the street scene.

## **Residential Amenity:**

With regards to residential amenity, the proposed development will be sited approx. 1.4 metres from the boundary with the neighbouring property at No.29, which has a close boarded wooden boundary fence measuring 1.8 metres in height for a length of approx. 1.2 metres, the development will also have a separation distance of approximately 6.8 metres to the highway. In relation to the neighbouring property at No. 27, the proposal will have a separation distance of approx. 7.6 metres to the boundary with this property. It is therefore considered that the proposed development will not impact detrimentally upon the residential amenity of the neighbouring properties in respect of overbearing, overshadowing and overlooking issues.

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

In respect of highway safety, it is acknowledged that the application site at present is able to accommodate 3 useable off street parking spaces, which is the parking requirement for a property of this size.

In order to retain control over the level of parking at the property, condition 7 was imposed on the original planning approval requiring that one replacement car parking space should be provided within the curtilage of the application site for each space lost by any garage conversion.

The submitted plans identify the extension of the drive to facilitate a third space and a condition is recommended requiring such works prior to first beneficial use of the converted accommodation, and the retention of three parking spaces thereafter.

The single letter of representation raised concerns regarding a previous garage conversion within the street where the work has not been carried out to provide a hard standing of the additional parking spaces. The condition recommended above will ensure that such concerns are addressed for this development.

Given the above, it is considered that the proposed development will not result in an adverse impact upon highway and pedestrian safety.

**Conclusion:**

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character or appearance of the street scene, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policy GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:      Approval with Conditions**

**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.

(2)The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason

In the interests of visual amenity.

(3) Prior to the first beneficial use of the converted garage to living accommodation, the existing driveway shall be widened sufficiently to accommodate three parked vehicles, in accordance with the details on drawing ref. GMR 1 (sheet 1 of 3) received on 26 June 2014. The three parking spaces shall thereafter be retained and shall not be used for any purpose other than vehicle parking.

Reason

To ensure sufficient off-street parking is provided and retained to serve the dwelling in the interests of highway safety

#### REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character or appearance of the street scene, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policy GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

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<b><u>ITEM 2.5</u></b>	
<b><u>APPLICATION NO:</u> P2014/0795</b>	<b><u>DATE:</u> 22/08/2014</b>
<b>PROPOSAL:</b>	<b>Outbuilding for overspill residential accommodation</b>
<b>LOCATION:</b>	<b>9 Prettyman Drive, Llandarcy, Neath, SA10 6HZ</b>
<b>APPLICANT:</b>	<b>Mrs Annette Wingrave</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Coedffranc West</b>

## **Background Information**

The application is being reported to Committee as the applicant for the application is Councillor Annette Wingrave.

## **Planning History:**

None

## **Publicity and Responses:**

**Coedffranc Community Council** – No objection

2 Neighbouring Properties were notified and a Site Notice was displayed on 22 August 2014. In response, one letter of objection has been received, on the following grounds: -

- Concerns over disruption to the rear land during the construction process
- Objection over living accommodation at bottom of rear garden
- Objector considers the proposal goes against the agreement between the Council, the BP Company and Sitting Tenants to protect the beautiful village

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

The application site is an end of terrace property which is located in the conservation area of Llandarcy village. There is a lane to the rear of the terrace and the village green to the front.

The properties along this terrace of three properties have long rear gardens and the gardens to each side have a detached outbuilding/garage at the rear of their

gardens. The application property has an existing outbuilding/garage which is to be demolished to facilitate the construction of the new outbuilding. There is a lane to the rear of the property off which the residents of the terrace gain access to their garages/off street parking facilities.

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

The application seeks full planning permission for the construction of a single storey outbuilding to facilitate the provision of ‘granny annexe’ accommodation.

The submitted plans indicate that the structure will be located a distance of approximately 41 metres away from the rear elevation of the dwelling.

The outbuilding will have a pitched roof with the gable facing the rear lane/garden, and will measure 5.8 metres in width by 6.1 metres depth. The building will be 2.5 metres to the eaves rising to a height of 4 metres.

The elevations will be rendered and painted cream, red roof tiles to match the roof of the dwelling and the fenestration will be white Upvc.

The applicant proposes to retain the existing parking space and to create a second parking space in lieu of the lost garage space and to also retain the concrete access area between the lane and the rear access gates.

### **Material Considerations:**

The main issues to be considered in the determination of this application are the impact upon the amenity of residents within the neighbouring properties, upon the character and appearance of the Conservation Area and the impact on Highway and Pedestrian safety.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan:

Policy GC1 – New Buildings/Structures and Changes of use

Policy ENV17 – Design

Policy ENV19 – Proposals within Conservation Areas or Which Would Affect the Setting of a Listed Building

The Household Extension Design Guide

### **Visual Amenity:**

In terms of visual amenity, the siting of the outbuilding at the end of a long rear garden, dictates that it will not be viewable from the street scene but will be visible from adjacent neighbouring properties and the rear lane. The proposal has, however, been carefully designed to ensure that it is subordinate in design to, and finished in materials to match, the existing dwelling. As a result the proposal is in keeping with the design and finishes of the dwelling to which it relates.

As such, it is considered that it will not adversely impact upon the character and appearance of the street scene or have any adverse impact on the character and appearance of the conservation area within which it is located.

### **Residential Amenity:**

With regards to the impact on the amenities of neighbouring properties, there are only two neighbouring properties adjacent to the proposal, both of which have long rear gardens, therefore the proposal will be approximately 33 metres away from the closest neighbouring dwelling. Both neighbouring properties have large garage/outbuilding structures towards the end of their gardens.

With regard to the neighbouring property (No 8), the proposal has a habitable room window and a door facing towards the end of the rear garden towards the outbuilding and garden area in front of the building at No 8. The elevation of the neighbour's outbuilding facing the application site is a blank elevation and there will be a separation distance of approximately 1.5 metres between the two buildings.

With regard to the neighbouring property (No 10), the proposal will be constructed in line with this building and set approximately 1.5 metres off the boundary between the two buildings. The only window facing the neighbours outbuilding will be an obscurely glazed bathroom window.

The proposal will also have a forward facing window and French doors but these will look down over the applicant's garden area.

It is therefore considered that the proposal will not cause any adverse overlooking issues of the private amenity space of the adjoining properties. To prevent any future issues of overlooking permitted development rights will be removed to ensure no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed. It is therefore considered that subject to these conditions there would be no issues in respect of

overlooking / privacy. With regard to overbearing and overshadowing issues, as mentioned the outbuilding is of a size and scale of an average double garage and is located at the rear of a long garden, where the two neighbouring properties also have garages/outbuilding, such that there would be no unacceptable impacts on the neighbouring properties..

With regard to any noise issues, while the accommodation would be used as annexe accommodation, given the distance between the dwelling and neighbouring properties, the proposal is considered unlikely to generate a materially greater level of noise or disturbance than the occupiers of the main dwelling. To protect the residential amenity of the neighbouring properties, however, (and due to the fact that an independent dwelling in this location would be unlikely to be acceptable) a condition will be imposed on the consent restricting the use of the proposed garage conversion and extension to be used only for use ancillary to the residential use of 9 Prettyman Drive.

It is therefore considered that due to the restricted height, siting and design of the proposal that it would have no unacceptable impact upon residential amenity from overbearing, overshadowing and overlooking issues. As a consequence, the amenities of neighbouring residents will be safeguarded and the proposal therefore complies with the Household Extension Design Guide.

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

With regard to Highways and pedestrian safety, the property has a parking space to the rear of the proposed outbuilding accessed off the rear lane, together with the existing garage.

The applicant proposes to retain the existing parking space and to create a second parking space in lieu of the lost garage space and to also retain the concrete access area between the lane and the rear access gates. Accordingly, it is considered that the space lost within the garage space has been replaced and, subject to a condition requiring that space is provided for two vehicles between the new building and the rear lane, the proposal will not have an adverse impact on highway and pedestrian safety.

#### **Others (including objections):**

A number of the issues raised by a local resident have been addressed within the above report. The following comments address those issues still remaining.

With regard to the definition of a 'property', whether attached to the existing dwelling or detached within the grounds of an existing dwelling, from a

planning perspective, the use of the building will be considered to be a incidental use or secondary building, and not a separate dwelling/planning unit. A condition can be imposed on the consent for clarity purposes that states that the ancillary building will be incidental to the enjoyment of the dwelling house, and shall not be sold, let or sublet as a separate unit of accommodation. Furthermore, with regard to any agreement between the Council, the BP Company and Sitting Tenants “with the view to protecting the beautiful village”, this is not a planning matter and legal advice would need to be undertaken with regard to this matter.

**Conclusion:**

It is considered that the proposed development will not have an unacceptable impact upon the amenities of residents within the adjoining dwellings, or upon the character and appearance of the conservation area by virtue of its size, siting and design. The proposed development is therefore in accordance with Policies GC1, ENV17 and ENV19 of the Neath Port Talbot Unitary Development Plan and the approved Supplementary Planning Guidance entitled ‘A Guide to Household Extensions’.

**RECOMMENDATION:      Approval with Conditions**

**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.

(2)The annexe accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Prettyman Drive, Llandarcy, and shall not be sold, let or sublet as a separate unit of accommodation.

Reason

The additional accommodation is considered unsuitable for occupation as a separate unit.

(3) Prior to the occupation of the proposed outbuilding the window on the south elevation serving the bathroom shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum

of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

Reason

In the interest of the amenities of the adjoining property.

(4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), the building hereby approved shall not be altered or extended, including by the addition of any new doors, windows or dormer windows (other than those expressly authorised by this permission).

Reason

In order to protect the character and appearance of the conservation area and amenity of neighbouring properties.

(5) Prior to the first beneficial use of the annexe hereby approved, the existing driveway between the new building and the rear access lane shall be widened sufficiently (and hard surfaced in a bound material) to accommodate two parked vehicles. The two parking spaces shall thereafter be retained to serve the dwelling unless otherwise approved in writing by the local planning authority.

Reason:

To ensure sufficient off-street parking is provided and retained to serve the dwelling and annexe

## REASON FOR GRANTING PLANNING PERMISSION

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

It is considered that the proposed development will not have an unacceptable impact upon the amenities of residents within the adjoining dwellings, or upon the character and appearance of the conservation area by virtue of its size, siting and design. The proposed development is therefore in accordance with Policies GC1, ENV17 and ENV19 of the Neath Port Talbot Unitary Development Plan

and the approved Supplementary Planning Guidance entitled ‘A Guide to Household Extensions’.





## PLANNING AND DEVELOPMENT CONTROL COMMITTEE

### REPORT OF THE HEAD PLANNING – N. PEARCE

**30<sup>TH</sup> SEPTEMBER 2014**

#### SECTION A - MATTER FOR DECISION

#### 3. Planning Applications

##### Recommended For Refusal

<b><u>ITEM 3.1</u></b>	
<b><u>APPLICATION NO:</u> P2013/0762</b>	<b><u>DATE:</u> 20/03/2014</b>
<b>PROPOSAL:</b> Demolition of existing dwelling and construction of two pairs of semi detached dwellings, land infill and associated works	
<b>LOCATION:</b> Dan-Y-Graig House, 36 Swansea Road, Pontardawe, Swansea, SA8 4AL	
<b>APPLICANT:</b> Nigel Thomas Plant Hire Ltd	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Pontardawe	

#### **Background Information:**

Members should note that this application is reported to the Planning and Development Control Committee at the request of Councillor Linet Purcell on the grounds that there is considerable local interest in the matter and because of the concerns over highway safety and the method of construction involving transporting rubble to raise the level of the land.

#### **Planning History:**

1983/0375      Change of use of land for parking      Refused      17/01/84

of business cars in connection  
with funeral directors

**Publicity and Responses (if applicable):**

The application was advertised on site and 6 neighbouring properties were consulted by letter. To date no responses have been received.

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

**Head of Engineering & Transport (Highways):** Recommend refusal

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

**Welsh Water:** No response therefore no comments to make

**Pontardawe Town Council:** No objection

**Structures Section:** No objection, subject to conditions

**Arboricultural Officer:** No objection

**Contaminated land:** No objection, subject to condition

**Pollution control (Noise):** No objection

**Description of Site and its Surroundings:**

The application site is a rectangular shaped parcel of land located at 36 Swansea Road, Pontardawe. Currently a property which has been derelict for some time is located on the site.

The site measures approximately 34.5m in depth and has a frontage on to Swansea Road of 39.5m. The site is set approximately 3m below road level and other than the existing dwelling, consists of extensive vegetation growth and unmade ground.

There is an existing vehicle access on the north-west boundary of the site directly off the highway. This has been temporarily blocked in order to

prevent access to the site. Cross-sections of the site provided by the applicant indicate the front boundary of the site is set approximately 3m below road level, beyond which the land slopes gently roughly north to south away from Swansea Road to the rear of the site, where the land slopes away further and more steeply towards open land / playing fields and a canal.

Surrounding land is residential in nature, with established dwellings predominantly fronting Swansea Road. It should be noted that the applicant also owns further land to the north-east of the application site which it is understood could be the subject of further future planning applications.

The application site is located within the H3 settlement limits as defined in the Neath Port Talbot Unitary Development Plan.

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

The application proposes raising the level of the site by at its highest point by approximately 3.2m by the importation of approximately 2150m<sup>3</sup> of material which equates to a total of 4,000 tonnes in respect of this phase of the development. It is then subsequently proposed to construct two pairs of semi-detached houses on the raised area of land that would front on to Swansea Road. The proposal will also involve the demolition of the existing derelict property on the site known as Dan-y-Graig House.

The proposed dwellings are shown to have three bedrooms, a roughly rectangular shaped footprint and will be sited approximately 8.6m (excluding porch) back from the front boundary of the application site.

The proposed access to each proposed property is directly off Swansea Road to the front boundary of the application site and parking for up to two vehicles is shown within the front curtilage of each property. Private amenity space will be provided to the rear of the site.

The proposed dwellings would have the approximate dimensions of 6.0m in width, 8.45m in depth and maximum height of 8.2m.

## **Material Considerations:**

The main issues to be considered in the determination of the application are the principle of residential development on the application site, the impact upon the residential amenity of occupiers within the adjacent dwellings, the impact upon visual amenity and the character and appearance of the surrounding area, and the impact upon the highway safety of the existing road network.

## **Policy Context:**

The relevant planning policies which need to be taken into consideration in the determination of this application are as follows:

Neath Port Talbot Unitary Development Plan:

- GC1 New Buildings/structures and Change of Use.
- GC2 Engineering Works and Operations.
- ENV3 Impacts on the Landscape.
- ENV5 Nature Conservation.
- ENV17 Design.
- ENV29 Environmental Quality and Amenity.
- H2 Housing Density.
- T1 Location, Layout and Accessibility of New Proposals.
- H3 Infill and Windfall Development within Settlements.
- H4 Affordable Housing.
- ENV4 Proposals affecting species protected by European or UK legislation
- ENV5 Nature conservation

Technical Advice Note (TAN) 2: Planning And Affordable Housing (2006)

Supplementary Planning Guidance (Affordable Housing)

Policy H3 – the development of infill sites within settlement limits will generally be permitted on condition that there is no unacceptable loss of important open or green space; proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing programmed infrastructure or community facilities;

there will not be significant detrimental effect on the amenity of the existing residents of the area; and there would be no unacceptable highway implications.

Policy GC1 – Promotes new development subject to the satisfaction of criteria.

In the context of the current development plan policy framework, the site is located within the H3 settlement limits defined in the Neath Port Talbot Unitary Development Plan. Therefore, the principle of residential development is generally acceptable, provided there are no highway, amenity or other overriding objections.

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

The application site is approximately 0.13 hectares in size which does not exceed the Schedule 2, Column 2 quantity over which developments must be screened as to whether they require an Environmental Impact Assessment. A screening opinion is not therefore required.

The application site is not considered to be located within a zone of influence for any SAC or Ramsar sites.

### **Visual Amenity:**

The proposed layout plan shows two pairs of semi-detached dwellings (four dwellings) located towards the front boundary of the application site. All four of the proposed dwellings would be two storey in height and front on to Swansea Road.

The finished ground floor level of the dwellings is to be set 300mm below the level of Swansea Road. However, due to the significant difference in ground levels between Swansea Road and the application site in its current form, to achieve the foresaid levels, it would be necessary to import a significant amount of fill into the application site to raise the level of the site up to / close to the level of Swansea Road.

It is accepted that the proposed dwellings' two storey appearance, design and siting at road level would not be at odds with the existing street scene which is generally made up of two storey dwellings fronting Swansea

Road. It is therefore considered that the dwelling's themselves would have an acceptable appearance when viewed from Swansea Road, and the proposed ridge heights of the dwellings would read as being in keeping with the existing pattern of development within this locality.

In order to raise the levels of the site to create frontage on to Swansea Road, however, a significant amount of fill would have to be deposited at the site. To help illustrate how this would appear, the applicant has submitted various cross section through the site and an indicative illustration which indicate the significant fill required to raise the levels of the site together with the proposed relationship with Swansea Road and the public open space to the rear of the site.

The application proposes raising the level of the site at its highest point by approximately 3.2m by the importation of approximately 2150m<sup>3</sup> of material which equates to a total of 4,000 tones in respect of this phase of the development. At 6.9m from the boundary of the site, the original site level was 46.50, but raising to 49.1m as a result of the proposed fill operation. At 8.3m from the front boundary of the site the level increases from 46.25 to 48.95. At 16.1m from the front boundary of the application site the level increase from 46.20 and 47.45.

The difference in ground level across the depth of the site is caused in part by its natural slope, but is exacerbated as the site slopes steeply down from Swansea Road before a more natural and gentle slope towards the rear boundary of the site.

The required level of fill material would be at its greatest depth close to the front boundary of the site, at a maximum depth of approximately 3.2m. It is noted that the proposed fill material is graded as you move towards the rear boundary of the site, resulting in less fill. However, even with this proposed drop in ground levels, the site at its lowest point would still, towards the rear, be raised by approximately 1.24m above the original ground level before tapering off towards the canal and public open space beyond.

There is concern that by raising the levels of the site it will become much more prominent in the landscape, especially when viewed from the public open space to the rear of the application site which is set at a lower level. The raising of levels will also affect the side boundaries of the application

site, where the site levels will reduce to correspond with the adjoining land which is set at a lower level. The prominence of the site in respect of the side and rear boundaries will be exacerbated by the inclusion of boundary treatment to be located on top of the filled area and also substantial retaining walls to the rear of the site and potentially to the side boundaries.

The additional information provided by the applicant including the visual illustration does not address the councils concerns relating to this matter and in any case is only indicative and not necessarily an accurate reflection of how the dwelling will relate to the surrounding landscape.

As such it is not considered that the proposal incorporates finished ground levels that are compatible with the area and the proposal would unsympathetically alter the site contrary to the character and appearance of the surrounding area.

It should also be noted that The Local Authority, has questioned whether it is necessary to import material onto the site, and whether the site could in fact be developed without raising levels. In this regard, the local authority put to the applicant a scheme that would allow the site to be satisfactory developed without the requirement for significant fill to be brought to the site. This scheme provided for the following:

- Proposed dwellings brought forward towards Swansea Road
- Gentle gradient to rear gardens
- Area of fill not required as split level dwelling proposed with parking at original ground level to rear.
- One single access point
- Shared drive serving all dwellings with access to individual dwellings to the rear

The suggested scheme shows that by proposing a combination of gently sloping gardens, and split level dwellings, together with bringing the dwellings forward closer to Swansea Road, a scheme can be developed that can deal with the difference in the ground levels without the requirement

for fill material. This approach helps to create a less engineered and more natural appearance to the development and thereby overcomes any unacceptable visual impact whilst also being more sustainable given the reduced requirement for vehicular movements to the site.

At this point it would also be prudent to note that this scheme also overcomes the highways section's concerns regarding multiple access points on to Swansea Road (covered in more detail later in this report).

Having regard to the above, it is clear that opportunities exist for a scheme to be designed which would continue to front onto Swansea Road while negating the need for the substantial filling operation. Such a scheme could therefore respect local character and avoid the unacceptable impacts described above while also reducing the potential impacts of the proposed fill operation upon highway and pedestrian safety, and improving the sustainability of the development.

As such, and having specific regard to Policy GC2 (engineering works and operations (including minerals and waste) of the Neath Port Talbot Unitary Development Plan it is considered that the proposed development would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area.

### **Residential Amenity:**

The closest existing dwelling is to the front of the application site on the opposite side of Swansea Road and is located approximately 26.0m away from the front elevation of the proposed dwellings and at a higher level. It is considered that the distances between the proposed and existing dwellings opposite the application site would be sufficient to ensure that there would be no unacceptable overshadowing or overbearing impacts. Furthermore, there are no residential properties located towards the side or rear boundaries of the application site.

While it is proposed to raise the levels across the site, there is only a garage and associated forecourt towards the south west boundary of the application site which would be affected by this element of the proposal. However, given that these buildings are not residential in nature it is



considered that the proposals would not be unacceptably overshadowing or overbearing to this existing premises.

In terms of overlooking there are no side facing windows proposed to any of the proposed properties both on ground and first floor level. Furthermore, the proposals comply with the authority's privacy standard that requires a minimum distance of 21.0m between habitable room windows directly facing each other.

It is therefore considered that due to the distance between the proposed and existing dwellings together with the fact that there are no side facing windows proposed, there would be no detrimental impact through overlooking as a result of the proposed development.

As such the proposed development would not have unacceptable detrimental impact in terms of overshadowing, overbearing and overlooking.

The proposed development however has the potential to result in impacts on amenity and public health through noise, visual intrusion, and air emissions resulting from operations on the site, and from vehicles travelling to/from it related to the significant fill operation proposed.

The proposed development would result in periods of intensive HGV movements, including during construction. It is considered that the importation and deposit of some 2150m<sup>3</sup> of waste material and the siting and operation of plant and machinery necessary to undertake the land raising works on the application site would be over a prolonged period of time.

The scale of the filling works, associated with the proposed ground level increases across the site, would be likely to result in a significantly longer construction period than would be expected on a normal development scheme for a development of this size on a level site and also a significantly larger number of lorry movements to deliver the ground fill material to the site. In addition to the importation of fill, the material would have to be compacted to form a suitable building platform.

The applicant has indicated that the import fill, levelling and compaction process is to take place in a continuous operation until complete. The

applicant calculates that this process will take approximately 4-8 weeks, with site movement of traffic amounting to between 5-10 loads per day for 5 days per week. (Approximate fill required = 4000 tonne - the site owner / plant operator has this material immediately available within a transportation distance of approximately 2 miles).

The local authority raise concern that the application site is located within a residential area and also in close proximity to playing fields and a school. The application site is also considered to be located in an area where road safety is an issue and where there have been two recorded personal injury accidents. As such, were this application to be approved restrictions would have to be put in place limiting operational hours and particularly the time when deliveries could be made to the site. For example, restricting the hours for deliveries to the site between 9 and 3 will avoid peak times and fallout side of school opening and closing times. However, restricting delivery times (HGV movements) will limit the amount of deliveries per day to 5, thereby extending the period of operation to approximately 8 weeks. Conditions that would restrict the time period over which the fill operation could take place would also be required.

Furthermore, the resultant scale of the impact of the fill operation could be restricted through the implementation of an appropriately designed ground re-grading methodology, as well as the number of lorry movements to the site per day and the hours of delivery of materials.

It is therefore considered that residential amenity would be significantly affected by the activity resulting from the HGV movements. However, given the restrictions and conditions that can be imposed as discussed above, it is considered that on balance the affect on residential amenity would not be to an extent that would warrant refusal of this planning application.

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

The Head of Engineering and Transport (Highways Section) recommends the application is refused as the applicant does not own or control sufficient land to provide 2.4 metres x 90 metres vision splays in either direction (from the individual access points proposed from Swansea Road) based upon the 30 mph speed limit along Swansea Road (B4603).

This lack of adequate visibility for a vehicle emerging from the development especially one which may reverse out due to the lack of turning facility will therefore be detrimental to the safety and free flow of traffic along Swansea Road (B4603).

There are examples of other direct access points from the road along Swansea Road, however these are generally historical in nature and do not set a precedent for this application. This is especially the case since clear opportunity exists to create appropriate and safe access at this site, since the applicant owns land adjoining the site where there could be potential to improve visibility.

In addition to which visitors / deliveries etc to the proposed properties are likely to park on the highway along with the junction to Derw Road, which itself is largely a narrow road lacking in footways and which has a poor junction onto Swansea Road being located directly opposite the application site, will further exacerbate the problem of road safety at this location.

The introduction of further vehicular movements opposite the junction with Derw Road which has poor visibility where drivers emerging from this junction have to concentrate on vehicles approaching from both directions due to the inadequate visibility, will be seriously detrimental to the safety of traffic at this junction and accessing / egressing the proposed dwellings and create a conflict between vehicles.

There has also been two recorded personal injury accidents in close proximity to both the application site and the junction with Derw Road in the last 10 years, therefore in view of the combined affect of the above concerns the Highway Officer has recommended refusal on the grounds that the proposed development will be a hazard to the safety and free flow of traffic and safety of pedestrians at this location.

Furthermore, HGVs likely to result from the development and particularly the filling operation will compound matters and further add to the highway and pedestrian safety issues resulting from this proposed development.

Having regard to the above, the proposed development would be detrimental to highway safety and contrary to policies GC1 and T10 of the

Neath Port Talbot Unitary Development Plan and Technical Advice Note 18: Transport.

**Landscaping:**

Notwithstanding the objections above on visual amenity grounds, a landscaped/garden area is proposed to the rear of each of the new properties, which is considered adequate to serve the new dwellings. Were this application to be approved, a landscaping scheme would be required to deal with the fill areas to the rear and side boundaries of the site the fall outside of the proposed properties amenity areas.

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

The application site is currently overgrown scrub and grassland. However, both the arboricultural and biodiversity officers' have no objection to the proposed development subject to conditions.

**Flooding:**

Not Applicable.

**Pollution (air and ground):**

The Authority's Contaminated Land section has no objection to the proposed development subject to the imposition of a condition dealing with unsuspected contaminated land.

**Ground conditions and Drainage.**

As explained above the proposed development would require an increase in ground levels across most of the application site. These works would necessitate the importation of a large amount of fill material which would be spread over the application site and compressed to create a suitable building platform. As previously stated these works would be carefully controlled through the imposition of a number of conditions that would control hours of delivery, the length of time that the works should be carried out over and the details of the proposed fill methodology.

Conditions would also have to be imposed to ensure that prior to the start

of works on site full details of a construction phase land/surface water drainage scheme are submitted to the authority for their approval and that the approved details are implemented on site and used throughout the construction phase of the development. This condition would ensure that the proposed development would not have an adverse impact upon the amenities in terms of surface water run off and that any existing surface water drainage issues on the adjacent sites are not exacerbated. The condition would also ensure that any surface water that leaves the site has been appropriately treated first to ensure that there would be no potential issues associated with contamination.

In regard to the extensive ground level operations that are proposed to take place across the application site, there is concern that if a large amount of the required fill material were brought onto the site and the developer ceased trading or was unable for some other reason to complete this aspect of the development, that due to the prominent location and steep topography of the site that there would be a significant adverse impact upon the character and appearance of the wider area as well as potential issues regarding ground stability and surface water drainage issues.

As such, it is recommended that were this planning application to be approved, it be subject to the signing of a Section 106 agreement that would secure the provision of a bond that would cover the proposed ground level operation associated with the development. The bond would ensure that the ground level works and associated drainage works could be completed by the local authority in the event that the developer, for whatever reason, was not able to.

### **Affordable Housing:**

In terms of housing supply, in recent years, affordability has become an increasing problem throughout Wales, even in areas of traditionally lower house prices, in the context of rapidly rising house prices relative to income levels.

The Welsh Government has identified the role of the planning system as one of the key mechanisms that will provide affordable housing, in its concern to provide sustainable and inclusive communities. It expects affordable housing to be part of the mix of most market housing developments, provided for by developers according to the same logic that

they have to provide for other infrastructure and facilities necessary to enable a community to function.

As such the Authority is seeking a contribution of 20% from all housing developments of 3 units and above, with a commuted sum being sought for developments between 3-4 units. This requirement would be in accordance with Policy H4 of the adopted UDP and also the adopted Supplementary Planning Guidance on affordable housing.

However, in this case, the applicant has questioned the viability of the site were provision of affordable housing to be imposed. As such the applicant has submitted evidence (viability assessment) in an attempt to demonstrate that applying the affordable housing requirement to this development makes the scheme unviable. When doing this, the applicant agrees to provide all the information required within the Viability Assessment Guidance Notes (Supplementary Planning Guidance). In this case, however, the applicant has not done this.

Having reviewed the submissions, the Authority's Valuation Officer advised that he was not satisfied with the viability assessment as it lacks detail and there are gaps in the information required to adequately assess whether there should be a contribution to affordable housing provision as part of this application. The information omitted from the assessment includes:

**Build costs** – justification for higher than standard costs

**Sale price** – lack of background evidence to support the unit price submitted

**Land purchase** - no information on the method of sale provided, the historic use of the site, the site area or when the land was purchased.

The local planning authority requested the above, but the applicant declined to provide the information required.

Having regard to the inadequate information submitted, as well as the extent of costs involved in providing for significant levels of fill (which are expected to be in excess of that which would normally be expended for a more conventional development), it is concluded that the applicant has provided insufficient information to adequately address viability and

affordable housing need in accordance with the Council's adopted Supplementary Planning Guidance in respect of Affordable Housing. The local planning authority is therefore unable to establish / assess whether the site is not viable at the level of affordability required as the applicant has failed to provide adequate information to address viability and affordable housing need.

Accordingly, it must be concluded that the application should be refused on the basis that it fails to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG, with the applicant having failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing. For these reasons the proposed development is contrary to Policy H4 of the adopted Unitary Development Plan, the adopted Supplementary Planning Guidance on affordable housing and guidance within Technical Advice Note (TAN) 2: Planning And Affordable Housing.

**Others (including objections):** N/A

**Conclusion:**

It is considered that the proposal represents an inappropriate form of infill development, which by reason of the volume of the fill proposed to raise the level of the site together with required boundary treatment would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area.

In addition the development would be harmful to highway safety by reason of the inadequate visibility and turning facility for vehicles exiting the site, together with the introduction of further vehicular movements opposite the junction with Derw Road.

Finally, the development fail to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG and the applicant has failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing.

The proposed development is therefore contrary to Policies GC1, GC2, ENV17, H4 and T10 of the Neath Port Talbot Unitary Development Plan, to the adopted Supplementary Planning Guidance on affordable housing, and guidance within Technical Advice Note (TAN) 12: Design, TAN 18: Transport and TAN 2: Planning And Affordable Housing.

**RECOMMENDATION: Refusal**

(1) The volume of the fill proposed to raise the level of the site together with required boundary treatment would create an unjustified and unacceptable impact in failing to respect the surrounding landscape, including its local topography, character and existing features, ultimately resulting in an unacceptable impact on the character and appearance of the surrounding area. The proposed development would therefore be contrary to Policies GC1, GC2 and ENV17 of the Neath Port Talbot Unitary Development Plan and the broad thrust of Technical Advice Note (TAN) 12: Design.

(2) The proposed development, by virtue of the inadequate visibility for vehicles exiting the site, especially one which may reverse out due to the lack of turning facility, will lead to the creation of an unsafe access, this, together with the introduction of further vehicular movements opposite the junction with Derw Road which has poor visibility will create conflict between vehicles and be detrimental to the safety and free flow of traffic along Swansea Road (B4603) and the Derw Road junction. As such, the proposed development would be contrary to Policies GC1 and T10 of the Neath Port Talbot Unitary Development Plan and Technical Advice Note (TAN) 18: Transport.

(3) The proposals fail to provide 20% affordable housing in accordance with Policy H4 of the adopted UDP and SPG and the applicant has failed to provide adequate information to address viability and demonstrate that the development is unable to achieve the required level of affordable housing. The proposed development is therefore contrary to Policy H4 of the adopted Unitary Development Plan, also the adopted Supplementary Planning Guidance on affordable housing and Technical Advice Note (TAN) 2: Planning And Affordable Housing.



## PLANNING AND DEVELOPMENT CONTROL COMMITTEE

### REPORT OF THE HEAD PLANNING – N. PEARCE

**30<sup>TH</sup> SEPTEMBER 2014**

#### **PART 1**

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

#### **4. DELEGATED APPLICATIONS DETERMINED BETWEEN 9<sup>TH</sup> AUGUST 2014 AND 22<sup>ND</sup> SEPTEMBER 2014**

1	App No. P2014/0359	Type Advertisement
Proposal	2 No. Internally illuminated fascia signs, 1 No. Internally illuminated projecting sign (amended plans received 20.06.14)	
Location	102 Briton Ferry Road, Neath, SA11 1AT	
Decision	Approval with Conditions	
Ward	Neath East	

2	App No. P2014/0389	Type Full Plans
Proposal	New workshop building and valet building plus 16 customer car park, 49 staff car park, and 269 vehicle storage spaces and landscaping.	
Location	Land Adjacent To The Trade Centre Wales Ltd, Euro Centre, Neath Abbey Business Park Road, Neath Abbey, Neath, SA10 7DR	
Decision	Approval with Conditions	
Ward	Dyffryn	

3	App No. P2013/0163	Type Full Plans
Proposal	Retention of dwelling (Amendment to Planning Permission P2011/0902 granted on 28/10/2013)	
Location	32 Main Road, Bryncoch, Neath	
Decision	Approval with Conditions	
Ward	Bryncoch North	

4	App No. P2013/1127	Type Full Plans
Proposal	Freestanding waterless toilet.	

Location	Glynneath District Allotment Society, Glynneath, Neath, SA11 5AE
Decision	Approval with Conditions
Ward	Glynneath

5	App No. P2014/0032	Type	Householder
Proposal	Two storey rear extension with raised patio area.		
Location	71 Gelligron Road, Rhydyfro Pontardawe, Swansea, SA8 4NP		
Decision	Approval with Conditions		
Ward	Pontardawe		

6	App No. P2014/0140	Type	Vary Condition
Proposal	Variation of Condition 3 and 4 of Planning Permission P2008/1465 (Approved on the 16/02/2009) to allow for an extension of time for the submission of reserved matters.		
Location	3 The Highlands, Neath Abbey, Neath SA10 7NS		
Decision	Approval with Conditions		
Ward	Dyffryn		

7	App No. P2014/0302	Type	Householder
Proposal	Two-storey side extension incorporating first-floor side balcony, plus part two-storey part single-storey rear extension.		
Location	Brynteg, Water Street, Margam, Port Talbot, SA13 2PA		
Decision	Approval with Conditions		
Ward	Margam		

8	App No. P2014/0314	Type	Full Plans
Proposal	Two-storey health centre (D1 use); two-storey building with pharmacy (Sui Generis) plus A3 use OR office (B1 use) at ground floor and offices at first-floor (B1 use); a further two-storey office (B1 use) unit plus associated roads, car parking, landscaping and engineering operations.		
Location	Plot 6B, Brunel Way, Baglan Energy Park, Briton Ferry, Neath		
Decision	Approved subject to s.106		
Ward	Briton Ferry West		

9	App No. P2014/0338	Type	Full Plans
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Proposal	2 detached dormer bungalows with associated parking.
Location	Land At, St Annes Drive, Tonna, Neath, SA11 3JB
Decision	Approval with Conditions
Ward	Tonna

10	App No. P2014/0358	Type Full Plans
Proposal	Installation of new shopfront plus air conditioning unit, and 2 No. Satellite dishes to rear (Environmental Noise Report received 17/07/2014 and further amended plans and supporting information including acoustic information received 24.07.14)	
Location	102 Briton Ferry Road, Neath, SA11 1AT	
Decision	Approval with Conditions	
Ward	Neath East	

11	App No. P2014/0410	Type Householder
Proposal	Demolition of conservatory and construction of a single storey rear extension	
Location	76 Llantwit Road, Neath, SA11 3LB	
Decision	Approval with Conditions	
Ward	Neath North	

12	App No. P2014/0430	Type Change of Use
Proposal	Retention of change of Use of ground and first floor from Retail (Class A1) to Beauty salon and retail (Sui-generis)	
Location	58 New Road, Skewen, Neath, SA10 6HA	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

13	App No. P2014/0457	Type Neigh.Auth/Nat.Park
Proposal	Extension to existing Pant-y-Wal wind farm for an additional Twelve Turbines (36MW) plus associated works (consultation from Bridgend Country Borough Council)	
Location	Pant Y Wal Wind Farm, Bridgend, CF35 6EG	
Decision	No Objections	
Ward	Outside Borough	

14	App No. P2014/0608	Type Householder
Proposal	Proposed part two storey rear extension, and part single	

storey rear extension with a dormer extension above, plus garden store.	
Location	7 Jack Y Ddu Road, Briton Ferry, Neath, SA11 2LT
Decision	Approval with Conditions
Ward	Briton Ferry West

15	App No. P2014/0611	Type	Householder
Proposal	Part first floor and part two storey rear extension plus insertion of additional windows in side facing elevations		
Location	23 Maes Ty Canol, Baglan, Port Talbot, SA12 8UW		
Decision	Approval with Conditions		
Ward	Baglan		

16	App No. P2014/0612	Type Change of Use
Proposal	Change of Use from Dog Grooming to Beauty Salon (Sui-generis)	
Location	33 Furzeland Drive, Bryncoch, Neath, SA10 7UG	
Decision	Approval with Conditions	
Ward	Bryncoch North	

17	App No. P2014/0725	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for external alterations to garage to facilitate conversion to living accommodation.	
Location	81 Main Road, Bryncoch, Neath, SA10 7TA	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryncoch North	

18	App No. P2014/0726	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 24 (Noise) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

19	App No. P2014/0730	Type LawfulDev.Cert-Prop.
Proposal	Single storey rear extension (Certificate of Lawful Development (Proposed))	
Location	8 Sepia Close, Sandfields, Port Talbot, SA12 7NY	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

20	App No. P2014/0459	Type Full Plans
Proposal	Demolition of existing hot food takeaway and construction of a single storey restaurant and takeaway building with associated external seating and staff car parking.	
Location	Francos Fish Bar, The Princess Margaret Way, Sandfields, Port Talbot, SA12 6QW	
Decision	Approval with Conditions	

Ward	Sandfields West
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21	App No. P2014/0466	Type Full Plans
Proposal	Construction of seven No. two storey dwellings, car parking, landscaping, means of enclosure and associated works including detached outbuildings	
Location	83 Pen Y Dre, Neath, SA11 3HF	
Decision	Approved subject to s.106	
Ward	Neath North	

22	App No. P2014/0470	Type Householder
Proposal	Demolition of existing side extension and rear conservatory, construction of single storey side extension incorporating external chimney plus 1m high fence enclosing side garden.	
Location	18 Bay View Gardens, Skewen, Neath, SA10 6NJ	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

23	App No. P2014/0503	Type Full Plans
Proposal	Barn for the storage of equipment and fodder for equestrian use.	
Location	Land at former site of, Abergarwed Service Station off B4242, Abergarwed, Neath	
Decision	Approval with Conditions	
Ward	Resolven	

24	App No. P2014/0505	Type Full Plans
Proposal	Chicken coop	
Location	End Of Old Stone Row, Port Talbot, SA12 3DH	
Decision	Approval with no Conditions	
Ward	Glyncorwg	

25	App No. P2014/0522	Type Full Plans
Proposal	Retention of recycling sorting building, with associated steps and conveyor	
Location	Unit 1, Brunel Industrial Estate, Cwmavon, Port Talbot	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	



26	App No. P2014/0532	Type Change of Use
Proposal	Change of use from Tattoo Parlour (use class Sui Generis) to community support facility for people with memory loss (use Class D1).	
Location	57-59 Neath Road, Briton Ferry, Neath, SA11 2DX	
Decision	Approval with Conditions	
Ward	Briton Ferry East	

27	App No. P2014/0533	Type Change of Use
Proposal	Change of use of Social Club (Sui-generis use) to public house incorporating function facility, restaurant / dining facilities, bar (Sui-generis Use) and ramp to front elevation, external alterations and hard surfacing to facilitate car parking.	
Location	Brynhyfyd Social Club, 36 Westernmoor Road, Neath, SA11 1BZ	
Decision	Approval with Conditions	
Ward	Neath South	

28	App No. P2014/0536	Type Full Plans
Proposal	Erection of 80.2m high meteorological mast for a temporary period of two years.	
Location	Land at Foel Trawsnant, Nr Cynonville.,	
Decision	Approval with Conditions	
Ward	Cymmer	

29	App No. P2014/0539	Type Householder
Proposal	Single storey side extension.	
Location	177 Main Road, Bryncoch, Neath, SA10 7TT	
Decision	Approval with Conditions	
Ward	Bryncoch North	

30	App No. P2014/0556	Type Discharge of Cond.
Proposal	Details pursuant to Condition 11 (Woodland enhancement) of Planning Permission P12/1116 (Approved on the 12/05/14) (Revised information received 07.08.14)	
Location	Graig Yr Awel And Industrial Unit, Lane From Lon Hir To Glyndole Farm, Gellinudd Pontardawe, Swansea, SA8 3DE	
Decision	Approval with no Conditions	



Ward	Alltwen
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31	App No. P2014/0575	Type Full Plans
Proposal	Detached dwelling and detached garage	
Location	Land Adjacent To, 74 Gwyn Street, Alltwen Pontardawe, Swansea	
Decision	Approval with Conditions	
Ward	Alltwen	

32	App No. P2014/0577	Type Advertisement
Proposal	Display of signage including: - 2 no. low level signs to either side of front entrance (non-illuminated); 2 no. internally-illuminated fascia signs to front and side elevations; and 2 no. clock/temperature display signs	
Location	Vector International, Christchurch Road, Aberavon, Port Talbot, SA12 7BZ	
Decision	Approval with Conditions	
Ward	Aberavon	

33	App No. P2014/0578	Type Full Plans
Proposal	Demolition of existing garage and erection of a detached private garage.	
Location	Garage 4, Site Off Quar Road, Neath	
Decision	Approval with Conditions	
Ward	Neath East	

34	App No. P2014/0584	Type Householder
Proposal	Front extension, and replacement of garage door with window to facilitate conversion of garage to living accommodation.	
Location	149 Crymlyn Parc, Skewen, Neath, SA10 6EF	
Decision	Approval with Conditions	
Ward	Coedffranc West	

35	App No. P2014/0586	Type Householder
Proposal	Part single and part two storey rear extensions	
Location	87 Margam Street, Cymmer, Port Talbot, SA13 3EE	
Decision	Approval with Conditions	
Ward	Cymmer	



36	App No. P2014/0599	Type App under TPO
Proposal	Works to Oak Trees (TPO T204/A1) Oak Tree (T1) reduce canopy by 2.5 metres, Oak Tree (T2) reduce one lateral branch by 2.0 metres.	
Location	71 Waun Daniel, Rhos Pontardawe, Swansea, SA8 3HS	
Decision	Approval with Conditions	
Ward	Rhos	

37	App No. P2014/0604	Type Householder
Proposal	Proposed Two Storey Side and Rear Extension	
Location	4 Westlands, Aberavon, Port Talbot, SA12 7BW	
Decision	Approval with Conditions	
Ward	Aberavon	

38	App No. P2014/0613	Type Full Plans
Proposal	Retention and completion of works to former shed by utilising existing concrete block walls (and concrete floor) and erecting steel-framed portal agricultural building around it for use as storage of farming implements and winter fodder.	
Location	Brynychwyth Farm, Fairyland Road, Tonna, Neath, SA11 3QE	
Decision	Approval with Conditions	
Ward	Tonna	

39	App No. P2014/0616	Type Full Plans
Proposal	Alterations to shop front including new entrance doors, external roller-shutters, trolley bay and insertion of new ATM.	
Location	276-278 Margam Road, Margam, Port Talbot, SA13 2DB	
Decision	Approval with no Conditions	
Ward	Margam	

40	App No. P2014/0618	Type Householder
Proposal	Replacement roof with a 1.2m increase in ridge height to facilitate loft conversion with dormer windows and roof-light to front and rear elevations.	
Location	126 Maes Ty Canol, Baglan, Port Talbot, SA12 8US	
Decision	Approval with Conditions	
Ward	Baglan	

41	App No. P2014/0621	Type Discharge of Cond.
<p>Proposal Details (Part) to be agreed in association with condition 5 (Peat impact minimisation protocol - agreement of final turbine location T13,14,15,26,49,51,54,58,60,61,63,66,73,1,2,3,4,31,34,40,41,52,53,57,59 71,72,74,6,7,8,9,10,11,32,33,42,43,45, 46,62,79,81,5,12,21,22,23,24,25,27,28,64,67,72,75,76,77,82,83,44,48) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 08/05/12</p>		
<p>Location Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncoirwg and to the East of Tonmawr, Port Talbot</p>		
<p>Decision Approval with no Conditions</p>		
<p>Ward Glyncoirwg</p>		

42	App No. P2014/0623	Type Full Plans
<p>Proposal Replacement refrigeration plant with air-cooled condenser to side elevation.</p>		
<p>Location Co-operative Retail Store, Heol Jiwbili, Cwmavon, Port Talbot, SA12 9NR</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Bryn &amp; Cwmavon</p>		

43	App No. P2014/0625	Type Householder
<p>Proposal Single storey side extension</p>		
<p>Location 35 Golden Avenue, Sandfields, Port Talbot, SA12 7RR</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Sandfields West</p>		

44	App No. P2014/0628	Type Householder
<p>Proposal Single storey rear extension</p>		
<p>Location 25 Carlos Street, Port Talbot, SA13 1YD</p>		
<p>Decision Approval with Conditions</p>		
<p>Ward Port Talbot</p>		

45	App No. P2014/0633	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 18 (Notification of aviation bodies) of P2010/1148(APP/Y6930/A/12/2181883) granted on 27/8/13	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

46	App No. P2014/0634	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 6 (External Finishes) of P2010/1148(APP/Y6930/A/12/2181883) granted on 27/8/13	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

47	App No. P2014/0635	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 21 (Re-siting of T46, T48, T52 and T62) of P2009/1053 (DECC Ref 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncorrgw and to the East of Tonmawr, Port Talbot	
Decision	Approval with no Conditions	
Ward	Glyncorrgw	

48	App No. P2014/0644	Type Discharge of Cond.
Proposal	Details pursuant to Condition 18 (Site Waste Management Plan) of P2013/1042 (Approved on the 5/3/14)	
Location	Caewern House, Dwr Y Felin Road, Caewern, Neath	
Decision	Approval with no Conditions	
Ward	Bryncoch South	

49	App No. P2014/0647	Type Full Plans
Proposal	Replacement shopfront, first floor and single storey rear extension for living accommodation.	
Location	49 Commercial Road, Taibach, Port Talbot, SA13 1LP	
Decision	Approval with Conditions	
Ward	Taibach	

50	App No. P2014/0652	Type Discharge of Cond.
Proposal	Details pursuant to condition 2 (external materials) of planning permission P2013/0868 (Approved on the 24/01/2014)	
Location	Old Furnace House, Old Furnace Terrace, Neath, SA11 2EF	
Decision	Approval with no Conditions	
Ward	Neath East	

51	App No. P2014/0655	Type Householder
Proposal	Single storey front extension	
Location	17 Heol Y Nant, Baglan, Port Talbot, SA12 8ER	
Decision	Approval with Conditions	
Ward	Baglan	

52	App No. P2014/0658	Type Full Plans
Proposal	Single storey side extension and external decking area.	
Location	Neuadd Drymmau, Drummau Road, Skewen, Neath, SA10 6NR	
Decision	Approval with Conditions	
Ward	Coedffranc North	

53	App No. P2014/0663	Type Householder
Proposal	Lower ground floor rear extension with balcony above	
Location	10 Cae Canol, Baglan, Port Talbot, SA12 8LX	
Decision	Approval with Conditions	
Ward	Baglan	

54	App No. P2014/0664	Type Advertisement
Proposal	Erection of two directional signs.	
Location	Land Opposite Entrance to Margam Village, A48, Margam Village, Port Talbot	

Decision	Approval with Conditions
Ward	Margam

55	App No. P2014/0665	Type Householder
Proposal	Retention of single storey rear extension.	
Location	39 Westlands, Aberavon, Port Talbot, SA12 7DD	
Decision	Approval with no Conditions	
Ward	Aberavon	

56	App No. P2014/0668	Type Householder
Proposal	Single storey side/rear extension	
Location	46 Severn Crescent, Sandfields, Port Talbot, SA12 6TA	
Decision	Approval with Conditions	
Ward	Sandfields East	

57	App No. P2014/0672	Type Householder
Proposal	Detached rear garage.	
Location	22 Yeo Street, Resolven, Neath, SA11 4HS	
Decision	Approval with Conditions	
Ward	Resolven	

58	App No. P2014/0673	Type Advertisement
Proposal	Replacement externally illuminated fascia sign, two non-illuminated wall mounted car park disclaimer signs and one wall mounted trolley bay sign.	
Location	Co-Operative Retail Store, Heol Jiwbili, Cwmavon, Port Talbot, SA12 9NR	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

59	App No. P2014/0680	Type Full Plans
Proposal	Widening of existing footway to facilitate the change of use of the land for the setting out of tables and chairs.	
Location	Pavement Adjacent to, 4 Orchard Street, Neath	
Decision	Approval with Conditions	
Ward	Neath North	

60	App No. P2014/0681	Type Householder
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Proposal	Front porch and canopy
Location	88 Vivian Park Drive, Sandfields, Port Talbot, SA12 6RP
Decision	Approval with Conditions
Ward	Sandfields East

61	App No. P2014/0682	Type Householder
Proposal	Single storey front and side extension.	
Location	86 Brooklyn Gardens, Aberavon, Port Talbot, SA12 7PD	
Decision	Approval with Conditions	
Ward	Aberavon	

62	App No. P2014/0686	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for an outbuilding.	
Location	41 Bay View Gardens, Skewen, Neath, SA10 6NJ	
Decision	Issue Lawful Dev.Cert.	
Ward	Coedffranc Central	

63	App No. P2014/0688	Type LawfulDev.Cert-Prop.
Proposal	Erection of solar panels on roof slopes (Certificate of Lawful Development (Proposed))	
Location	Owens Road Services Ltd, Christchurch Road, Aberavon, Port Talbot, SA12 7BZ	
Decision	Issue Lawful Dev.Cert.	
Ward	Aberavon	

64	App No. P2014/0689	Type LawfulDev.Cert-Prop.
Proposal	Solar Panels to roof of building (Certificate of Lawful Development) (Proposed))	
Location	Unit 1 And 2, Purcell Avenue Industrial Estate, Sandfields, Port Talbot, SA12 7UD	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

65	App No. P2014/0690	Type Householder
Proposal	Retention of raised decking to rear and creation of	



hardstanding and vehicular access to facilitate off street car parking.	
Location	2 Main Road, Dyffryn Cellwen, Neath, SA10 9HR
Decision	Approval with Conditions
Ward	Onllwyn

66	App No. P2014/0691	Type Householder
Proposal	Single storey rear extension.	
Location	65 Gwyn Street, Alltwen Pontardawe, Swansea, SA8 3AN	
Decision	Approval with Conditions	
Ward	Alltwen	

67	App No. P2014/0695	Type App under TPO
Proposal	Works to tree covered by Tree Preservation Order T314/W10 to T1 Beech - remove a lower branch, T2 Alder -remove deadwood, 1 branch at 1.5m to stem, T3 Birch - crown lift to 3m, T4 - reduce to ground level, and T6 Willow to fell/coppice.	
Location	12 Llys Y Ddraenog, Margam, Port Talbot, SA13 2TQ	
Decision	Approval with Conditions	
Ward	Margam	

68	App No. P2014/0696	Type LawfulDev.Cert-Prop.
Proposal	Lawful Development Certificate (Proposed) for a Single Storey rear extension	
Location	37 Newbridge Road, Sandfields, Port Talbot, SA12 6BU	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields East	

69	App No. P2014/0697	Type Householder
Proposal	Creation of vehicle access onto Cunard Terrace (B4286).	
Location	19 Cunard Terrace, Cwmavon, Port Talbot, SA12 9EB	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

70	App No. P2014/0708	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) for a single storey rear extension	
Location	14 Aster View, Sandfields, Port Talbot, SA12 7ED	
Decision	Issue Lawful Dev.Cert.	
Ward	Sandfields West	

71	App No. P2014/0710	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	3 Bevan Avenue, Cadoxton, Neath, SA10 8AJ	
Decision	Issue Lawful Dev.Cert.	
Ward	Cadoxton	

72	App No. P2014/0714	Type Outline
Proposal	Two storey detached dwelling (Outline with details of access not reserved)	
Location	Land Part Of, 1 Quarry Place, Gwaun Cae Gurwen, Ammanford, SA18 1EY	
Decision	Refusal	
Ward	Gwaun-Cae-Gurwen	

73	App No. P2014/0716	Type Neigh.Auth/Nat.Park
Proposal	Solar Farm, including 6 cabins, cable connection to sub-station and alteration to windfarm access track (Consultation from Rhondda Cynon Taf)	
Location	Land East Of, Mynydd Bwllfa Wind Farm, Aberdare,	
Decision	No Objections	
Ward	Outside Borough	

74	App No. P2014/0718	Type Discharge of Cond.
Proposal	Details to be agreed in association within Condition 6 (Bat Method Statement) of planning application P2013/1043 granted on 13/06/14.	
Location	Ty Afan Secondary Centre, Aberavon, Port Talbot, SA12 6DX	
Decision	Approval with no Conditions	
Ward	Aberavon	

75	App No. P2014/0723	Type App under TPO
Proposal	Works to an Oak tree protected under Tree Preservation Order T73/A1 Including a reduction of crown by 2-3m, overhanging rear garden and removal of dead wood.	
Location	41 Ocean View, Jersey Marine, Neath, SA10 6HR	
Decision	Approval with Conditions	
Ward	Coedffranc West	

76	App No. P2014/0732	Type Discharge of Cond.
Proposal	Revised details to be agreed in association with Condition 25 (sub station) of P2009/1053(DECC Ref 12.04.09.26C) granted on 8/5/12	
Location	Pen Y Cymoedd, South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the North of Maerdy, Treorchy and Glyncoirwg and to the East of Tonmawr, Port Talbot	
Decision	Approval with Conditions	
Ward	Resolven	

77	App No. P2014/0735	Type Householder
Proposal	Boundary fence	
Location	119 March Hywel, Cilfrew, Neath, SA10 8ND	
Decision	Approval with Conditions	
Ward	Aberdulais	

78	App No. P2014/0740	Type Householder
Proposal	Part two storey part single storey side/rear extensions plus front porch (Amendment to Planning Application P2013/1108).	
Location	7 Great Western Terrace, Cwmavon, Port Talbot, SA12 9EH	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

79	App No. P2014/0743	Type Change of Use
Proposal	Change of Use of agricultural land to equestrian use, plus construction of detached stable block.	
Location	Land To The South Of Old Castle Farm, Fairy Land Road, Tonna, Neath, SA11 3QD	
Decision	Approval with Conditions	

Ward	Tonna
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80	App No. P2014/0744	Type PriorNotif.Agric.Bld
Proposal Prior Notification for the creation of a bio-fertilizer lagoon under Schedule 2, Part 6 of the Town and Country Planning General Permitted Development Order 1995.		
Location Ton Y Gilfach, Access Road Off Old Parish Road To Ton Y Gilfach, Glynneath, Neath, SA11 5UD		
Decision Prior Approval Not Required		
Ward Glynneath		

81	App No. P2014/0746	Type PriorNotif.Agric.Bld
Proposal Prior Notification for the construction of a forestry road under Schedule 2, Part 7 of the Town and Country Planning General Permitted Development Order 1995.		
Location Forestry Track, Rheola Forest, Neath		
Decision Prior Approval Not Required		
Ward Glynneath		

82	App No. P2014/0747	Type Householder
Proposal Attached store		
Location 27 Crymlyn Road, Skewen, Neath, SA10 6DU		
Decision Approval with Conditions		
Ward Coedffranc West		

83	App No. P2014/0749	Type LawfulDev.Cert-Prop.
Proposal Certificate of Lawful Development (Proposed) for a Single storey rear extension		
Location 31 New Road, Neath Abbey, Neath, SA10 7NH		
Decision Not to Issue Lawful Dev.Cert.		
Ward Dyffryn		

84	App No. P2014/0750	Type LawfulDev.Cert-Prop.
Proposal Certificate of lawful development (Proposed) single storey side extension		

Location	10 Brynawel, Pontardawe, Swansea, SA8 4JP
Decision	Issue Lawful Dev.Cert.
Ward	Pontardawe

85	App No. P2014/0753	Type Discharge of Cond.
Proposal	Details pursuant to condition 16 (means of enclosure) of planning permission P2008/1409 (Appeal ref: App/Y6930/A/10/2135473 allowed 8/3/2011)	
Location	Longlands Lane, Margam, Port Talbot, SA13 2SU	
Decision	Approval with no Conditions	
Ward	Margam	

86	App No. P2014/0755	Type Full Plans
Proposal	Two storey office accommodation and covered walk way	
Location	Sandvik Osprey Limited, Milland Road, Neath, SA11 1NJ	
Decision	Approval with Conditions	
Ward	Neath East	

87	App No. P2014/0767	Type Householder
Proposal	Garage conversion plus replacement parking space.	
Location	49 Groeswen Park, Taibach, Port Talbot, SA13 2LJ	
Decision	Approval with Conditions	
Ward	Taibach	

88	App No. P2014/0769	Type Householder
Proposal	Single storey rear extension	
Location	12 Penderyn Avenue, Margam, Port Talbot, SA13 2LD	
Decision	Approval with Conditions	
Ward	Taibach	

89	App No. P2014/0784	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawful development (Proposed) single storey rear extension	
Location	43 Gwyrddgoed, Pontardawe, Swansea, SA8 4NL	
Decision	Issue Lawful Dev.Cert.	
Ward	Pontardawe	



90	App No. P2014/0797	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawful development (proposed) - Installation of flue to roof	
Location	4 Church Place, Seven Sisters, Neath, SA10 9DB	
Decision	Issue Lawful Dev.Cert.	
Ward	Seven Sisters	

91	App No. P2014/0800	Type App under TPO
Proposal	Works to Beech Tree (T1) covered by Tree Preservation Order T314/W7 comprising Crown Reduction and Crown Lift.	
Location	46 Nant Y Wiwer, Coed Hirwaun, Port Talbot, SA13 2XX	
Decision	Approval with Conditions	
Ward	Margam	

92	App No. P2014/0802	Type Nat. Significant Infrastructure Project
Proposal	Section 55 of the Planning Act 2008 (as amended by the Localism Act 2011) Assessment for the Adequacy of Consultation Undertaken in accordance with sections 42, 47 and 48 of the Act for the proposed Development Consent Order for the Tata Internal Power Generation enhancement scheme	
Location	Tata Steel UK LTD, Margam Works, Port Talbot	
Decision	No Objections	
Ward	Margam	

93	App No. P2014/0817	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 21 (TV reception) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	



94	App No. P2014/0824	Type Discharge of Cond.
Proposal	Details pursuant to Condition 17 (Bat and Bird Boxes) of Planning Permission P2013/0863 (Approved on the 13/11/13)	
Location	Land at Neath Town Centre, (Including Tesco, Magistrates Court and Former Civic Centre), Neath, SA11 3EP	
Decision	Approval with no Conditions	
Ward	Neath North	

95	App No. P2014/0832	Type PriorNotif.Agric.Bld
Proposal	Prior Notification for Improvements to existing forestry road	
Location	Coed Y Rhaiadr Forest, Near Pontnedd Fechan	
Decision	Prior Approval Not Required	
Ward	Onllwyn	

96	App No. P2014/0839	Type Screening Opinion
Proposal	Request for a screening opinion under the EIA Regulations for a 7MWp Solar Farm	
Location	Rhydyfro, Pontardawe, SA8 4SY	
Decision	EIA Not Required	
Ward	Pontardawe	

97	App No. P2014/0854	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear and side extension.	
Location	2 Cwmbach Road, Cadoxton, Neath, SA10 8AR	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Cadoxton	

98	App No. P2014/0869	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 6 (External Materials) of Planning Application P2014/0070 granted on 08/07/14.	
Location	Siloh Independent Chapel, Access To Brynberllan Cottages, Cwmgwrach, Neath	

Decision	Approval with no Conditions
Ward	Blaengwrach

99	App No. P2014/0878	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 5 (External Materials) of application P2014/0243 approved on the 20 May 2014.	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot, SA13 1RU	
Decision	Approval with no Conditions	
Ward	Port Talbot	

100	App No. P2014/0887	Type Discharge of Cond.
Proposal	Details pursuant to condition 6 (Protected Species Licences) of Planning Permission P2012/116 (Approved on the 12/5/14)	
Location	Graig Yr Awel And Industrial Unit, Lane From Lon Hir To Glyndole Farm, Gellinudd Pontardawe, Swansea, SA8 3DE	
Decision	Approval with no Conditions	
Ward	Alltwen	