



## **PWYLLGOR CYNLLUNIO**

**2.00 PM - DYDD MAWRTH, 26 TACHWEDD 2019**

**SIAMBR Y CYNGOR - CANOLFAN DDINESIG PORT TALBOT**

### **Rhan 1**

1. Datganiadau o fudd
2. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 8*)
3. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

### **Adroddiad/au gan Bennaeth Cynllunio a Diogelu'r Cyhoedd**

### **Adran A - Materion i'w Penderfynu**

### **Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth**

4. Cais Rhif P2019/0021 - Gât Treftadaeth, Coed Llandarcy, Llandarcy, Castell-nedd (*Tudalennau 9 - 36*)  
140 o unedau preswyl gydag isadeiledd cysylltiedig (amlinellol gyda'r holl faterion wedi'u cadw'n ôl) wrth y Gât Treftadaeth, Coed Llandarcy, Llandarcy, Castell-nedd SA10 6HZ.
5. Cais Rhif. P2019/5335 - Fferm Cilpentan, Heol Llwynceilyn, Tai'r-gwaith (*Tudalennau 37 - 46*)  
Dymchwel yr ysgubor ar wahân sy'n bodoli eisoes, ac ailadeiladu estyniad ochr deulawr ar yr annedd i ddarparu rhandy a/neu lety i dwristiaeth yn Fferm Cilpentan, Heol Llwynceilyn, Tai'r-gwaith SA18 1UU.
6. Cais Rhif. P2019/5485 - 2 Cilgant Baldwin, Twyni Crymlin, Castell-nedd Port Talbot (*Tudalennau 47 - 64*)

Newid defnydd o dŷ preswyl (C3) i Dŷ Amlfeddiannaeth (C4) gydag uchafswm o 5 preswlydd yn rhif 2 Cilgant Baldwin, Twyni Crymlyn, Castell-nedd Port Talbot SA1 8QE.

7. Cais Rhif. P2019/5515 - 1 Stryd y Goron, Port Talbot  
(*Tudalennau 65 - 80*)  
Newid defnydd o 4 fflat (defnydd C3a) i Dŷ Amlfeddiannaeth (defnydd C4) 6 ystafell wely yn Fflatiau A i D, 1 Stryd y Goron, Port Talbot SA13 1BG.

### **Adran B - Materion Er Gwybodaeth**

8. Unrhyw eitemau brys (boed yn gyhoeddus neu'n eithriedig) yn y Cadeirydd yn unol ag Offeryn Statudol 2001 Rhif 2290 (fel y'i diwygiwyd) (*Tudalennau 81 - 82*)
9. Penderfyniadau Dirprwyedig - 29 Hydref i 18 Tachwedd, 2019  
(*Tudalennau 83 - 94*)
10. Eitemau brys  
Unrhyw eitemau brys yn ôl disgrisiwn y Cadeirydd yn unol ag Adran 100B(4)(b) o Ddeddf Llywodraeth Leol 1972.

**S.Phillips**  
**Prif Weithredwr**

**Canolfan Ddinesig**  
**Port Talbot**

**Dydd Mercher, 20 Tachwedd 2019**

## **Aelodaeth Pwyllgor:**

**Cadeirydd:** S.Paddison

**Is-Gadeirydd:** S.Pursey

**Aelodau:** Councillors C.J.Jones, D.Keogh, R.Mizen,  
S.Bamsey, R.Davies, S.K.Hunt, A.N.Woolcock,  
C.Williams a/ac S.Renkes

**Aelod Cabinet:** Councillor A.Wingrave

## **Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio**

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

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

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

Sylwer, dim ond un person sy'n gallu siarad ar ran pob 'categori' ar gyfer pob cais h.y. y gwrthwynebydd, y cefnogwr, yr ymgeisydd/asiant, y Cyngor Cymuned/Tref. Ceir manylion llawn yng ngweithdrefn gytunedig y cyngor.

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

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

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

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

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

## PLANNING COMMITTEE

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

**Members Present:**

**5 November 2019**

**Chairperson:** Councillor S.Paddison

**Vice Chairperson:** Councillor S.Pursey

**Councillors:** C.J.Jones, D.Keogh, R.Mizen, R.Davies,  
S.K.Hunt and A.N.Woolcock

**Officers In Attendance:** S.Ball, R.MacGregor and T.Davies

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1. **MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** That the minutes of the previous meeting held on 24 September, 2019 be approved.

2. **TO REQUEST SITE VISIT(S) FROM THE APPLICATIONS PRESENTED**

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

3. **APPLICATION NO. P2019/5389 - TOURIST INFORMATION CENTRE, PONTNEATHVAUGHAN ROAD, GLYNNEATH**

Officers made a presentation to the Planning Committee on this Application (retention of existing detached outbuilding plus single-storey side extension to connect it with main building to facilitate relocation of kitchen into outbuilding; construction of 2m high fence and gate to enclose external storage area; insertion of door in lieu of window to side elevation of main building at Tourist Information Centre, Pontneathvaughan Road, Glynneath, SA11 5NR) as detailed in the circulated report.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2019/5389 be approved, subject to the conditions detailed in the circulated report.

4. **APPLICATION NO. P2019/5420 - 14 ELBA CRESCENT**

Officers made a presentation to the Planning Committee on this Application (change of use from residential dwelling (C3) to a 5 bedroom House of Multiple Occupancy (C4) and a two storey rear extension at 14 Elba Crescent, Crymlyn Burrows, Swansea SA1 8QQ) as detailed in the circulated report.

In accordance with the Council's approved Public Speaking Protocol, the agent representing the Applicant addressed the Planning Committee.

**RESOLVED:** That in accordance with Officers' recommendations, Application No. P2019/5420 be approved, subject to the conditions detailed in the circulated report.

5. **APPEALS RECEIVED - 18 SEPTEMBER TO 28 OCTOBER 2019**

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

Appeal Ref: A2019/5004

Change of Use from Public House (Class A3) to a Dwelling (Class C3) at Farmers Arms, Glynneath Road, Resolven, SA11 4DW.

Appeal Ref: A2019/5005

Single-storey storeroom extension to front/side of dwelling at 5 Queen Street, Glynccorwg, SA13 3BL.

6. **DELEGATED DECISIONS - 18 SEPTEMBER TO 28 OCTOBER 2019**

Members received a list of Planning Applications which had been determined between 18 September and 28 October 2019, as detailed within the circulated report.

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

**CHAIRPERSON**

Mae'r dudalen hon yn fwriadol wag



## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2019/0021</b>	<b><u>DATE:</u> 04/01/2019</b>
<b>PROPOSAL:</b>	140 residential units with associated infrastructure (Outline with all matters reserved.)
<b>LOCATION:</b>	Heritage Gate, Coed Llandarcy, Llandarcy, Neath SA10 6HZ
<b>APPLICANT:</b>	Heritage Gate
<b>TYPE:</b>	Outline
<b>WARD:</b>	Coedfrancc West

### SITE AND CONTEXT

The application site forms part of the original BP landholdings that formed the wider BP Llandarcy refinery site. This was closed and the majority of structures and buildings demolished.

The wider site was granted planning permission in 2008 for an urban village known now as Coed Darcy, whilst this site formed a precursor to that development, known as Heritage Gate, or Area 1.

The site was granted outline, and then subsequently reserved matters approval for residential development in 2005 and 2006. Phase 1 of that development for approximately 68 units plus the commercial unit (Vacant) were constructed, however, the roads have still not been adopted.

The remainder of the site has been stalled since that time, and whilst various proposals have been submitted to re-plan the site, none have proceeded to determination as viability proved to be a major stumbling block in delivery. Those applications were withdrawn by the developer prior to any determination by the Local Authority.

### DESCRIPTION OF DEVELOPMENT

This application seeks outline permission with all matters reserved for the construction of 140 dwellings on the extent of the site previously granted permission. It does not alter the proposed uses on the site, nor significantly alter the overall scale of development than previously approved.

The applicant has provided an indicative layout plan to support the application, that provides more clarity on the scale and density of the development, and indicative street scenes and house types. These show proposals, not dissimilar to that previously constructed. However, as highlighted previously in this report, or a more consistent design and aesthetic, to improve viability of the development.



Indicative Street Scene

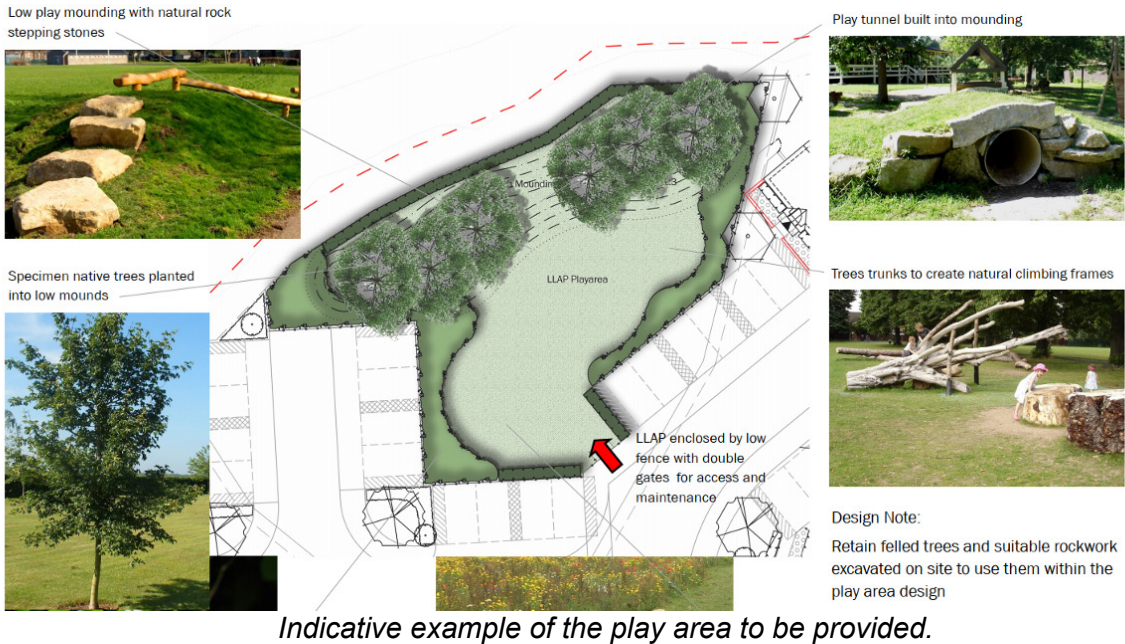


The applicant has also provided the following parameters of development: -

Type	Storeys	Depth (mm) of single plot		Width (mm) of single plot		Eaves (mm)		Ridge (mm)	
		Min	Max	Min	Max	Min	Max	Min	Max
Apartment block	3 or 4	7,000	25,000	7,000	25,000	5,000	15,000	6,800	17,000
2 bed bungalow	1	4,000	12,000	4,000	12,000	2,100	3,900	3,900	12,500
2 bed house	2	4,000	12,000	4,000	12,000	3,900	6,900	6,800	15,000
3 bed house	2 or 2.5	4,000	12,000	4,000	12,000	3,900	9,600	6,800	15,000
3 bed wide frontage	2 or 2.5	4,000	12,000	4,000	12,000	3,900	9,600	6,800	15,000
4 bed house	2 or 2.5 or 3	4,000	12,000	4,000	12,000	3,900	9,600	5,800	17,000

This improved viability of this revised proposal is borne out by the applicants inclusion of a natural play area for children incorporated into the site, where previously there was only informal open space, together with the applicants agreement to provide affordable housing, and a financial contribution to address shortfalls of open space and play provision in the area as a whole.

These matters are looked at in more detail later in this report.



In support of the application the applicant provides a land contamination report, coal mining risk assessment, design and access statement, ecological assessment and preliminary drainage information.

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

## NEGOTIATIONS

Negotiations in relation to the layout, and contributions were undertaken as part of the application process, together with requests for the provision of open space/ play area on the site.

## PLANNING HISTORY

The application site and wider Coed Darcy development has an extensive planning history, with the following being of relevance to this application: -

- **P2002/0143** Mixed use development, major use: Housing (C3), Employment (B1), Potential ancillary uses including non residential institutions (D1), Local shop – Approved with conditions 09/09/03
- **P2004/1742** Outline residential development (extension to previously approved outline development site application No. 02/143) – Approved with conditions 22/02/05
- **P2005/0809** Outline residential development (extension to previously approved outline development site application No 02/143) – Approved with conditions 02/11/05
- **P2006/0880** Reserved matters application (of planning application 05/1284) for 144 residential units and commercial accommodation for a1/a3 uses, including highway, landscaping and tree works – Reserved matters approved 31/10/0
- **P2006/0881** Reserved matters application (of planning application 05/1287) for 23 residential units (and 11 part units) including highway and landscaping works – Reserved matters approved 31/10/06
- **P2006/0883** Reserved matters application (of planning application 05/809) for 11 residential units (and 3 part units) including highway and landscaping works – Reserved matters approved 31/10/06

- **P2006/0885** Residential development comprising 17 units including highway and landscape works (revised plans, additional tree survey and revised transport assessment) – Full plans approved 31/10/06
- **P2007/1762** Reserved matters application for the construction of 52 residential units including highway & landscaping works (details pursuant to conditions 1 & 2 of outline planning permission 05/1284) – Approved with conditions 28/05/08
- **P2018/1027** Construction of 8 No. detached two storey dwellings with associated off street parking, retaining and highway works. Approved 11-MAR-19

### CONSULTATIONS

**Head of Engineering and Transport, Highway Section** - No Objection, subject to conditions.

**Head of Engineering and Transport, Drainage Section** - No Objection, Subject to conditions.

**Crime Prevention** - Raise comments in respect of detailed design.

**Contaminated Land** - No Objection, subject to standard conditions.

**Biodiversity** - No Objection, subject to conditions.

**Dwr Cymru Welsh Water** - No Objection.

**NRW** - No Objection, subject to imposition of conditions in respect of contamination and ground water.

**Coal Authority** - No Objection subject to conditions.

**Glamorgan Gwent Archaeological Trust** - No Objection.

## REPRESENTATIONS

The neighbouring properties were last consulted on 4th October 2019. A site notice was also displayed on site. The application was also advertised in the press.

In response, to date 3 no. representations have been received, with the issues raised summarised as follows: -

- Highway issues in terms of noise pollution and congestion.
- Design and external materials and issues on amenity.
- Issues that relate primarily to the Coed Darcy development not this site.

## REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- TAN 2: Planning and affordable housing.
- TAN 5 Nature conservation and planning.
- TAN 8 Renewable Energy.
- TAN 12 Design
- TAN 18 Transport.

### Local Planning Policies

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

### Strategic Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network

### Topic Based Policies

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy SRA1** Coed Darcy Strategic Regeneration Area
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features

- **Policy EN8**    Pollution and Land Stability
- **Policy RE2**    Renewable and Low Carbon Energy in New Development
- **Policy W3**     Waste Management in New Development
- **Policy TR2**    Design and Access of New Development
- **Policy BE1**    Design

*Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Renewable and Low Carbon Energy](#) (July 2017)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)

## Issues

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

## Principle of Development

As stated previously, the site has previously benefited from planning permission in outline and reserved matters for residential development. The site is also allocated under the Local Development Plan under Policy H1/LB4.

The explanation of the Policy states that the scale of new proposals has been based on an appraisal of the locations to determine their suitability to accommodate growth having regard to existing social and physical capacity, the presence of environmental constraints and the extent to which development can provide, or compensate for, necessary additional social or physical infrastructure.



Para 5.1.11 also notes that in accordance with the strategy, the majority of the housing provision over the Plan period (2011-2026) will be provided within the urban areas of Neath and Port Talbot including the 'Strategic Regeneration Areas' and 'Coastal Corridor Regeneration Schemes'.

(5.1.13) The efficient use of land is an important element of the strategy, it is a scarce resource which has to be utilised effectively and in a sustainable manner. Policy in relation to density requirements can be found within Policy BE1 (Design). The number of units identified for each site ... is indicative and has either been based on details contained in a planning application or development brief or where no details have been provided the housing numbers represent the Council's assessment of an appropriate number of units, based on 35 dwellings per hectare (dph) in the urban areas and 30 dph in the valley areas. Sites located in sustainable places, near to transport nodes and a wide range of facilities where trips by foot, bicycle and public transport are easily accessible have been identified as sites where higher density development (40+ dph) is likely to be appropriate and will be encouraged.

The specific allocation H1/LB4 Area 1 Coed Darcy specifies up to 157 units on a 3.8ha site, with 68 residential units already delivered on part of that site. In his respect the principle of the developing the site for residential use has been long established, and it is considered that this development, whilst an iteration of that previously approved, does not significantly alter the scheme to an extent that alters the principle of development on this land.

This application relates to a site of 2.99Ha, with 140 dwellings proposed, which equates to a gross density of 46 dwellings per hectare, which fully accords with the objectives of Policy BE1 in securing high quality, high density development.

It is therefore considered that the proposals accord with the overarching land use policies on this site, and therefore accord with Policy H1 of the Neath Port Talbot Local Development Plan.

#### Impact on Visual Amenity

The proposed development is in outline with all matters reserved, however it is clear from the information provided that the applicant has

considered the form and scale of the proposed development to accord generally with the phase of development already constructed, and reflect the overall aesthetic of the properties constructed on the wider Coed Darcy site. In addition the proposals need to consider the arts and craft layout and design of the adjacent Llandarcy Conservation Area.

The applicant has provided indicative house types and street scenes to outline their draft proposals, and the indicative layout provides a layout that links to the existing highway network to ensure integration with the wider residential areas, and existing communities of Coed Darcy and Llandarcy Village. In addition the site layout incorporates an on-site play area to serve residents.

There are issues with the proposed layout that would need to be addressed through any reserved matters application, and these have been highlighted to the applicant, but are nevertheless considered relevant to subsequent reserved matters approval not the current outline application. These include the layout of parking adjoining the play area, some plot orientation, and the routing and alignment of the footpath link between Coed Darcy and this development. There are issues in respect of crime prevention that have also been highlighted through consultation, and these again can be dealt with at reserved matters stage.

Issues raised during consultation by neighbour objection on materials and design are noted, however as highlighted these will be considered in detail if reserved matters are progressed.

The provision of the Landscaped Local Area for Play (LLAP) within the reserved matters submission will be conditioned along with the need for ongoing management proposals in respect of the same.

### Impact on Conservation Area

Part of the site lies within the designated Conservation Area of Llandarcy Village, wherein Policy SP21 emphasises the need to conserve and enhance the built environment and historic heritage.

The area of land lies to the opposite site of Tank Farm Road than the village itself, and is not distinct or dissimilar in nature than the remainder of the application site. The proposed residential development is not materially different from the previous applications,

and does not alter the impacts of the development upon the Conservation Area than previously considered.

Notwithstanding this, it is clear that any development that will provide a frontage and closer location to those existing properties within Llandarcy Village and this will be a matter that will be considered in more detail at reserved matters stage.

#### Impact on Residential Amenity

The development proposes residential development in a residential area, on a site allocated for residential use. The details are in outline, and matters of amenity would be considered under reserved matters.

Whilst concerns over the exact location of properties, and windows have been raised through consultation, these issues are looked at under reserved matters, and it is only the principle of the development proposed that is considered under this outline permission. In this respect it is considered that any such detailed matters can be addressed at reserved matters stage.

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

The Head of engineering and Transport, Highway Section have considered the proposals and raised concerns over the indicative layout, and issues in relation to the tank farm road. In addition matters of parking and connectivity have also been raised. However, as highlighted previously, suitably worded conditions will address these requirements as part of any reserved matters application.

With regard to issues on traffic congestion and noise etc, raised as part of the public consultation, the site does benefit from a previous planning permission and for a similar number of units in total. In addition the site is allocated for residential development within the Local Development Plan. It is not considered that the proposals would result in significant impacts upon highway and pedestrian safety, and the connectivity with the main Coed Darcy site to the north will ensure that vehicles can enter and leave the site at multiple exits and entry points to alleviate any build-up of traffic.

The junction arrangements at the entrance to J43 of the M4 have previously been improved, and further improvements are to be made as part of the wider Coed Darcy Development. Accordingly the outline

proposal is considered to be acceptable and to comply with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

### Biodiversity / Ecology

The applicant has provided surveys covering the site, including reptile surveys. The Biodiversity Unit offer no objection subject to the recommendation of the Preliminary Ecological Assessment being carried out.

As such it is considered that the proposed development would accord with Policies EN6 and EN7 of the Local Development Plan apply.

### Drainage

The applicant has provided an indicative drainage strategy, and the Head of Transport and Engineering, Drainage Section, offer no fundamental objection, but will require further details as part of any reserved matters application.

Dwr Cymru Welsh Water offer no objection to the proposed development in terms of sewerage connection, or water supply.

### Contaminated Land

The site was part of the wider BP Oil Refinery site, and investigation into the potential land contamination was undertaken, and subsequent remediation undertaken, as part of the previous permissions on this site. Noting that phase one of the development was completed, but the remainder of the site left for a number of years, post completion of this work.

Policy EN8 of the Local Development Plan refers to Pollution and Land Stability.

The applicant has provided copies of the assessments and remediation undertaken at that time, and further updates on the land contamination, including assessment of stockpiles of material placed on site by others, whilst the development on this site has been stalled.

Whilst this information has addressed some of the matters raised through consultation with NRW and the Authority's own Land Contamination Section, it is not considered that this addresses the full

requirements. As such both NRW and Land Contamination request that suitable conditions are imposed in relation to both human health, and also potential contamination of ground water.

### Archaeology

Glamorgan Gwent Archaeological Trust have offered no objection to the proposed development. There are no sites or points of interest within the application site.

### Other matters

The scale of the proposed development will require the applicant to address both Waste Management and an Energy assessment. Policies W3 and I1 plus the Supplementary Planning Guidance on Planning Obligations apply. The applicant will need to address these through the submission of assessments to support reserved matters applications.

### Section 106 Planning Obligations

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

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

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on

the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

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

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

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

*Affordable Housing*

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

The applicant has confirmed that is their intention to deliver 25% affordable housing as part of the development. A suitably worded condition will be added to any permission issued.

*Public Open Space / Children’s Play Facilities*

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

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

Having regard to the 'Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls in respect of non pitch sport and allotments in Coedfranc West.

Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency.

The applicant has been advised (and has agreed) that the development should support a financial contribution towards these shortfalls as follows:

- Non pitch sport – £144,200
- Allotments – £6,720

Total S106 contribution £150,920

These will need to be secured through a section 106 agreement.

### Other Matters

The issues raised as part of the consultation process received from residents of the existing site, and adjoining Coed Darcy site has been predominantly addressed within this report in relation to highway and amenity issues.

It should be noted that issues raised in respect of programmed infrastructure on the Coed Darcy Urban Village site is not relevant to this application, and not a material consideration in this case.

### CONCLUSION

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity and the character of the area as a whole, including the Conservation Area designation. Highway and pedestrian safety, residential amenity, pollution and biodiversity. Accordingly, the proposed development is in accordance with Policies SC1, I1, H1, AH1, OS1, EN6, EN7, EN8, RE2, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

### RECOMMENDATION

Approve subject to the signing of a S106 Legal Agreement requiring a financial contribution of £150,920 for off site open space and play provision within the Ward of Coedffranc West, and subject to the following conditions.

#### Time Limit Conditions

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission.

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 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.

- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of 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.

#### List of Approved Plans

- 4 The development shall be carried out in accordance with the following approved plans and documents:
- 9117\_PH2\_SCH01\_Location\_Plan
  - 9117\_PH2\_OA\_PL03\_Preliminary\_Site\_Plan
  - 9117\_PH2\_OA\_Parameters\_schedule\_Rev\_B\_
  - 9117\_PH2\_OA\_PL04\_Preliminary\_Street\_Elevations
  - 2304-005 Outline LLAP Play Area Design
  - Earth Science Partnership CMRA Phase 1
  - ESP.7103h.3169 - Phase 2 CMRA
  - Hawkeswood Ecology Preliminary Ecological Assessment Nov.2018
  - Hawkeswood Ecology Reptile Survey July 2019
  - T18.185.D1 Transport Statement Asbri Transport, Nov.18
  - URS Remediation Report

Reason: In the interests of clarity.

#### Action Conditions

- 5 Before beginning any development at the site, you must do the following: -
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
  - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

- 6 As part of the first reserved matters application, a Waste Management Plan for the control, management, storage and disposal of any waste material generated by the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

- 7 As part of the first reserved matters application an Energy Assessment which shall include, but not be limited to proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the scheme as approved.

Reason:

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

- 8 As part of the first reserved matters application, a plan subdividing the overall site area into phased development areas together with strategic infrastructure phases and temporary works, including any temporary car parking, to substantially accord with the concept masterplan hereby approved, and the parameters of development shall be submitted to and approved in writing by the Local Planning Authority This phasing plan shall include details of any temporary access

arrangements required in connection with site investigations (together with any associated details of surface water and ecological mitigation relating to such temporary works), timing of delivery of the development and a breakdown of the floor space of development by land use and the delivery of the on-site play area. The development shall be carried out in accordance with these approved details.

Phase one of the development must include the development and completion of the raised footway linking this site to Llandarcy village

Reason:

To allow the sub division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 9 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) Storage facilities for all fuels, oils and chemicals
  - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f) wheel washing facilities;
  - g) measures to control the emission of dust and dirt during demolition and construction; and
  - h) a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - i) Details on any water features on the site and how they will be protected.
  - j) Full details of how any watercourses will be crossed or confirmation that this is not applicable.

- k) Any sources of pollution (including silt), potential pathways for that pollution to enter any watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- l) Details of the nature, type and quantity of materials to be imported on to the site.
- m) Details on waste types that will be produced and how they will be managed.
- n) Details on any invasive species on site and how they will be managed.
- o) Identification of any buried services, such as foul sewers, so that they are protected.
- p) Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060.

The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example via toolbox talks) and any deficiencies rectified immediately.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

10 No development shall take place on any phase of development until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority for that phase. These details shall include:

- a) statement setting out the design objectives and how these will be delivered;
- b) earthworks showing existing and proposed finished levels or contours;
- c) means of enclosure and retaining structures;
- d) other vehicle and pedestrian access and circulation areas;
- e) hard surfacing materials;
- f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- g) water features.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion of that phase of development or an agreed implementation program. The completed scheme shall thereafter be managed and maintained in accordance with an approved scheme of management and maintenance.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 11 As part of the first reserved matters application an assessment of the nature and extent of contamination affecting the application site area shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings 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) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater 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; and- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 12 No development shall commence on site until 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 historic environment shall be prepared and submitted to and approved 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, and to ensure

compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 13 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 12 shall have been submitted to and approved in writing by 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 and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

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

Reason:

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

- 15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:

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

- 16 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 17 Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.



Reason:

To ensure that risks from topsoil or subsoil to be imported to the site 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, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 18 As part of the first reserved matters application a report of findings arising from the intrusive site investigations and any remedial measures necessary, including the submission of a layout plan which identifies appropriate zones of influence (if the suspected mine entry within the northern part of the site is found present), and the definition of suitable 'no-build' zones; shall be submitted to and approved in writing by the Local Planning Authority. The development proposals shall strictly adhere to the recommendations as set out within this report, and any mitigation measures recommended.

Reason

To ensure that any coal mining legacy or land stability issues are robustly addressed in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 19 As part of the first reserved matters construction details relating to the upgrading of Tank Farm Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be designed to include:
- the provision/upgrading of drainage
  - street lighting
  - highway construction and alignment of the carriageway with road narrowing and widening up to 7.3 metres
  - Provision of footways.
  - Implementation/provision of elevated footway around the 'Post office' building
  - Visibility splays to be annotated on the plan for any access junction onto this section of highway
  - Traffic calming measures

Reason

In the interests of Highway and Pedestrian safety.

- 20 As part of the first reserved matters application, a comprehensive drainage strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of land, surface and foul water flows and thereafter implemented in accordance with the approved details and any phasing approved prior to the occupation of the development, and retained as such thereafter.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 21 As part of the first reserved matters application details of the proposed siting, design and finish of all proposed means of enclosure to all property boundaries shall be submitted to and approved in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved details prior to the occupation of the proposed development and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 22 No development shall commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2, or any future guidance that replaces it. The scheme shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to secure an appropriate level of affordable housing in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan.

- 23 The recommendations of the Preliminary Ecological Assessment by Hawkeswood Ecology 2018 shall be adhered to, and an updated ecological statement submitted to and approved in writing by the Local Planning Authority setting out the adherence to these recommendations as part of the first reserved matters application.

Reason

In the interests of ecology and biodiversity, and to accord with Policy EN6 and EN7 of the Neath Port Talbot Local Development Plan.

Mae'r dudalen hon yn fwriadol wag

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2019/5335</b>	<b><u>DATE:</u> 27/08/2019</b>
<b>PROPOSAL:</b>	Demolition of existing detached barn, and reconstruction of two storey side extension to dwelling to provide annexe accommodation and/or tourist accommodation.
<b>LOCATION:</b>	Cilpentan Farm, Llwyncelyn Road, Tairgwaith SA18 1UU
<b>APPLICANT:</b>	Mr Clint Budd
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Lower Brynamman

### BACKGROUND INFORMATION

The application is reported to Planning Committee under the Council's delegated arrangements as the applicant is the husband of Councillor Sonia Reynolds (Gwaun-Cae-Gurwen Ward).

### SITE AND CONTEXT

The application site lies outside of settlement limits to the south of the settlement of Tairgwaith. The wider site comprises farm land, however the application site is limited to the existing farmhouse, outbuildings, and immediate curtilage.

### DESCRIPTION OF DEVELOPMENT

The proposed development comprises the demolition of an existing detached barn, and reconstruction of a two storey side extension to the existing dwelling to provide annexe accommodation and/or tourist accommodation.

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

### NEGOTIATIONS

The application was significantly altered during pre-application discussions, and following submission of the application further information was required to address the presence of bats at the application site, which are a protected species.

## PLANNING HISTORY

The application site has the following relevant planning history: -

- **L1992/0033** Proposed construction of extension to existing farmhouse. Approved: 12<sup>th</sup> March 1992
- **P2001/0995** Approval of detail under condition 2 (external materials) of previous planning application P/2001/0652 Approved: 30<sup>th</sup> August 2001
- **P2001/0652** Building for agricultural storage, Approved: 29<sup>th</sup> June 2001
- **P2006/0826** Conservatory Approved: 4<sup>th</sup> August 2006
- **P2012/0170** Construction of two ponds and associated works Approved: 9<sup>th</sup> November 2012

## CONSULTATIONS

**Biodiversity Unit** No Objection, subject to conditions.

## REPRESENTATIONS

A site notice was also displayed on the 29/8/2019. In response, to date no representations have been received.

## REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*,

*Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

### Local Planning Policies

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

### Strategic Policies:

- **Policy SP13** Tourism
- **Policy SP14** The Countryside and the Undeveloped Coast
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection

### Topic Based Policies:

- **Policy SC1** Settlement limits
- **Policy TO1** Tourism Development in the Countryside
- **Policy EN5** Conversion and Extension of Existing Buildings in the Countryside
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy M1** Development in Mineral Safeguarding Areas
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy WL1** Development in Language Sensitive Areas

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)

## Issues

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

## Principle of Development

The proposal relates to the demolition of an existing detached barn, and the construction of a new 'extension' (connected to the main dwelling by a double-height fully glazed link) which could either be used as annexe accommodation to the main dwelling or for tourism use. Consideration has therefore been given below to each of the proposed uses of the proposed building.

### *Annexe Accommodation*

In respect of extensions to dwellings within the countryside, LDP Policy EN5 refers specifically, stating that:

The alteration, extension or conversion of existing suitable buildings outside the defined settlement limits for residential, employment, or tourism uses will only be permitted where:

1. The existing building is structurally sound and is capable of conversion without substantial major external alteration or reconstruction.
2. In the case of changes of use to residential purposes alone:
  - (a) It can be demonstrated that there are no viable alternative uses to secure the retention of the building; and
  - (b) That the building is of architectural and/or historic merit.
3. In the case of residential extensions, the extension does not result in a disproportionate increase in the size, scale and massing of the building.

The explanation of this Policy goes further, stating at 5.3.25 that;

“Extensions to buildings that are either existing dwellings in the countryside or are buildings being converted into dwellings should be limited in size to ensure that the form and character of the original building is not adversely affected. The size of extension likely to be acceptable will depend on the circumstances of each individual case, but extensions should not normally exceed the overall dimensions or cubic content of the original building by more than 20%”.



In this case, the proposal seeks the construction of a replacement structure inked to the main dwelling, whose overall scale and massing of the proposal would not be significantly greater than the existing building and would have no materially greater or any adverse impact on the countryside.

In terms of the use as annexe accommodation, it is clear that the new building has all the necessary elements to be self-contained accommodation. The building is, however, linked to the main dwelling internally through the glazed link, and its use as overspill accommodation is considered to be acceptable, provided a suitable condition is imposed restricting its use to annexe accommodation. This condition is essential to the acceptability of the development, as a new dwelling in the open countryside would be contrary to Policy SC1 of the Local Development Plan.

### *Use as Tourist Accommodation*

The applicants also propose to use the new building as tourist accommodation. In this respect, as the site lies within the open countryside Policy SC1 is relevant when it states (inter alia) that;

Outside settlement limits, development will only be permitted under the following circumstances:

7. It is a sustainable tourism or farm diversification proposal that is suitable in a countryside location;

In addition, LDP Policy T01 is relevant when it states that;

Tourism proposals outside of settlement limits will only be permitted where all of the following criteria are satisfied:

1. It is demonstrated that the proposal is viable and contributes towards the quality and economic sustainability of the tourism industry;
2. It is demonstrated that either the proposal requires a countryside location or it could not be accommodated within an existing settlement
3. The proposal would not have an adverse impact upon the landscape, ecology, and cultural heritage and would not adversely impact upon the social, economic, environmental or residential amenity of the area;
4. The proposal does not create unacceptable levels of vehicular traffic, cause a detriment to highway safety and access can be provided by a range of transport modes.

This generally permissive Policy offers flexibility in providing new, high quality tourism facilities outside of settlement limits in locations which would not normally be considered for development. Since a large concentration of tourism facilities are located within the Valleys area,

allowing development outside of settlement limits provides scope for the tourism sector to grow and contribute to reinvigorating the valley communities.

Proposals are required to demonstrate that they are economically viable, will promote sustainable development and enhance economic growth in the tourism sector. The valley areas, with their rural setting have the potential to continue to build on the growing tourism industry and can integrate rural diversification into tourism schemes. Evidence required to accompany applications may include business plans and local data, including information on existing and projected visitor numbers for the area and an assessment of the position of the proposed development within the current tourism market.

Certain proposals, by their very nature will require a countryside location and may include activities such as golf, fishing and mountain biking. Such activities will need to be designed in a manner to ensure the environmental impact is fully assessed and is minimised.

The applicant has provided clarification on the demand and linkages for tourism based accommodation within this area, specifically equestrian related activities which are undertaken in and around the existing farm, and nearby trotting facility. Notwithstanding the wider tourism draw of the area as a whole, including cycling and walking activity.

Accordingly, subject to there being no unacceptable impacts arising from the proposal, the principle of providing tourism accommodation within the extension is considered acceptable under Policy TO1.

### *Principle of Development – Conclusion*

Having regard to the above the proposal, as either a proposed tourism use or as an extension to an existing dwelling, is considered to be acceptable in principle subject to consideration of matters of design and scale and compliance with other topic specific policies within the Local Development Plan.

As stated previously, a suitably worded condition that restricts the (dual) use of the development would need to be imposed.

### Impact on Visual Amenity

The existing building to be demolished currently houses a former barn/store and is approximately 5.9m high with a ridged roof, and has a footprint of approx 53 sq m.

The proposed extension has a narrower frontage, but extends further at the rear, linked to the main dwelling with a double height glazed link. It is two storey, with a ridged roof set at a lower level than the main dwelling.

The overall scale in terms of footprint, and massing the overall scale of the building is not significantly greater than the existing building, albeit linked to the property to appear as an extension. The design of the extension provides a suitable addition to the property, mirroring the design of the property, whilst retaining an appropriate massing and scale that reflects the character of the property.

In terms of visual amenity, and specifically the design principles set out within Policy BE1 of the Local Development Plan, it is therefore considered that the extension provides an acceptable addition to this dwelling, and one that does not detract from the overall rural character of the area, or the character of the property itself.

#### Impact on Residential Amenity

The nearest residential properties are located within the settlement of Tairgwaith to the north, off which the farm access is derived. Accordingly there would be no impacts upon residential amenity.

#### Highway and Pedestrian safety

The site is already accessed by a vehicular access that serves this farm, and is provided with off street car parking fronting the building within an existing yard. There is sufficient space to enter and leave the site in a forward gear, and to provide parking to serve both potential uses of this extension.

The proposed tourism use is based on equestrian and other sustainable activities that do not rely on private vehicular transport, taking advantage of the rural location, surrounding the property itself and the wider countryside. As such once on site, there is potential for additional journeys to be limited.

It is not considered that the scale of the development, nor the uses proposed, would result in a significant increase of traffic on the existing track or any unacceptable impact on highway safety, and as such, it is considered that the proposals accord with Policies TO1 and TR2 of the Neath Port Talbot Local Development Plan.

## Biodiversity / Ecology

The applicant has submitted a Bat Survey which confirmed that the existing hay loft is a night feeding roost for an individual brown long eared bat. The proposed development will result in the destruction of the night roost.

The original bat survey highlighted mitigation but excluded specific details, though these have now been provided, including plans of the proposals which identify a new 'hot box' in existing garage and bat crevices installed in the side wall of new build.

The biodiversity Unit now offers no objection, but highlight that a European Protected Species (EPS) Licence is required for this development. Accordingly there is no objection of biodiversity grounds.

This planning permission does not provide consent to undertake works that require an EPS licence and a suitably worded note will be added to any permission issued in this regard.

## CONCLUSION

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the character of the area as a whole, the design, scale and massing of the existing development in the area, nor upon residential amenity. The use of the development would also, subject to condition, accord with Policies SC1, EN5, T01, and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION

Approve subject to the following conditions

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

List of Approved Plans

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

Site Location Plan 001  
Existing and Proposed Site Plans 002  
Proposed Floor Plans 006  
Proposed Elevations 006

Reason:

In the interests of clarity.

Regulatory Conditions

- 3 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 interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 4 The development hereby approved shall not be occupied at any time other than in accordance with either of the following purposes:

a) As holiday accommodation only, and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 12 Weeks in any calendar year.

An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

or

b) For purposes ancillary to the residential use of the dwelling known as Cilpentan Farm, as identified as a single planning unit within the plans hereby approved and shall not be sold, let or sublet as a separate unit of accommodation.

Reason:

Since the development hereby approved is considered acceptable as tourist / holiday accommodation under Local Development Plan Policies SC1 and T01 or as annexe accommodation connected to the main use of the existing dwelling under LDP Policies EN5 and BE1, but not for occupation as independent residential accommodation in the countryside which would be contrary to Policy SC1 of the Neath Port Talbot Local Development Plan.

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2019/5485</b>	<b><u>DATE:</u> 16/10/2019</b>
<b>PROPOSAL:</b>	Change of use from a dwelling house (C3) to H.M.O. (C4) with a maximum of 5 residents.
<b>LOCATION:</b>	2 Baldwins Crescent, Crymlyn Burrows, Neath Port Talbot SA1 8QE
<b>APPLICANT:</b>	Mr Glyn Hill
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Coedfrancc West

### BACKGROUND INFORMATION

Ward Councillor Helen Ceri Clarke requested on 21st October 2019 that the application be reported to Planning Committee (in summary) on the grounds that there will be an over-intensification of HMO properties in Crymlyn Burrows to above 20% which will have a detrimental effect on the overall feel and appearance of the village; an adverse impact on community cohesion; further exacerbate the problems experienced by permanent residents in respect of noise, litter, parking issues and antisocial behaviour at the properties already approved for HMO status; and that there is a very real danger of it becoming the sort of place that families will not wish to purchase property in, meaning that it eventually becomes a village of transient population with no investment in the community or civic life. This request was subsequently discussed at a Committee call-in panel with the Chair, Cllr Paddison, where it was agreed that the application should be determined at Planning Committee.

### LINK TO RELEVANT PLANS/ REPORTS

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

### SITE AND CONTEXT

The application site is located at 2 Baldwins Crescent, Crymlyn Burrows which comprises a two-storey semi-detached property currently in Class C3 (dwelling) use. The property is located within the Crymlyn Burrows

settlement limit and is bounded by residential dwellings to the east and west, a caravan sales premises to the south and industrial land to the north. There is a detached outbuilding at the rear of the garden with a lane to the rear of the property.

### DESCRIPTION OF DEVELOPMENT

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

There will be no external alterations as part of this application. Three car parking spaces are already present at the front of the premises. Cycle parking is also proposed.

The property has been privately rented for several years, the applicant now wishes to increase the number of students at the property.

### PLANNING HISTORY

The property has no planning history.

### CONSULTATIONS

**Coedffranc Town Council** - Object on the following grounds:

1. Members believe that there are too many HMO's in Crymlyn Burrows
2. Parking concerns for extra residents taking into account on street parking restrictions and the application is not helping the current street parking situation, it is actually causing a detrimental effect and exacerbating the situation. The application site cannot accommodate the required off street parking spaces.
3. The residents feel as if they are being pushed out of the area and what provision will be made for the residents that remain in the area.

**Head of Engineering & Transport (Highways)** – Initial concerns as parking spaces shown were not of adequate size, the highway section acknowledge that the site is large enough to accommodate the required 3 spaces side by side to allow space for manoeuvring for the 3 vehicles to park independently of each other. (There are 3 spaces currently at the premises)



## **Environmental Health (Noise) - No objection**

### REPRESENTATIONS

The neighbouring properties were consulted on 16th October 2019 with a site notice also displayed on the same date.

In response, to date no neighbour representations have been received.

### REPORT

#### National Planning Policy

- [Planning Policy Wales](#)

#### [Technical Advice Notes](#) - Technical Advice Note 12: Design

#### Local Planning Policies

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

#### Topic based Policies

- [Policy SC1 Settlement limits](#)
- [Policy TR2 Design and Access of New Development](#)
- [Policy BE1 Design](#)

#### *Supplementary Planning Guidance*

The following SPG is of relevance to this application: -

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

#### EIA and AA Screening

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

## Issues

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

## Principle of Development

### *Background Information*

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

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

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

### *Background Information - Previous Applications*

Members will recall that a number of applications have previously been reported to Committee on 2nd October 2018 (no. 17 Elba Crescent), 11th June 2019 (no's 3 and 38 Elba Crescent) and 5<sup>th</sup> November 2019(no. 14 Elba Crescent).

All of the above applications were approved, the conclusion being reached on each proposal that there were no grounds to refuse the application on the basis of unacceptable impact upon residential amenity or over concentration of HMOs, having particular regard to the percentage and spatial distribution of HMOs present in the existing area. Nevertheless, Members were advised that the HMO situation in Crymlyn Burrows would continue to be monitored / investigated.

### *Evolving National Policy Context*

Welsh Government issued Planning Policy Wales Edition 10 in December 2018 in a substantially revised form developed around the goals embodied in the Well-being of Future Generations (Wales) Act 2015. This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the well being of communities. Indeed, PPW10 emphasises that one of the "Key Planning Principles" is "Creating & sustaining communities", noting that: *"The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives."*

It goes further to add that Social Considerations include:

- who are the interested and affected people and communities;
- how does the proposal change a person's way of life, which can include:
  - how people live, for example how they get around and access services;
  - how people work, for example access to adequate employment;
  - how people socialise, for example access to recreation activities; and
  - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and

- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW also emphasises the need for Councils to "make informed development management decisions that focus on the creation and enhancement of Sustainable Places". In this regard, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

### *Evolving Local Context*

Although it is emphasised that it not directly relevant to this Authority or its decisions, it is also of note that the City & County of Swansea (CCS) adopted its LDP in February 2019, which now includes a HMO Policy, accepted by the LDP Inspectors, and based on local background evidence, notably a report by an independent company called Lichfields.

That background evidence report, while focussing on CCS, is nevertheless of relevance insofar as it identifies the wider national context, and also the issues surrounding Swansea University (including the Bay campus which lies within NPT).

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services
- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

The analysis undertaken by Lichfields identified a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts were summarised as:

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;
3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

As a consequence of this research, CCS now has an adopted HMO Policy in their LDP. However, the complexity of assessing whether any proposed change of use has a harmful impact on local character or community cohesion is demonstrated by the varying criterion in their Policy, which includes a requirement (outside of their HMO Management areas – these being existing areas of high HMO concentration) for any proposal not to result in more than 10% of all residential properties within a 50m radius of the proposal being HMOs, and within 'small streets' for a proposal to not "create a disproportionate over-concentration of HMOs within that street".

In addition to specifying % rates within designated areas, the policy also requires an assessment of whether the development would have an unacceptable adverse impact caused by noise nuisance and general disturbance.

The supporting text to their Policy is also relevant to a wider understanding of the issue, insofar as it emphasises that there is a need for future HMO provision to be managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-

concentration of HMO properties to the detriment of residential amenity and community balance. These objectives are equally pertinent to consideration of this application.

It also emphasises that "National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO Management Area. This does not mean, however that anything over 10% is unacceptable or harmful as a matter of principle given the need to still demonstrate the harm of such concentrations and the absence of a policy within NPT.

### *Assessment of Current Application*

In the absence of a HMO Policy, this application (like others that have preceded it) has to be determined in line with current LDP Policies. In this respect it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a Class C4 HMO use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts. This includes consideration of any potential wider impacts on local character and social / community cohesion created by Class C4 uses, as well as other amenity / highway issues.

The wider assessment of the principle, however, should have regard to the local and national context described earlier, and it is especially notable that there is a need for this Authority to ensure that the years where there is a 'policy vacuum' between the adoption of our current LDP (in January 2016) and conclusion of the review (commencing 2020 and adoption in 2024) is not taken advantage of by developers to the extent that applications are progressed incrementally to the point where

the character and cohesion of the local area could be irreparably harmed.

### *Current Situation*

The 71 properties that combined make up Elba and Baldwin's Crescents lie in close proximity to the Swansea Bay Campus development, and it is considered appropriate that these are characterised for the purposes of this assessment as an individual settlement. Moreover, due to its proximity to the Campus and its limited scale, it is considered to be a settlement which could be affected more readily by change in terms of demography and tenure. As such, it is considered that this area is more sensitive to change than, say, a larger settlement or city and town centre typology, where larger number of residential units in higher densities could absorb change at a higher percentage more readily.

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

To emphasise the extent of local concern, a large number of representations have been received from members of the public on previous applications in the locality (although to date there have been no representations received to date on this application). The local Ward Member's objections, and the points raised by the Community Council have increasingly raised concerns over the potential impact on the character and cohesion of the area caused by a concentration / number of HMO's. The local residents undoubtedly 'paint a picture' of a settlement which is increasingly being changed by the introduction of student houses ('studentification') with the associated impacts on local character, amenity and social cohesion.

Having regard to the guidance in PPW (4.2.1), which emphasises the need for Councils to "make informed development management decisions that focus on the creation and enhancement of Sustainable

Places" it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained. Moreover, this appears on the face of it, particularly relevant in areas such as Elba / Baldwins Crescent where communities are small and under pressure from alternative development or uses, or where the scale and character of the area makes it more sensitive to change, or the perception of change that results in a loss of social cohesion and character.

A 10% 'tipping point' has been referred to earlier in this report, taken from national research "as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts associated with this demographic change". Nevertheless, it is necessary to give significant weight - especially in the absence of a specific 10% HMO Policy - to the need to demonstrate whether a proposed change of use would result in harm, based on the existing character of the area.

Accordingly, it is clear that the specific circumstances within an area will be paramount in determining if the level of HMO development will result in any significant impacts upon those material considerations previously identified, including impacts upon residential amenity, and social cohesion. In other words, there is no 'one size fits all' approach that can be robustly defended at appeal.

The following facts are thus pertinent to the overall assessment of harm:

- The 'community' / 'settlement' is made up of only 71 properties, and is in very close proximity to the Swansea University Bay Campus;
- The settlement is under increasing pressure from proposed HMOs, which is increasing local concerns about the impact on the community and social cohesion.

It should be noted that it can be difficult for Local Planning Authorities (LPAs) to determine and demonstrate how an application for an HMO will impact on the character and amenity of the surroundings, or indeed at what point the number of HMOs within an area will have an impact upon the existing community. The Welsh Government's 2015 report suggested that a 10% concentration of HMOs is generally when local



residents start to express concerns over the intensification and where there could be an impact on the character of the community. LPAs with policies on HMOs across Wales generally have thresholds of between 10% and 20% depending on the evidence and local circumstances.

As noted earlier, however, the Council does not have any specific local Policies aimed at preventing the spread of HMOs (due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class following adoption of the LDP). Accordingly it is necessary to consider within the context of current LDP Policies, albeit having regard to other locally-based evidence/assessment of the issues, whether the proposed conversion of this property would have adverse impacts on local character etc.

Within the above context, the Authority (through determination of recent applications at Planning Committee in October 2018, June and November 2019) has accepted that the number and spatial distribution of HMOs currently in Elba Crescent and Baldwins Crescent would not have an unacceptable impact on local character. In terms of percentages, the existing situation is shown in the table below.

	Existing HMO No's
Elba Crescent (all)	8 out of 40 (20%)
Baldwins Crescent (all) including Compass House (unimplemented)	2 out of 30 (6.66%)

The spatial distribution of existing HMOs in Baldwins Crescent is shown on figure 1 below (existing / authorised HMO's are red)



Previous reports have emphasised to Members that Officers have liaised with Council Tax and Environmental Health colleagues, served Planning Contravention Notices (PCNs) on 12 properties, reviewed the register of electors, council tax records and undertaken visits to the area, including recent door-to-door visits, all of which sought to ascertain as far as possible a clearer picture of the number of existing (and potentially unauthorised) HMO's in this area.

Whilst it is acknowledged that the number of HMOs in any area could be higher, due to some HMOs not being licensed or known to the Council (which may have been used for shared accommodation prior to the change to the Use Classes Order), the reconciliation of a number of different databases provides confidence that we have an accurate picture of the current uses within each property in the two streets concerned. In this respect, it is noted that there is concern in the local community about the potential impact of HMOs on local character and social cohesion, as well as associated potential issues arising from the use of HMOs by the student population from the nearby University campus.

It remains the case that the conclusions reached by previous Planning Committees at that time were robust and sound.

The proposed change of use of this property would introduce one more HMO into Baldwins Crescent, taking the total of HMOs in Baldwins Crescent to 2 excluding the already approved (but unimplemented) change of use of Compass House (1a). This is shown on the table below.

	<b>Existing HMO No's</b>
Elba Crescent (all)	8 out of 40 (20%)
Baldwins Crescent (all) including Compass House (unimplemented)	3 out of 30 (10%)

Based on such an assessment, it is considered that the overall 10% figure for Baldwins Crescent, coupled with the location of this property away from any identified concentration or grouping of HMOs would mean that the proposal would not result in a disproportionate or unacceptable over intensification of HMO uses in this location.

### *Noise and Disturbance*

Given the concerns expressed locally, as part of our ongoing assessment officers have engaged with colleagues in waste/ pest control and streetcare to ascertain whether there have been substantiated complaints relating to the impact of existing HMOs in this area. There have been 8 complaints from residents in the area, 5 of these related to current noise investigation on a single property which is being jointly investigated by the Council and Swansea University. It should be noted that the working relationship with the University to resolve and enforce these issues of “expected behaviour” of students has seen positive results. For example a letter from the University directly to the occupiers of the property saw an instant improvement of the issue.

Of the remaining 3 complaints 2 related to noise during the first week of student occupation only and were resolved by reporting the complaints to the landlords and the other was regarding an overgrown bush impinging on the pavement.

Relating to waste issues, a complaint was received previously which related to excess litter around the area, allegedly due to the student population, but action was not required, while the waste/pest control Enforcement Officer advises that he has had no dealings with any properties in either Elba Crescent or Baldwins Crescent in the last few years.

### *Layout and Capacity of Property*

The Environmental Health Officer has raised no objections to the principle of this development and states that he has no complaints relating to the property conditions or management of the existing HMO's in this area.

The accommodation of more than 6 residents within the property would take it outside of the C4 Use Class which would require further planning permission in itself. Nevertheless it is considered appropriate to ensure that the number of occupants is restricted by condition to a maximum of 5 (one per bedroom), both as a matter of principle relating to the intensity and character/ nature of use, but also for parking reasons (see below).

### Impact on Visual Amenity

There will be no external alterations to the property proposed as part of this application. It is further considered that the change of use to HMO (which is residential) would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Changes to the parking layout to the frontage (referred to later) would have no unacceptable visual impacts.

### Impact on Residential Amenity

In terms of potential impact on residential amenity from the proposed use, one issue that has been raised again (by Environmental Health) concerns the fact that allowing this application would leave one existing C3 dwelling 'sandwiched' between two HMOs (including the unimplemented Compass House proposal). This is a situation which the Swansea LDP, for example, has sought to preclude within their LDP Policy, the purpose of which is to prevent the potential for negative amenity impacts upon a residential property as a result of being sandwiched between two HMOs.

It is noted, however, that the 'non-sandwiching' part of Swansea's Policy has yet to be tested at appeal, and that the background evidence to the Policy identified that such a Policy criterion could be problematic. Nevertheless, they supported its inclusion based on local evidence and the fact that other LPAs were trialling such an approach in their LDPs, concluding that "this policy could be trialled as an appropriate policy response, and any Appeal outcomes that arise out of this approach being challenged could be monitored accordingly to examine whether the policy is sufficiently robust and effective".

Having regard to the above, it is again important to emphasise that NPT has no HMO Policy in its LDP, and no *non-sandwich* policy as a consequence. Nor does it have the direct evidence relating to NPT which supported inclusion of such a criterion within the CCS Policy. Accordingly, an '*in-principle*' objection on sandwiching grounds would be difficult to sustain at appeal unless it is supported by evidence of complaints.

In this regard, while noting general local concerns in respect of potential noise disturbance and the fact that there is potential for an increase in disturbance by an intensified use of this property, having

regard to the lack of objection from the Environmental Health Officer, noise complaints in this immediate area and the fact that Compass House has yet to be converted (and may never be), it is considered that it would be difficult to robustly defend a refusal on such grounds.

This conclusion is also taken having particular regard to the fact that this property would not be physically attached to **both** adjacent dwellings (i.e. it is semi-detached not terraced) thus limiting some of the issues that can arise in terraced properties in terms of noise transmission.

Accordingly, it is considered that the proposed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds. Nevertheless an informative will be attached to any decision strongly advising the developer to consider Part E: 'Resistance to the passage of sound' of the Building Regulations 2000 especially in relation to the party wall between this property and the attached residential dwelling (since appropriate acoustic insulation of the party wall will help reduce the potential for complaints to the Local Authority regarding noise disturbance from the intensification of the use at this property). Local concerns over the type of future occupants of such a property are not considered to be matters to which weight can be given.

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

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

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

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

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

The Head of Engineering and Transport (Highways) has assessed the proposal and initially raised concerns regarding the size of the parking spaces shown on the plan. While the parking spaces have since been increased in size, the amended plan does not allow adequate room for manoeuvring the vehicles so that the parking spaces work independently to each other. The highway section however states that there is sufficient room in the application site to accommodate this.

While it must be taken into account that these parking spaces are already present at the property, the intensification in use of the property is such that there would be greater opportunity for conflict which could prevent their use or cause issues on the adjoining highway (which has controlled double yellow line in the area). Accordingly, a condition is recommended to reflect the need for an amended car parking scheme to ensure a more appropriate arrangement to the front.

It is also noted that the property is in a sustainable location, being situated on the main A483 which is a local bus route and opposite the new University Campus within which an extensive bus service operates. It is noted that whilst concerns have been raised about on street parking, it is likely that this is caused by non-resident traffic rather than from those living within the two streets. Traffic Regulation Orders are in place to control such parking and the area is patrolled regularly by traffic enforcement including the new camera vehicle which came into operation earlier this year.

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

### Other Matters

The application site is located close to the outer zone of the HSE Padhi Installations Zone. The outer limit crosses no 1 Baldwins Crescent but leaves the application site clear of the zone. No objection is raised on health and safety grounds.

## CONCLUSION

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

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

It is further considered that the decision complies with the Council's wellbeing objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION Approve subject to the following conditions

### Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

### List of Approved Plans

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

Site Location Plan Received 8th October 2019

Proposed Floor Plans Received 8th October 2019

Reason In the interests of clarity

## Regulatory Conditions

- 3 Notwithstanding the details submitted, prior to the first beneficial use of the property as a House in Multiple Occupation (HMO), a scheme shall have been submitted to and approved in writing by the Local Planning Authority detailing the provision of three off street car parking spaces within the curtilage of the property, to include an appropriate turning area and hard-surfacing details of the driveway/ parking area. The scheme as approved shall be implemented prior to the first beneficial use of the property as a House in Multiple Occupation (HMO) and shall be retained as such thereafter.

### Reason

To ensure adequate parking provision for the development in the interests of highway safety and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

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

### Reason:

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



## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2019/5515</b>	<b><u>DATE:</u> 25/10/2019</b>
<b>PROPOSAL:</b> Change of use from 4 Flats (C3a Use) to a 6 bed HMO (C4 Use).	
<b>LOCATION:</b> Flats A-D, 1 Crown Street, Port Talbot SA13 1BG	
<b>APPLICANT:</b> Mr Peter Bevan	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Port Talbot	

### BACKGROUND INFORMATION

Ward Councillor Keogh requested on November 8<sup>th</sup> 2019 that the application be reported to Planning Committee on the grounds that there is insufficient parking space as the property is situated in a heavily regulated parking area, where we have continuous complaints about the current parking arrangements.

### LINK TO RELEVANT PLANS/ REPORTS

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

### SITE AND CONTEXT

The application site is located at 1 Crown Street, Port Talbot which comprises a two-storey terraced property known as Flats A-D with a current use of 4 number flats (Use Class C3a).

The property is located within the Port Talbot settlement limit and is bounded on all sides by residential properties.

The property has been vacant since 2012 following enforcement action by Environmental Health officers, and its condition has deteriorated to the extent that it has been affecting adjacent property and the character of the immediate area.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from four flats (Use Class C3a) to a House of Multiple Occupation (HMO) (Use Class C4).

The development proposes a change of use to a 6 bedroom HMO with minimal external alterations to the existing building. The only external changes being the creation of an access point within the existing dwarf wall to the rear of the premises and the creation of a new door to allow direct access to the rear amenity area. There are also facilities detailed for bin storage and 6 no. bike storage.

## PLANNING HISTORY

The property has no relevant planning history.

## CONSULTATIONS

**Port Talbot Ward:** Objections have been received from the Ward Councillors:

Cllr Dennis Keogh raised the following concerns:

- Insufficient parking spaces as the property is situated in a heavily regulated parking area, where there has been continuous complaints about the current parking arrangements.
- As one of the three Councillors in the ward I feel we have a duty of care to the surrounding constituents and we must be seen to be acting on their behalf.

Cllr Saifur Rahaman and Cllr Sharon Freeguard raised the following concerns:

- Noise nuisance – the use and number of persons in the property will result in more than the usual level of domestic noise at different times of the day and night to the detriment of the adjoining neighbours.
- The condition and maintenance of the property with extra waste in the garden will detract from the appearance of the street scene.
- Loss of privacy from the increased number of occupiers of the HMO.

- The property was originally built as a single family residence and then converted into four flats, is not suitable for use as an HMO.
- The conversion of greater numbers of single dwellings into HMOs is having an adverse impact upon the traditional family orientated neighbourhoods.
- The number of occupants and visitors to the HMO will result in increased traffic and parking in this quiet street. There is already a significant issue with parking in this area.
- Parking at the rear of the property and increased occupancy will have an adverse noise and disturbance impact upon the neighbours to the rear.
- Opening up the rear of the application property will result in an increased security risk to neighbouring properties.
- Currently the ward of Port Talbot (urban) is experiencing a high number of Anti-Social Behavioural Issues, particularly in and around the town centre and the adjacent streets. Evidence suggests that HMOs can have an impact on and increase Anti-Social Behaviour in the area. 'Houses in Multi Occupation: Practice Guidance (March 2017)' produced by the Welsh Government does highlight how ASB issues can be addressed and we are mindful that all agencies involved are under resourced and may not be able to deal with any further increase in ASB issues. Figures can be obtained on request to SWP.

Cllr Saifur Rahaman also wishes to speak at the Committee Meeting.

**Environmental Health:** No objections

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

### REPRESENTATIONS

A site notice was displayed on site on October 28<sup>th</sup> 2019. Neighbours were consulted on October 28<sup>th</sup> 2019.

To date 1 number representation has been received. The objections can be summarised as follows:

- There is already scarce parking spaces available in the area and it is dangerous trying to navigate the street with the way that cars

park and now there is a proposal to change the property into a HMO for at least 6 residents, who will presumably have cars.

- The property was previously split into flats which brought anti-social behaviour to the street and ultimately led to the property being left derelict, please don't let this return.
- There is an elderly resident already living in fear in street and this proposed use coupled with the lack of street lighting will only compound the fear.
- Could property not be utilised as residential use other than a HMO.

## REPORT

### National Planning Policy

#### [Planning Policy Wales](#)

#### [Technical Advice Notes](#) - Technical Advice Note 12: Design

### Local Planning Policies

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

#### Topic based Policies

- **Policy SC1 Settlement limits**
- **Policy TR2 Design and Access of New Development**
- **Policy BE1 Design**
- **Policy SP1 Climate Change**

#### Supplementary Planning Guidance

The following SPG is of relevance to this application: -

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

#### EIA and AA Screening

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

## Issues

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

## Principle of Development

### *Background Information*

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

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

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

### *Evolving National Policy Context*

Welsh Government has issued [Planning Policy Wales](#) Edition 10 in December 2018 in a substantially revised form developed around the goals embodied in the Well-being of Future Generations (Wales) Act 2015.

This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the wellbeing of communities. Indeed, PPW10 emphasises that one of the “Key Planning Principles” is “Creating & sustaining communities”, noting that:

*“The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”*

It goes further to add that Social Considerations include:

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
  - how people live, for example how they get around and access services;
  - how people work, for example access to adequate employment;
  - how people socialise, for example access to recreation activities; and
  - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW also emphasises the need for Councils to “make informed development management decisions that focus on the creation and enhancement of Sustainable Places”. In this regard, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

## *Evolving Local Context*

Although it is emphasised that it is not directly relevant to this Authority or its decisions, it is also of note that the City & County of Swansea (CCS) adopted its LDP in February 2019, which now includes a HMO Policy, accepted by the LDP Inspectors, and based on local background evidence, notably a report by an independent company called Lichfields.

That background evidence report, while focussing on CCS, is nevertheless of relevance insofar as it identifies the wider national context.

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services
- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

The analysis undertaken by Lichfields identified a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts were summarised as:

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;
3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;

4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

As a consequence of this research, CCS now has an adopted HMO Policy in their LDP. However, the complexity of assessing whether any proposed change of use has a harmful impact on local character or community cohesion is demonstrated by the varying criterion in their Policy, which includes a requirement (outside of their HMO Management areas – these being existing areas of high HMO concentration) for any proposal not to result in more than 10% of all residential properties within a 50m radius of the proposal being HMOs, and within ‘small streets’ for a proposal to not “create a disproportionate over-concentration of HMOs within that street”. In addition to specifying % rates within designated areas, the policy also requires an assessment of whether the development would have an unacceptable adverse impact caused by noise nuisance and general disturbance.

The supporting text to their Policy is also relevant to a wider understanding of the issue, insofar as it emphasises that there is a need for future HMO provision to be managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. These objectives are equally pertinent to consideration of this application.

It also emphasises that “National research has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can ‘tip’ from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.



## *Assessment of Current Application*

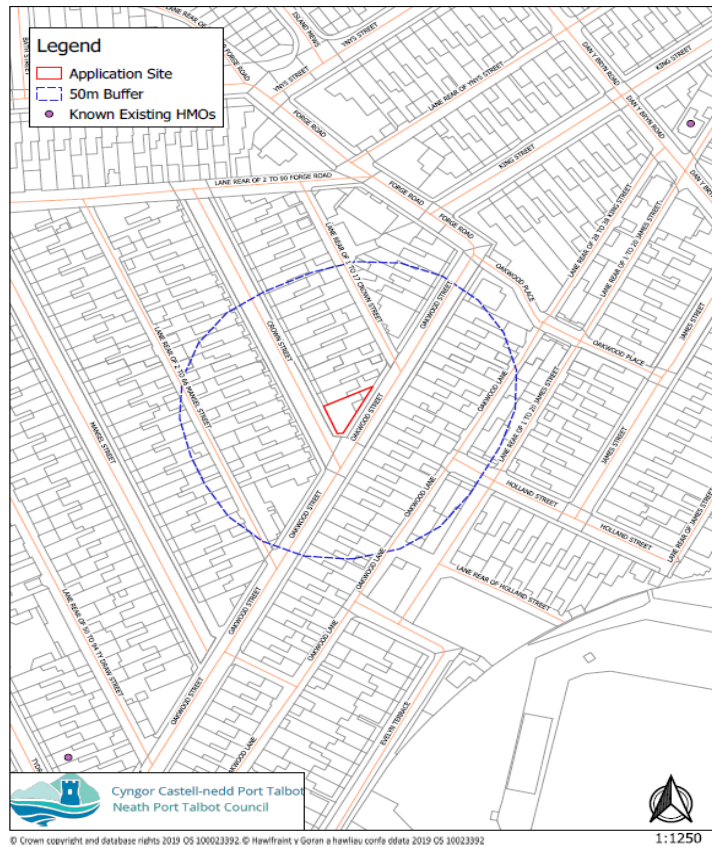
While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO Management Area. This does not mean, however that anything over 10% is unacceptable or harmful as a matter of principle given the need to still demonstrate the harm of such concentrations and the absence of a policy within NPT.

In the absence of a HMO Policy, this application has to be determined in line with current LDP Policies. In this respect it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a Class C4 HMO use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts. This includes consideration of any potential wider impacts on local character and social / community cohesion created by Class C4 uses, as well as other amenity / highway issues.

The wider assessment of the principle, however, should have regard to the local and national context described earlier, and it is especially notable that there is a need for this Authority to ensure that the years where there is a 'policy vacuum' between the adoption of our current LDP (in January 2016) and conclusion of the review (commencing 2020 and adoption in 2024) is not taken advantage of by developers to the extent that applications are progressed incrementally to the point where the character and cohesion of the local area could be irreparably harmed.

Within this context, based on the information accessible to the Council, whilst there are 39 dwellings along the length of the street within which the application site is located, none of them are currently occupied as HMOs. The nearest recorded HMO is a single property located on Tydraw Street which is the terrace to the South of Crown Street.

Moreover, Policies or SPGs adopted by other authorities including Swansea have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone. In this case there are no other known HMOs within such an informal '50m zone' (as shown on the plan below).



## *Layout and Capacity of Property*

It is also of note that the Council's Environmental Health team have had a long history with these premises. They have advised that under section 257 of the Housing Act 2004, a building or part of a building which has been converted into self-contained flats where the building work undertaken in connection with the conversion did not comply with the appropriate building standards, and still does not comply with them, is considered to be a House in Multiple Occupation (HMO). This power exists to ensure that where properties have been converted without Planning or Building Regulations approval, the Authority is able to protect occupiers of the flats by using the more extensive powers available for HMOs compared to self-contained dwellings.

This property was determined as a section 257 HMO in 2006, and all (Environmental Health) enforcement action undertaken under Housing Act 2004 powers since then has been on the basis that the property is a HMO. During an inspection of the premises in March 2012, a number of serious defects were found that meant that it was dangerous for the property to be occupied in that state. Consequently an Emergency Prohibition Order was served on the previous owner in March 2012 which required the immediate evacuation of the tenants. The property has remained empty since that time, and has changed ownership in the meantime whilst continuing to deteriorate.

The current state of the property has prompted local residents to complain to Environmental Health about the impact the property is having on the area and adjoining property. The property was assessed by an Empty Property Officer who subsequently contacted the owner and signposted them to support to assist him bring this property back into residential use.

Although the Housing Act and Planning definitions of a HMO are closely aligned, this case highlights a divergence insofar as its current authorised use under the Housing Act is already a HMO. Rather than being a change of use to a HMO, Environmental Health therefore consider this to be a slight change to a well-established HMO use, and therefore have offered no objections to this application.

Environmental Health do however ask Members to note this application is the first stage in the process of bringing a long term, problematic empty property back into beneficial residential use, and subsequently see this application as a step in the right direction as far as regenerating and reinvigorating the site.

Having regard to the guidance in PPW (4.2.1), which emphasises the need for Councils to “make informed development management decisions that focus on the creation and enhancement of Sustainable Places” it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

In this respect, while it is noted that there is often concern in the local community about the potential impact of HMOs on local character and social cohesion, there is no known HMO issue in this area, such that even in the absence of a specific HMO Policy within the LDP, there are no grounds to refuse this application relating to the impact on local character or community cohesion.

#### Impact on Visual Amenity

There are no external alterations proposed to the property, with exception of an access point of an existing dwarf wall and the creation of a new door to allow direct access to the rear amenity area including new bike and bin storage. In this respect, it is considered that the change of use to HMO (which is residential) would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

### Impact on Residential Amenity

The proposed development will not result in any external alternations to the property which could further impact upon the amenities of residents within neighbouring properties over and above that currently experienced.

Whilst it is acknowledged that the use of the property will be for up to 6 persons, and concern has been expressed about the intensity of such use, this number is not significantly different to that of many houses which are occupied by families, or those within the four flats that are authorised in this property. It is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be materially different when compared to the existing use or a large family property.

Accordingly, it is considered that the proposed six-bed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds.

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

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

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

It is noted that the three local Ward Members have raised local concerns about the proposal on the grounds that there is insufficient parking space, noting that the property is situated in a heavily regulated parking area, where they have continuous complaints about the current parking arrangements.

The property is located in an area of terraced properties where it is recognised that parking can often be at a premium. The streets have a mix of residents parking bays, restrictions and unrestricted bays. The existing building does not have any off street parking provision and there is no possibility to provide any additional spaces.

The approved Parking Standards SPG does not specifically refer to Class C4 HMOs, but it is considered that the proposed residential use should be subject to the same parking standards as for a C3 dwellinghouse use, such that the change of use to a 6 Bed HMO would only require a maximum of 3 spaces. The NPT Parking Standards however detail the existing use as 4 flats would need 4 resident parking spaces. Therefore the proposed use is actually a betterment of what it is in situ.

It is also noted that the proposed plans includes a secure cycle storage area for up to 6 bikes, while the local area surrounding the development is very flat which aids the use of bikes or walking to local amenities and public transport. Transportation links such as Port Talbot railway Station is a 7 minute (0.3miles) walk from the site. The Bus Station serves many destinations such as Swansea, Neath and Bridgend at regular intervals and is also only a 7 minute walk from the site.

As a consequence the Head of Engineering and Transport (Highways) has assessed the proposal and raised no highway objections to the proposal.

Having regard to the above, while it is recognised that there are local concerns about the availability of parking in the immediate area, it is concluded that the development would represent an acceptable form of development in a sustainable location, and there are no grounds to substantiate a refusal on parking grounds, such that the proposal would have no unacceptable impact on either highway or pedestrian safety.

### Others

A single letter of objection has been received which raised a number of issues. The majority of these issues have been addressed earlier in the report. With regard to those that have not, the Planning Department would respond as follows:

- The letter enquired as to whether the application could not be better served as an alternative residential use. This suggestion is duly noted, the application however was assessed on its individual merits as per the applicants submission.
- With regard to anti-social behaviour, the local concerns are noted, however the proposal must be assessed on land use planning grounds, and in this context there is not considered that there is any reason or evidence to suggest that the introduction of the

HMO would introduce any such behaviour over and above that associated with the existing current lawful use as 4 number flats.

## CONCLUSION

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

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

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

## RECOMMENDATION

That planning permission be GRANTED subject to conditions

## CONDITIONS

### Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

## List of Approved Plans

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

- Red Line Location Plan 1 Crown Street
- Proposed Floor Plan 1703 1-2
- Proposed Site Plans 1703 4-2
- Proposed Elevations 1703 2-2
- Travel Plan for Proposed HMO

Reason:

In the interests of clarity.

## Pre-commencement conditions

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

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- iv. measures to control the emission of dust and dirt during construction

Reason

In the interest of highway safety

## Action Conditions

3 Prior to first beneficial occupation of the development hereby approved, the new access door in the rear elevation and bike store in the rear yard area shall be provided in accordance with the approved Elevations plan 1703 2-2, floor plans 1703 1-2 and site plan 1703 4-2. The rear access door and bike store shall thereafter be retained as approved and available for as such on site.

Reason

In the interest of residential amenity, and to ensure all residents have direct access to the rear yard area for amenity purposes.

Regulatory Conditions

- 4 No more than 6 persons shall be resident at any one time within the House in Multiple Occupation hereby approved.

Reason:

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



## SECTION B – MATTERS FOR INFORMATION

### APPEALS DETERMINED

a) Planning Appeals

None

b) Enforcement Appeals

**Appeal Ref:** A2019/5003      **Planning Ref:** E2017/0028

**PINS Ref:** APP/Y6930/C/19/3233246

**Applicant:** Mr Andrew Jenkins

**Alleged Breach:** Without planning permission, the change of use of the land from a nil use into a commercial yard / depot for Glantawe Landscapes incorporating the parking of motor vehicles, a storage and wood cutting/ chipping supply facility along with the erection of wooden structures associated with the use.

**Site Address:** Land Adjacent To Greencroft Ynys Y Darren Road Ystalyfera Swansea SA9 2EH

**Start Date:** 2 August 2019

**Appeal Method:** Public Inquiry

**Decision Date:** 5 November 2019

**Decision:** Appeal Withdrawn

Members are advised that the above appeal is no longer proceeding following negotiations with the owner, which has seen the submission and subsequent approval of a planning application for the use in question on part of the site in question. In this respect the service of the Enforcement Notice had its desired effect of encouraging the owner to regularise matters, when they had previously refused to submit such an application.

Mae'r dudalen hon yn fwriadol wag

## SECTION B – MATTERS FOR INFORMATION

### DELEGATED APPLICATIONS

DETERMINED BETWEEN 28<sup>th</sup> OCTOBER 2019 AND 18<sup>th</sup> NOVEMBER 2019

App No: **P2017/0997**

Proposal: Details (part) to be agreed in association with condition 6 (post construction monitoring-first year) of planning permission ref: P2009/1053 (DECC Ref: 12.04.09.26C) granted on 8/5/12.

Location: Pen y Cymoedd Wind Farm South of the Heads of the Valleys Road (A465) between Neath and Aberdare to the north of Maerdy, Treorchy and Glyncorrwg Treherbert CF42 5PH

Decision: Approved

Ward: Resolven

App No: **P2019/5188**

Proposal: Details pursuant to the discharge of Conditions 2 (Structural calculation for the turning head retaining wall) of Planning Permission P2019/0269 approved on the 14th June 2019

Location: Land To The North Of Neath Road Rhos

Decision: Approved

Ward: Rhos

App No: **P2019/5200**

Proposal: Installation of a small scale 100kw hydro-electric power development consisting of construction of two weirs, pipe route and a power (turbine) house (part-retrospective)

Location: Nant Yr Allor Farm Nant Yr Allor Farm Access Road Glyncorrwg SA13 3AY

Decision: Refused

Ward: Glyncorrwg

App No: **P2019/5215**  
Proposal: Dwelling (outline with all matters reserved) (Amended Plans Received 11th October 2019)  
Location: Land To Rear Of 39 Danygraig Road Trebanos Pontardawe Swansea  
Decision: Refused  
Ward: Trebanos

App No: **P2019/5232**  
Proposal: Part two storey part single storey side extension and first floor rear extension including steps.  
Location: 2 Pen Y Graig Road Alltwen Pontardawe SA8 3BS  
Decision: Approved  
Ward: Alltwen

App No: **P2019/5291**  
Proposal: Replacement front/side boundary retaining walls, front steel railing and hard surface to flattened area within front curtilage  
Location: 36 St Catherines Road Baglan SA12 8AS  
Decision: Approved  
Ward: Baglan

App No: **P2019/5307**  
Proposal: 2 detached residential dwellings with associated off road parking, amenity space and out building.  
Location: Site Of Former Aberavon Green Stars Rugby Football Clubhouse Sitwell Way Sandfields SA12 6BP  
Decision: Approved  
Ward: Sandfields East

App No: **P2019/5319**  
Proposal: Construction of single residential dwelling  
Location: Heritage Gate Coed Darcy Neath  
Decision: Approved  
Ward: Coedffranc West

App No: **P2019/5322**  
Proposal: Details pursuant to the discharge of Condition 5  
(Construction Method Statement) of Planning  
Permission P2018/1027 (Approved on the 11/03/19)  
Location: Land Off Crown Way Llandarcy  
Decision: Approved  
Ward: Coedffranc West

App No: **P2019/5327**  
Proposal: Variation of Condition 1 (approved plan list) of  
Planning Permission P2018/0883 approved on  
04/06/2018 to allow the retention of the roof cowls and  
stacks  
Location: Hafod Residential Home Wenham Place Neath  
SA11 3AH  
Decision: Approved  
Ward: Neath North

App No: **P2019/5331**  
Proposal: Demolition of single storey rear extension and  
construction of part two storey and part single storey  
rear extension and detached garage (Amended Garage  
Plans)  
Location: 68 Dulais Road Seven Sisters SA10 9ER  
Decision: Approved  
Ward: Seven Sisters

App No: **P2019/5339**  
Proposal: Single storey side and rear extension including dormer  
to rear elevation with juliet balcony  
Location: Aelfryn 4 Graig Gellinudd Gellinudd Pontardawe  
Swansea  
Decision: Approved  
Ward: Rhos

App No: **P2019/5353**  
Proposal: Retention of raised decking and change of use of land to residential curtilage.  
Location: 62 Ffynnon Dawel Aberdulais Neath Neath Port Talbot SA10 8EQ  
Decision: Refused  
Ward: Aberdulais

App No: **P2019/5357**  
Proposal: Submission of details under condition 4 (drainage) of planning approval P2004/1709 approved on 15/03/2005 for a pair of semi-detached dwellings  
Location: 1 & 2 Corner Plot Adjacent To No 11 Woodland Road Crynant Neath  
Decision: Approved  
Ward: Crynant

App No: **P2019/5363**  
Proposal: Works to trees protected by Tree Preservation Order T188/G7 located within a Conservation Area, consisting of T1 Yew - lift canopy over path by approx. 2.5metres removing secondary branches only, T2 Port Laurel - reduce one lower limb to young growth (mid stem), prune to remove adjacent small diameter branch, T3 Oak - several hasard beam fractures in lower branches, prune to suitable union, T4 Sycamore - 1 lower limb supporting weight of ailed oak branches, remove to lift canopy over grave stone and T5 Sycamore - prune to provide 2.5 metre clearance from church roof.  
Location: St Johns Church Church Road Cilybebyll Pontardawe Neath Port Talbot  
Decision: Approved  
Ward: Rhos

App No: **P2019/5390**  
Proposal: New shop front and accommodation entrance  
Location: Y Gegin Fach 11 Wern Road Ystalyfera Swansea Neath Port Talbot  
Decision: Approved  
Ward: Ystalyfera

App No: **P2019/5394**  
Proposal: Variation of condition 3 (Drainage scheme) to allow details to be submitted post commencement of development and removal of condition 4 (Reptiles) to remove requirement to provide a reptile method statement, of planning application P2017/0798 granted on 20.12.17  
Location: Plot Adjacent To 2 Clos Afallon Gwaun Cae Gurwen Ammanford SA18 1HH  
Decision: Approved  
Ward: Gwaun Cae Gurwen

App No: **P2019/5404**  
Proposal: Details pursuant to the discharge of condition 3 (surface water drainage) of planning application P2019/5210 approved on 04/09/2019  
Location: Land Adjacent To 4 Martyn's Avenue Seven Sisters Neath SA10 9DP  
Decision: Approved  
Ward: Seven Sisters

App No: **P2019/5421**  
Proposal: Variation of Condition 3 of Planning Permission P2017/0924 (One split level dwelling) to allow for the submission of reserved matters by the 15th October 2021  
Location: Plot 2 Taillywd Road Neath Abbey Neath SA10 7DY  
Decision: Approved  
Ward: Bryncoch South

App No: **P2019/5432**  
Proposal: New side boundary walls, raised patios and steps to rear garden and single storey rear extension  
Location: 29 Maes Rhedyn Baglan Port Talbot Neath Port Talbot SA12 8TY  
Decision: Approved  
Ward: Baglan

App No: **P2019/5434**  
Proposal: Details to be agreed in association with Condition 3 (Surface Water Drainage Scheme) of Planning Permission P2018/1009 granted on 07/02/19  
Location: Plot 21 Forest Lodge Lane Cwmavon Port Talbot  
Decision: Approved  
Ward: Bryn And Cwmavon

App No: **P2019/5436**  
Proposal: Section 73 application to vary conditions 2 (Approved Plans), 3 (Highway retaining walls), 4 (Boundary Treatments), 5 (Finished Floor Levels), 6 (Material Detail) of Planning Application P2019/5078 to allow submission of detail post commencement of development on site.  
Location: Plot 29 Owen Jones Way Bryn SA13 2RF  
Decision: Approved  
Ward: Bryn And Cwmavon

App No: **P2019/5446**  
Proposal: Section 73 application to vary wording of Conditions 2 (Approved Plans) and 5 (House/garage Plan) of Planning Application 2017/1140 granted on January 1st 2018 to facilitate change in floor levels.  
Location: 143A High Street Glynneath Neath Neath Port Talbot SA11 5AP  
Decision: Approved  
Ward: Glynneath

App No: **P2019/5448**  
Proposal: Single storey extension to front elevation  
Location: 17 Birchwood Close Baglan Port Talbot Neath Port Talbot SA12 8EH  
Decision: Approved  
Ward: Baglan



App No: **P2019/5450**  
Proposal: 2 Storey side and rear extension  
Location: 16 Glynneath Road Resolven Neath Neath Port  
Talbot SA11 4DP  
Decision: Approved  
Ward: Resolven

App No: **P2019/5454**  
Proposal: Single-storey extensions to the front and side of the  
existing garage - including replacement garage door to  
front elevation and insertion of door to rear elevation  
Location: 11 Llys Castell Coed Hirwaun Port Talbot Neath Port  
Talbot SA13 2UX  
Decision: Approved  
Ward: Margam

App No: **P2019/5458**  
Proposal: Construction of a raised platform to front of dwelling to  
facilitate off-street parking area.  
Location: 93 Dinas Baglan Road Baglan Port Talbot Neath Port  
Talbot SA12 8DU  
Decision: Approved  
Ward: Baglan

App No: **P2019/5462**  
Proposal: Change of use of basement of partly constructed two-  
storey rear extension to provide additional living  
accommodation in association with existing first-floor  
flat at basement level, including insertion of window to  
rear elevation  
Location: 75 Neath Road Briton Ferry Neath Neath Port Talbot  
SA11 2DQ  
Decision: Approved  
Ward: Briton Ferry East

App No: **P2019/5463**  
Proposal: Single storey side extension plus replacement parking  
Location: 1 Chestnut Road Cimla Neath Neath Port Talbot  
SA11 3PA  
Decision: Approved  
Ward: Neath South

App No: **P2019/5469**  
Proposal: Single storey rear extension with associated flue  
Location: 11 St Davids Park Margam Port Talbot Neath Port  
Talbot SA13 2PA  
Decision: Approved  
Ward: Margam

App No: **P2019/5475**  
Proposal: Retention and completion of a single storey extension  
and creation of a raised patio area  
Location: 41 School Road Dyffryn Cellwen Neath Neath Port  
Talbot SA10 9LD  
Decision: Approved  
Ward: Onllwyn

App No: **P2019/5477**  
Proposal: Siting of Static Catering Trailer (Use Class A3)  
Location: Gilbertson Court Alloy Industrial Estate Pontardawe  
SA8 4EZ  
Decision: Approved  
Ward: Pontardawe

App No: **P2019/5480**  
Proposal: Single storey rear extension - Lawful Development  
Certificate Proposed  
Location: 13 Llys Y Ddraenog Margam Port Talbot Neath Port  
Talbot SA13 2TQ  
Decision: Approved  
Ward: Margam

App No: **P2019/5481**  
Proposal: Provision of parking area within front curtilage and single storey rear extension  
Location: 6 Henfaes Road Tonna Neath Neath Port Talbot SA11 3DX  
Decision: Approved  
Ward: Tonna

App No: **P2019/5482**  
Proposal: THE INSTALLATION OF 4 NO. NEW DIGITAL FREESTANDING SIGNS AND 1 NO. 15" DIGITAL BOOTH SCREEN.  
Location: Mcdonald's Restaurant Green Park Street Aberavon SA12 6LL  
Decision: Approved  
Ward: Aberavon

App No: **P2019/5486**  
Proposal: Variation of condition 3 of planning permission P2019/0371 approved on 5th June 2019 in respect of extension of opening hours. To permit classes to run Mondays to Friday 07.00 to 21:00, Saturdays 08:00 to 22:00 and Sundays 10:00 to 18:00  
Location: Rear Of 17-18 London Road Neath SA11 1LE  
Decision: Approved  
Ward: Neath North

App No: **P2019/5489**  
Proposal: Dormer extension to front and rear elevations  
Location: 42 Smallwood Road Baglan Port Talbot Neath Port Talbot SA12 8AR  
Decision: Approved  
Ward: Baglan

App No: **P2019/5493**  
Proposal: First floor rear extension.  
Location: Trewaun Camnant Road Banwen Neath Neath Port Talbot  
Decision: Approved  
Ward: Onllwyn

App No: **P2019/5496**  
Proposal: Detached double garage with storage above  
Location: Caer Hendy Crymlyn Road Skewen Neath Neath  
Port Talbot  
Decision: Approved  
Ward: Coedffranc West

App No: **P2019/5500**  
Proposal: Prior Notification for an agricultural building for the  
storage of farm equipment, kennels and chicken shed  
Location: Gwaun Iarll Farm Lane From Dulais Road To Pen  
Cae'r Lan Farm Seven Sisters Neath Neath Port  
Talbot  
Decision: Prior Notification Not Required  
Ward: Seven Sisters

App No: **P2019/5503**  
Proposal: Single-storey orangery extension to rear elevation  
Location: 70 Neath Road Tonna SA11 3DJ  
Decision: Approved  
Ward: Tonna

App No: **P2019/5535**  
Proposal: Certificate of lawful development (proposed) to convert  
detached garage to overspill living accommodation  
Location: Pentrehaearn Farm Ty'n Y Cwm Lane Rhos  
Pontardawe Swansea  
Decision: Issue Certificate  
Ward: Rhos

App No: **P2019/5537**  
Proposal: Detached outbuilding  
Location: 29 Railway Terrace Cwmllynfell Swansea Neath Port  
Talbot SA9 2GP  
Decision: Approved  
Ward: Cwmllynfell

App No: **P2019/5559**  
Proposal: Details pursuant to condition 11 (Detail of sub-division  
of Commercial Units) of Planning Application  
P2009/1021 granted on February 24th 2011  
Location: Customs House Talbot Road Port Talbot SA13 1DT  
Decision: Approved  
Ward: Port Talbot

Mae'r dudalen hon yn fwriadol wag