



PLANNING COMMITTEE

10.00 AM - TUESDAY, 10 AUGUST 2021

REMOTELY VIA TEAMS

ALL MOBILE TELEPHONES TO BE SWITCHED TO SILENT FOR THE DURATION OF THE MEETING

PART 1

1. Welcome and Roll Call
2. Declarations of Interest
3. Minutes of the Previous Meetings (*Pages 5 - 8*)
 - 20 July 2021
 - Special meeting of 27 July 2021
4. To Request Site Visit(s) from the Applications Presented

Report/s of the Head of Planning and Public Protection

Section A - Matters for Decision

Planning Applications Recommended for Approval

5. Application No. P2021/0406 - 3 Fernfield, Baglan (*Pages 9 - 24*)
Increase in ridge-height of existing bungalow to provide accommodation within the roof-space, two-storey rear extensions plus attached garage to the side elevation with roof terrace above, and associated retaining works at Bayview, 3 Fernfield, Baglan, SA12 8AL.

6. Application No. P2021/0567 - 4 Dalrymple Street, Aberavon
(Pages 25 - 32)
Change of use from a Dwellinghouse (C3) to a children's home (C2)
at 4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY.
7. Urgent Items
Any urgent items at the discretion of the Chairman pursuant to
Section 100B(4)(b) of the Local Government Act 1972.

K.Jones
Chief Executive

Civic Centre
Port Talbot

Wednesday, 4 August 2021

Committee Membership:

Chairperson: Councillor S.Paddison

**Vice
Chairperson:** Councillor S.Pursey

Members: Councillors D.Keogh, R.Mizen, S.Bamsey,
R.Davies, S.K.Hunt, A.N.Woolcock, C.Williams,
S.Renkes, M.Protheroe and R.L.Taylor

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

Requesting to Speak at Planning Committee

The public have a right to attend the meeting and address the Committee in accordance with the [Council's approved procedure](#) which is available at www.npt.gov.uk/planning.

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

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

Please note that only one person is able to speak for each 'category' (objector; supporter; applicant/agent; Town/Community Council for each application. Full details are available in the [Council's approved procedure](#).

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

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

Commenting on planning applications which are to be reported to Committee

Should you wish to submit representations on an application presented to this Planning Committee, please note that these must be received by the Planning department no later than 2.00p.m. on the Friday before Committee (based on the usual Tuesday meeting). If the meeting is not on a Tuesday, these should be received no later than 2.00pm on the penultimate working day immediately preceding the Planning Committee.

Please note that representations received in accordance with the Council's protocol are summarised and, where necessary, commented upon in the form of an Amendment Sheet, which is circulated to Members of the Planning Committee by email on the evening before Committee, and re-distributed prior to the commencement of the meeting.

PLANNING COMMITTEE

(REMOTELY VIA TEAMS)

Members Present:

20 July 2021

Chairperson: Councillor S.Paddison

Vice Chairperson: Councillor S.Pursey

Councillors: D.Keogh, R.Mizen, R.Davies, S.K.Hunt,
A.N.Woolcock, S.Renkes and M.Protheroe

Local Member: Councillor C.James (Briton Ferry East)

Officers In Attendance: C.Morris, S.Ball, M.Shaw, J.Griffiths, S.Evans,
G.White and T.Davies

1. **MINUTES OF THE PREVIOUS MEETING**

RESOLVED: That the minutes of the previous meeting held on 8 June, 2021, 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. **AMENDMENT SHEET**

Note: An amendment sheet in relation to Application Number: P2019/0637 was circulated prior to the meeting, on which the Chairperson had allowed sufficient time for Members to read, in respect of the application item on the published agenda, the Chairperson had permitted urgent circulation/consideration thereof at today's meeting, the particular reasons and circumstances being not wanting to defer any applications and to ensure that Members take all

extra relevant information into account before coming to any decision at the meeting.

4. **APPLICATION NO. P2021/0637 - 161 NEATH ROAD, BRITON FERRY, NEATH**

Officers made a presentation to the Planning Committee on this Application (Change of Use from Residential (Use Class C3) to a 5 bed House of Multiple Occupation (HMO)(Use Class C4), at 161 Neath Road, Briton Ferry, Neath, SA11 2BX.) as detailed in the circulated report.

The Local Ward Member was present to make his representations.

RESOLVED: That in accordance with Officers' recommendations, and the conditions detailed in the circulated report, Application No. P2021/0637 be approved.

CHAIRPERSON

PLANNING COMMITTEE

(REMOTELY VIA TEAMS)

Members Present:

27 July 2021

Chairperson: Councillor S.Paddison

Vice Chairperson: Councillor S.Pursey

Councillors: D.Keogh, R.Mizen, S.Bamsey, R.Davies,
S.K.Hunt, A.N.Woolcock and S.Renkes

UDP/LDP Member: Councillor A.Wingrave

Local Members: Councillor D.Cawsey

Officers In Attendance: S.Ball, M.Shaw, R.MacGregor, J.Griffiths,
S.Evans, D.Thomas, G.White and T.Davies

Representing ARUP (Agent): D.Brown

Representing Welsh Government (Applicant): S.Jones

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

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

2. **APPLICATION NO. P2021/0327 - GLOBAL CENTRE OF RAIL EXCELLENCE**

Officers made a presentation to the Planning Committee on this Application (Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified

low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; and associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application affecting land within Neath Port Talbot and Powys County Council administrative boundaries) - see Powys CC Application ref. 21/0559/OUT) at Land at and surrounding the Nant Helen Open Cast Coal Site, Powys, and Onllwyn Distribution Centre, Neath Port Talbot.) as detailed in the circulated report.

The Agent and Applicant both spoke on the application. The Local Ward Member was supportive of the application.

RESOLVED: That in accordance with Officers' recommendations, and the conditions detailed in the circulated report, Application No. P2021/0327 be approved.

CHAIRPERSON

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/0406	<u>DATE:</u> 16/04/2021
PROPOSAL:	Increase in ridge-height of existing bungalow to provide accommodation within the roof-space, two-storey rear extensions plus attached garage to the side elevation with roof terrace above, and associated retaining works
LOCATION:	Bayview, 3 Fernfield, Baglan SA12 8AL
APPLICANT:	Mr Richard Hibbard
TYPE:	Full Plans
WARD:	Baglan

BACKGROUND INFORMATION

Cllr Renkes requested on 12th July 2021 that the application be determined via Planning Committee due to concerns regarding the degree of overlooking from the proposal.

The 'call-in' Panel subsequently met and agreed on 28th July 2021 that the application should be determined at Planning Committee on the above grounds.

SITE AND CONTEXT

The application site comprises an existing detached bungalow known as Bayview, 3 Fernfield, Baglan.

The application site measures approximately 0.39 hectares in area, and includes the bungalow with parking and associated garden areas.

The site is steeply sloping in profile from the west up to the east with associated retaining works to the adjacent highway to the western and eastern sides. This curves around the site in a hairpin-bend and is single-track width. The site is bounded by the highway to the north, east and west and a dwelling to the south. There is also a dwelling located below the site (Number 26 Pentwyn Baglan Road) on the western side. The site is located within the settlement of Baglan.

DESCRIPTION OF DEVELOPMENT

This is a full planning application which seeks to significantly remodel the existing property, and proposes an increase in ridge height of the existing bungalow to provide accommodation within the roof-space, two-storey rear extensions plus attached garage to the side elevation with roof terrace above, and associated retaining works to the front and rear boundaries.

In respect of the roof extension, it is proposed to raise the ridge from its current height of approximately 4.58m to approximately 6.97m (measured in the centre). This is an increase of around 2.39m.

Additional windows are also proposed to all elevations - including roof-lights. Figures 1 and 2 below illustrate the existing and proposed front elevations (Not to Scale).

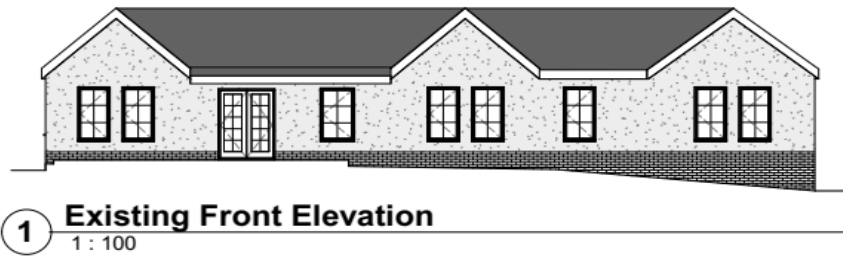


Figure 1 – Existing and Proposed Elevations (not to scale)

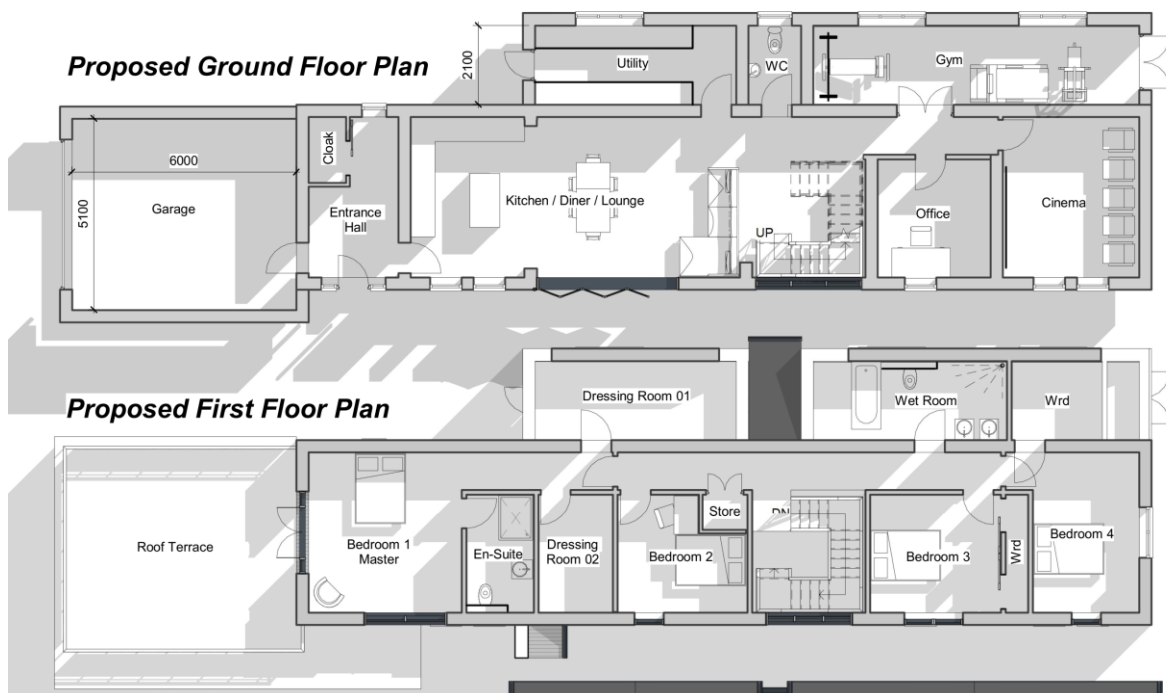
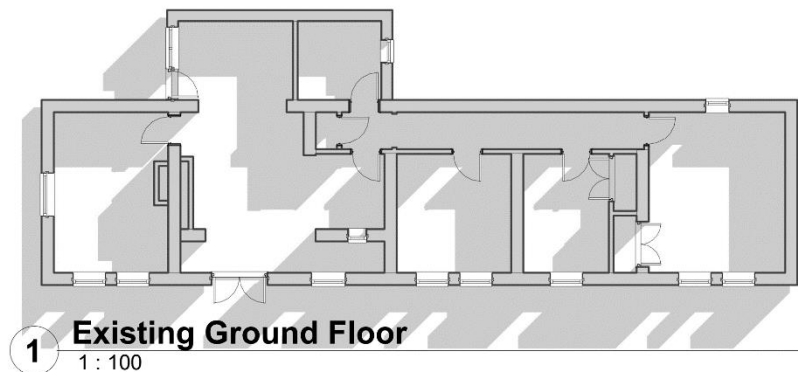


Figure 2 – Existing and Proposed Floor Plans (not to scale)

In addition to the roof extension, the width of the property will be increased from approx. 20.1m to 22.8m with an attached garage proposed to the northern-side of the house with roof-terrace above. This will measure 6.6m in length by wide by 5.7m wide and will reach a height of approx. 2.8m (3.8m to the top of the glass balustrading).

In respect of the rear extension(s) these will measure a total width of 16.75m, a depth of 2.42m and will reach a height of 6.8m with two rear gable features.

The whole dwelling is proposed to be rendered with cream/white textured render with grey render for the garage plus grey windows and doors. A cedar-cladding feature is also proposed to the front elevation.

Externally, it should be noted that a number of new or replacement retaining walls (including access steps) are proposed to the front boundary along the highway and to the rear of the dwelling to hold up the highway behind. These range in height from 1m up to approximately 3.8m. Figure 3 (below) illustrates the position of the various retaining walls (Not to Scale):

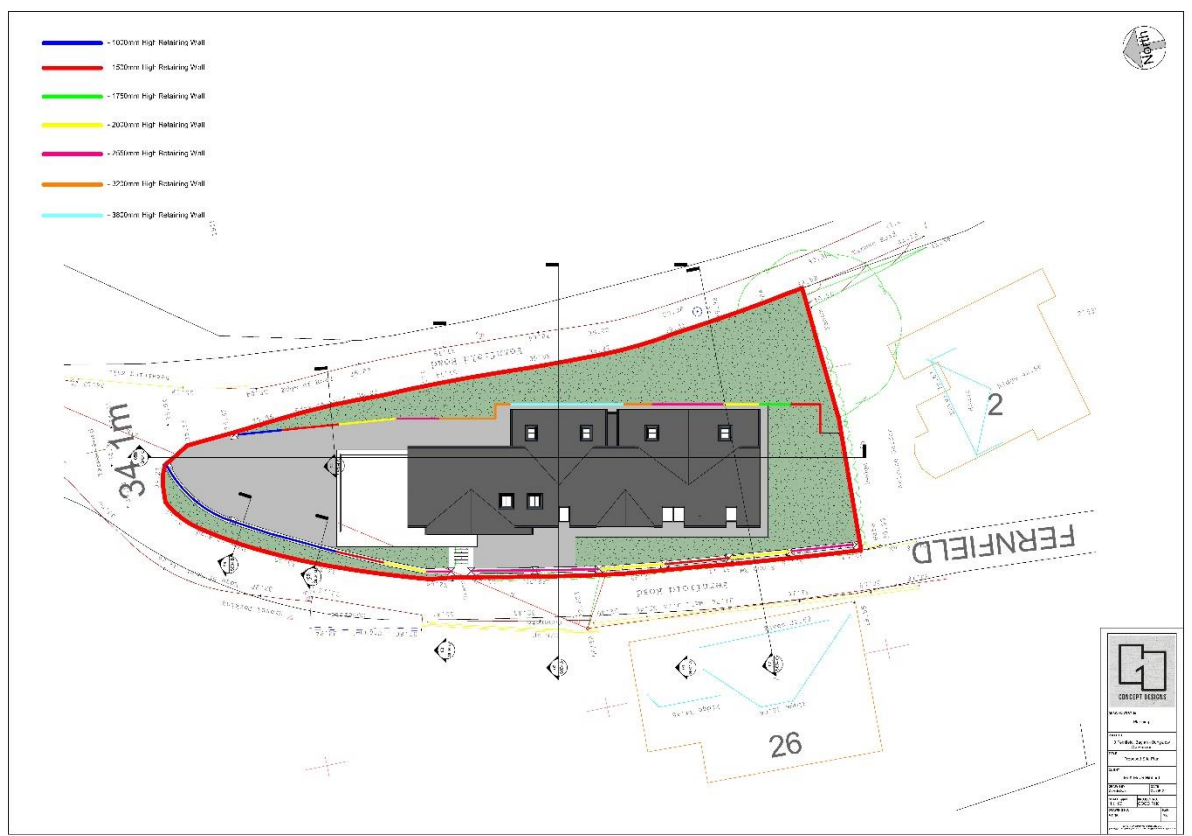


Figure 1 - Location of Retaining Walls (not to scale)

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

NEGOTIATIONS

Members should note that amended plans were requested from the agent in respect of the front retaining works with landscaping and stepped access from the front door.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2003/1094 Construction of a single-storey extension. Approved 21/10/03.

CONSULTATIONS

Footpaths Section: No objection.

Building Control Section: No objection.

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

Contaminated Land Section: No objection, subject to conditions.

REPRESENTATIONS

The neighbouring properties were consulted on 16/04/2021 and 30/06/2021, with a site notice displayed on the same dates.

In response, to date, 5 no. representations have been received, with the issues raised summarised as follows: -

- Concerns regarding overlooking to the neighbouring properties from the proposal – including roof terrace.
- Concerns regarding overbearing to the neighbouring property, exacerbated by the change in levels.
- Concerns regarding highway and pedestrian safety due to narrow width and alignment of the road and potential blocking of access (including emergency access) and potential damage from HGVs.
- Concerns that the proposal is overdevelopment of the site as they have already had an extension.
- Concerns regarding visual amenity as the proposal will destroy the symmetrical balanced design of the original house.

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 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 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: -

- Technical Advice Note 12: Design

Local Planning Policies

The Local 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 EN8](#) [Pollution and Land Stability](#)
- [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)
- [Design](#) (July 2017)

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

As the application site is located within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), the principle of the development at this location is generally acceptable, provided there are no overriding highway, amenity or environmental objections.

Impact on Visual Amenity

It is noted that the proposal would alter the appearance of the existing dwelling from a bungalow to a two-storey property, although the proposal would have accommodation within the roof-space, rather than a full 'two-storey'.

The dwelling, as remodelled and extended, would clearly have a greater physical presence in the area than the original bungalow because of its increase in width and height. Nevertheless, although the existing three gable features would be lost, the proposal would retain two gable features to the front and the overall remodelled dwelling would have a modern, attractive appearance (as per Figure 4 below – Not to Scale), with the large attached garage and amenity area above also considered to be in keeping with the overall style of the dwelling as altered, and overall the dwelling would not appear discordant with the general character of the area, which includes a number of two-storey residential dwellings.



Figure 2 - CGI Image of Proposal (not to scale)

In respect of the retaining works, particularly the front boundary, it is noted that these would replace existing retaining works and vegetation and would provide a 'harder' feature within the street. The design of these have, however, been amended following negotiation to reduce the physical impact of such structures (notably on the RHS of the image above), while the planting to the top would also assist in providing a softer edge to the street (as well as additional screening of the site).

Subject to control of the conditions to be used in the construction of the development (including the retaining wall at the front), it is thus considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene, or the surrounding open countryside to the east.

Impact on Residential Amenity

In respect of potential overlooking, it is noted that the proposal would increase the height and width of the dwelling, with a number of new windows proposed to the property as well as the proposed roof terrace, all of which have potential to increase the impact on nearby properties.

Due to the position of the application dwelling relative to surrounding properties the only windows/areas which have the potential to create overlooking face the southern and western boundaries. In relation to the windows on the southern elevation, serving the gym on the ground-floor and bedroom 4 at first-floor, as these are secondary windows/doors they can be conditioned to be fitted with obscure-glazing, to prevent any unacceptable overlooking issues.

Turning to the windows on the western side facing Number 26, it is noted that there are three existing windows to the side elevation of Number 26 facing the road – two of which are obscurely glazed, but one is clear glazing. As such, there is potential for some increase in overlooking. Nevertheless, it is noted that Number 26 is located below the level of the road and there is already a degree of overlooking from the existing dwelling. In addition, the owners of Number 26 have recently constructed fencing to block any views into these windows from the road and potentially the application site. This, together with the landscaping proposed to the top of the new retaining walls would prevent any unacceptable increase in overlooking, while in any event the primary views from the application property would extend over the roof of the dwelling below (the ridge height of No. 26 is 36.063m AOD and ground floor of the application property is 34.890m AOD - i.e. just 1.08m higher than the ground floor).

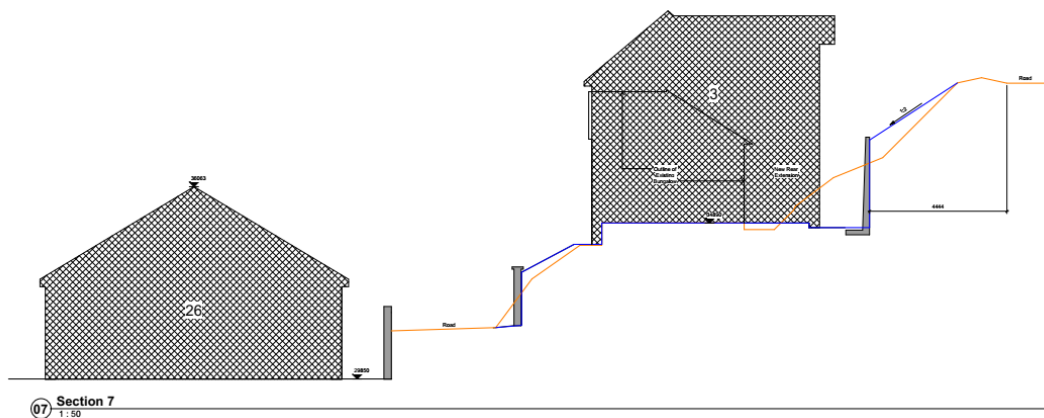


Figure 3 - Difference in Floor Levels between Number 3 and Number 26 (not to scale)

Turning to the proposed roof terrace above the new garage, this has the potential to create overlooking to the garden area of Number 26. However, it is again noted that there is a significant change in levels between the properties (29.850m AOD to 34.980m AOD i.e. approximately 5m – as shown in in Figure 5 above). It is also noted that there is a parking area and fencing on the boundary of Number 26, with the 'amenity area' located below the parking area, as shown on the aerial image at Figure 6 below.



Figure 4 - Google Earth extract showing Number 26 in relation to the application site behind

The roof terrace would be sited above the new garage, and based on the above relationship, it is considered that the change in levels and relative angles, existing boundary treatments to Number 26 and layout of the garden/amenity and parking areas would ensure that there is no unacceptable overlooking into Number 26 below from the proposed roof terrace.

With regards to potential overbearing and overshadowing impacts, it is noted that the separation distance to the neighbouring properties (with the exemption of Number 26) is such that there would be no unacceptable issues.

In respect of Number 26 specifically, it is noted that there is a change in levels between the application site and Number 26 (as illustrated by Figures 5 and 6 above). It is therefore considered that the dwelling, as proposed, would not create any unacceptable overbearing or overshadowing issues to such a degree to warrant refusal of the application – especially given the existing relationship between the two on site in terms of the changes in levels, retaining works and boundary treatments.

Accordingly, the proposal would comply with Policy BE1 of the Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the proposal will provide/retain three parking spaces on the driveway area/garage. As such, the proposal would be considered acceptable in terms of parking provision.

It is noted that the proposal has potential to impact upon Fernfield highway carriageway and access flows during construction works – particularly the front retaining walls, and that concerns have been expressed locally about such impacts. Construction impacts are, however, transient in nature, and not a reason to object to development, although such impacts need to be controlled.

In this regard, the Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development, subject to conditions. These relate to the submission of a detailed Construction Method Statement (including emergency vehicles access and retaining wall methodology), as well as detailed Structural Calculations etc. Provided these are imposed on the application, it is therefore considered that the proposal would not have a detrimental impact in terms of highway and pedestrian safety.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject to conditions, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

Other Matters

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

- In respect of the concerns relating to damage from HGVs, it should be noted that any potential damage to property would be a civil matter between the relevant parties concerned, and would not be a planning consideration. In respect of potential damage to the public highway, it should be noted that the Construction Method Statement condition would cover this issue.
- Turning to the concerns regarding overdevelopment of the site, it should be noted that the total site area is 0.39 hectares in area, and the dwelling (as extended) would have a footprint of approximately 228m². This means that there is approximately 0.37 hectares in land/garden area remaining on the application site and the development is not, therefore, 'overdevelopment' of the site.

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 Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and 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 - Approved

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:
Dwg. No. S010 Rev P3.
Dwg. No. EB001 Rev P1.
Dwg. No. EB002 Rev P1.
Dwg. No. S005 Rev P3.
Dwg. No. S011 Rev P3.
Dwg. No. S004A Rev P3.
Dwg. No. S004B.
Dwg. No. S004C Rev P3.
Dwg. No. S012 Rev P3.
Dwg. No. B001 Rev P1.
Dwg. No. B002 Rev P1.

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall commence on site, including any works of demolition, until a detailed 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) the method of installation for the pre-fabricated retaining units on site (including size and types of vehicles required);
- f) measures to control the emission of dust and dirt during demolition and construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- h) a scheme for the retention of vehicular access, including emergency vehicles, to Fernfield during construction works.
- i) hours of works on site.

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.

- 4 Notwithstanding the submitted details no development shall commence on site until a detailed scheme for the retaining wall fronting along the western boundary onto Fernfield has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include detailed structural calculations, and shall also include cross-sections showing the relationship between the wall foundations and the existing highway and a timetable for their implementation on site. The scheme, as approved, shall be fully implemented on site in accordance with the approved scheme, and retained as such thereafter.

Reason:

In the interest of visual amenity, residential amenity of the neighbouring properties and land stability, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the submitted details no development shall commence on site until revised site specific structural calculations for the retaining walls along the eastern boundary have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the ground anchor slabs for the proposed pre-fabricated retaining structures. These calculations shall also include provision for road surcharge and hydrostatic pressure, and a timetable for their implementation on site. The scheme, as approved, shall be fully implemented on site in accordance with the approved scheme, and retained as such thereafter.

Reason:

In the interest of visual amenity, residential amenity of the neighbouring properties and land stability, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 6 No development shall take place on site until a condition survey of the existing highway along the boundary of the site has been submitted to and approved in writing by the Local Planning Authority. Following completion of the approved works on site a further condition survey of the existing highway along the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. Any damage identified as being caused by the construction works hereby approved shall be detailed as part of the post-construction survey along with a method for the repair or re-instatement and timetable. The approved

post-construction survey works shall be implemented on site in accordance with the agreed timetable, and retained as such thereafter.

Reason:

In the interest of damage to the Public Highway and Highway safety given the proximity and nature of the proposed retaining works, and to comply with Policy

- 7 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been 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.

- 8 No development shall commence on site until a remediation scheme (and if required by Condition 7) 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.

Action Conditions

- 9 Prior to beneficial use of the proposed development commencing, and if required by Condition 7, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 8 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.

- 10 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.

- 11 Notwithstanding the details submitted, prior to the first beneficial use of the extension hereby approved, the windows on the side elevation serving the gym at ground-floor and bedroom 4 at first-floor shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.

Reason:

In the interest of the amenities of the adjoining property, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

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

Reason:

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

- 13 Notwithstanding the submitted details and prior to the first beneficial occupation of the extension hereby approved a detailed scheme for the landscaping/planting for the retaining walls shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the extension, and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of the visual amenity of the area, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 14 The garage/car parking spaces as shown on the approved plans shall be provided prior to the first beneficial use of the extension hereby approved, and shall thereafter be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose, and permanently retained as such.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 15 Any gates provided across the access drive or pedestrian access steps shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 16 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected on site other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and topography of the site, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and topography of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

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

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors/windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

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SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2021/0567	<u>DATE:</u> 07/06/2021
PROPOSAL:	Change of use from a Dwellinghouse (C3) to a children's home (C2)
LOCATION:	4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY
APPLICANT:	Mr Simon Bujega - Bespoke Care Group Ltd
TYPE:	Full Plans
WARD:	Aberavon

BACKGROUND

Cllr Stephanie Lynch requested on 14th July 2021 that this application be determined at Planning Committee having regard to the proposal potentially creating anti-social behaviour and its effect on highway and pedestrian safety by virtue of its limited parking provision.

The 'call-in' Panel subsequently met and agreed on 2nd August 2021 that the application should be determined at Planning Committee on the above grounds.

SITE AND CONTEXT

The application site relates to a terraced residential property located at 4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY.

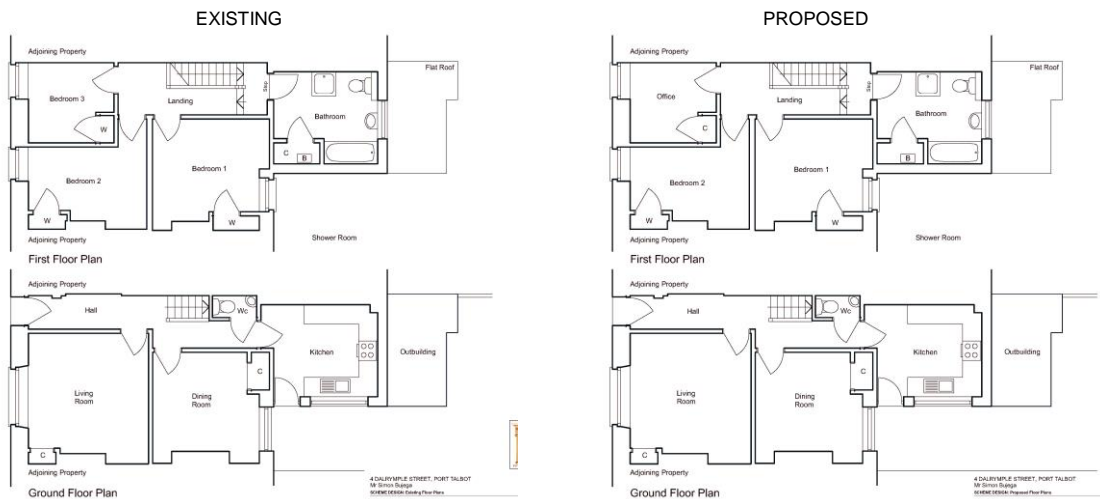
Council records show the premises has historically been occupied as a House of Multiple Occupation (HMO) between at least 2000 until 2019 with all of the enforcement interactions concerning the property by the Environmental Health, Housing Enforcement Team having been conducted on the basis of it being a HMO. Therefore it should be noted that for most of the last 2 decades, multiple occupancy has been the norm at this premises, although in planning terms its authorised use is a Class C3 dwelling (not a Class C4 HMO which came into effect in 2016),

DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the change of use of the property from a residential unit (Use Class C3) to a children's home (Use Class C2).

The existing plans (below) identify that the property has three existing bedrooms at first floor, with the submitted documentation not detailing any external alterations to the property, with the only internal alterations comprising changing one of the bedrooms to an office.

The application forms state that there will be four staff, with the applicant having verbally confirmed that only two staff would be present at any one time.



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

NEGOTIATIONS

None

PLANNING HISTORY

The application site has no relevant planning history.

CONSULTATIONS

Environmental Health: No objections

Head of Engineering and Transport (Highways): No objections

REPRESENTATIONS

The neighbouring properties were consulted on June 7th 2021

In response, to date 7 no. representations have been received, with the issues raised summarised as follows: -

- Concerns from neighbouring properties with regard how close their houses are to the change of use.
- A Children's home is completely inappropriate to be positioned at this location.
- Noise and disturbance generated as a by-product of the use.
- Increase vehicular congestion given the limited parking provision offered on the street.
- It is an inappropriate location for 15-19 year old children released from the Criminal justice system to reside
- The affect the development will have on resident's mental well-being.
- The area is already housing a lot of societies vulnerable families, drug users and has a number of shared housing
- Gangs of youths already hang around the Chip Shop, this development will increase their numbers.
- The street already has a property which is classed as shared accommodation.

- Not all properties in the street were notified. This was an attempt by the council to deal with the planning application without disruption. This is against the rules.
- Anti-social behaviour.
- What guarantees can you give that the workers will be able to control the young people's behaviour?
- Children will always be noisy
- Privacy issues with regard to the rear gardens of the immediate neighbouring properties.

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 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 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 Local 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 OS1** Open Space Provision

The following SPG is of relevance to this application: -

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Design (July 2017)

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

Principle of Development

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Port Talbot. Policy SC1 'Settlement Limits' states:

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

In view of the above, it is considered that the proposal adheres to this policy given the scale and form of the building remains untouched externally and its use is considered to be an appropriate land use in terms of the settlement limit location.

It is noted that objections have been raised locally in respect of the use being for the care of children resident at the property (with staff present). The use would remain residential, however, and matters raised in respect of the likely occupants and potential for anti-social behaviour etc. are not considered to be land use planning matters that would affect such conclusion. In addition, the presence of another property in shared accommodation in the street would not result in any unacceptable concentration of non-C3 residential uses which might lead to any concerns based on local character or community cohesion. In any event, it is also noted that the evidence available to the Council indicates that the property has been used for many years as a House of Multiple Occupation, with the proposed use (even noting the presence of staff at all times) unlikely to have any additional impact on local character.

A condition is recommended, however, to restrict use of the property to no more than two children in care, with no more than two staff present on site at any one time (other than staff changeovers), to control the intensity of use of the property in the interest of local amenity.

Accordingly, the use of the property is considered to be appropriate and in accordance with Policy SC1 of the Local Development Plan.

Impact on Visual Amenity

This proposal does not include an external alterations to the building, and accordingly the proposal will have no visual impact be it negative or positive on the host property nor on the established character and appearance of the streetscene or wider area.

Impact on Residential Amenity

There is no conflict between distances allowable between habitable room windows or the overlooking of private space. In the absence of any proposed external alterations and extensions to the applicant property, any potential issues regarding overbearing and overshadowing have been eliminated.

Although concerns have been raised locally, the use of the property as a Children's home use is considered to be similar in terms of noise and disturbance to that of a residential C3 Use, and thus it is considered that the residential properties immediately adjacent to the property will not suffer any noise and disturbance over and above what is currently enjoyed on site. Indeed, it is also noted that the number of bedrooms is to be reduced by 1 from three to two, and thus the intensity of use and thus impact could even reduce.

It is also important to consider when determining this application that for the previous 2 decades this premises was utilised as a House of Multiple Occupation, with the Council's Environmental Health Officer (housing) noting that the property would have had at least three tenants living at the property (as the HMO definition in the Housing Act 2004 requires there to be at least 3 tenants living at the premises for the HMO specific powers in the Act to be applied).

With this in mind, the proposed development only includes 2 bedrooms which is a less intensive use of the property than its previous use as a HMO, whilst retaining the same communal space and amenities as during its use as a HMO. This gives further credence to the comments made in the previous paragraph that the proposed use is less intensive and disruptive (noise wise) than the uses that came before it, whether it was in the form of a C3 dwelling or a C4 HMO.

The Environmental Health Officer (housing) has also assessed the proposal and noted such previous use and has offered no objections to the development.

It is noted that the proposal would include the comings and goings of staff, however again there are not considered to be materially different to the use as a dwelling, an certainly not to such an extent that this would materially change the character or nature of use to such an extent that it would have an unacceptable impact on coal amenity.

In view of the above, there is not considered to be any adverse impact on residential amenity.

Parking and Access Requirements and Impact on Highway Safety

The Head of Engineering and Transport (Highways) has assessed the proposal and has not offered any adverse comments.

The existing residential use would require 3 off-street parking spaces, and (based on no more than two staff being on site at any one time), it is considered that the proposed use would have no additional parking requirement over and above the existing use.

The existing site relies mainly on street-parking on Dalrymple Street and adjoining roads, but does have a large garage accessed off the rear lane. Given the presence of staff at the use, it is considered appropriate to require that garage to be retained and available at all times for the parking of vehicles associated with the site (of an alternative parking scheme to be provided at the rear), and a condition is proposed to that effect.

Therefore in view of the above, it is considered that there will not be any negative impact on highway and pedestrian safety subject to the imposition of such a condition to secure one off-street parking space within the rear of the site, accessed from the adopted rear lane.

Other Matters

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

- Impact on existing residents' wellbeing due to the development are not considered to be a material planning consideration.
- There is no statutory requirement to notify all properties within a street, and the consultation process followed the standard protocol that is utilised for all planning applications submitted.

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 Future Wales - the National Plan 2040 and 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 residential and visual amenity and highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1, OS1 and TR2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and 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 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:

- Location plan 2115-01
- Existing floor plan 2115-02
- Proposed floor plan 2115-03
- Block plan 2115-04

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to first use of the proposed change of use, the existing garage serving the property shall be made available for the parking of vehicles associated with the use hereby approved OR one off street car parking space shall have been provided within the rear of the site to be accessed from the adopted rear lane in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The garage or approved parking space shall thereafter be retained clear of obstruction and available at all times for the parking of vehicles associated with the use hereby permitted.

Reason

In the interest of highway safety and to comply with Policy BE1 of the Local Development Plan.

Regulatory Conditions

- 4 The use hereby permitted shall be occupied by no more than two children in care, with no more than two staff present on site at any one time (other than staff changeovers).

Reason:

To control the intensity of use of the property, in the interest of local amenity and highway safety, and to accord with Policy BE1 of the Local Development Plan.

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