

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Refusal**

|                                          |                                                                                                                                                   |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><u>APPLICATION NO:</u> P2016/0117</b> | <b><u>DATE:</u> 21/03/2016</b>                                                                                                                    |
| <b>PROPOSAL:</b>                         | Road side service area comprising of Petrol Filling Station and kiosk, Drive-thru coffee shop, car parking, vehicular access and associated works |
| <b>LOCATION:</b>                         | Land At Glynneath Business Park , Adjacent To A465, Glynneath , Neath                                                                             |
| <b>APPLICANT:</b>                        | Waterstone Estates Ltd                                                                                                                            |
| <b>TYPE:</b>                             | Full Plans                                                                                                                                        |
| <b>WARD:</b>                             | Blaengwrach                                                                                                                                       |

### **Background**

Prior to his recent passing, the late Cllr Alf Siddley called the application into Planning Committee on socio economic grounds.

### **Planning History:**

The site has a detailed planning history, of which the following is of relevance to this application: -

**93/444** – Business park: B1 (business), B2 (general industry), B8 (storage & distribution), A3 (food & drink) – Approved with conditions 17/11/94

**95/497** – Provision of basic roads and drainage, and changing of levels to allow future development – Approved with conditions 07/03/96

**96/1807** – Earthworks and drainage, re-profiling site to new levels to suit future development (commercial) – Approved with conditions 10/03/97

**97/1278** – Marketing board – Approved with conditions 09/02/98

**97/1408** – Outline permission for use classes B1, B2, B8, A3, C1 and petrol service station. A/C 5/3/98

**99/445** – McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development) – Approved with conditions 12/10/99

**99/1141** – Pole mounted sign – Refused 23/11/99

**99/1243** – Proposed little chef, Glynneath (part of approval no 99/445) submission of details under condition 3-materials-of planning permission no: P/99/0445 – Approved 06/01/00

**99/1244** – Proposed little chef, Glynneath (part of approval No 99/445) submission of details under condition 7(d)-parking- of planning permission No 99/445 – Approved 06/01/00

**99/1247** – Proposed little chef, Glynneath (part of approval No 99445) submission of details under condition 11-parking and surface materials under planning permission No 99/445 – Approved 16/12/99

**00/119** – Submission of details under condition 7 (parking facilities) of previous planning consent 99/445 – Approved 10/03/00

**00/127** – McDonald's logo and estate sign structure – Approved with conditions 10/03/00

**00/252** – Embedded electricity generation plant – Approved with conditions 08/08/00

**00/879** – Approval of details required under Condition 3 of Previous Planning Consent 99/445 – Approved 03/08/00

**00/1018** – Approval of details under condition 2 (landscaping) of previous planning consent 99/445 – Approved 06/11/00

**00/1243** – Infrastructure works to enable future development (including vehicle and pedestrian access, drainage, ground improvement and landscaping) – Approved with conditions 13/03/01

**02/742** – 20,000 sq. ft and 15,000 sq. ft. industrial units at Glynneath Business Park – Approved with conditions 10/09/02

**02/1422** – New factory with linked administration (office) block – Approved with conditions 11/02/03

**03/947** – Outline application - Erection of secure training centre involving the construction of new administration, accommodation, educational and sports facilities, provision of car parking, service yard, erection of perimeter and security fencing, lighting and landscaping to site and relocation of pumping station – Approved with conditions 2/12/03

**10/174** – Replacement signage at roof level on front and both side elevations, five no. free standing internally illuminated signs, one no. banner sign, one no. customer order display, replacement totem sign and signs to be placed on replacement height restrictor – Approved with conditions 6/4/10

**10/180** – External alterations including re-cladding and blocking up of an existing booth window, alterations to entrance door, height restrictor, customer order display and replacement external seating area – Approved with conditions 6/4/10

**10/780** – Discharge of condition 2 (car park drainage) of planning permission 10/180 – Approved 19/8/10

**10/1128** – Creation of temporary car park, un-controlled pedestrian crossing over B4242, temporary footpath and footbridge over the Neath Canal for a period of 24 months – Not Determined

**Publicity and Responses if applicable:**

Blaengwrach Ward: No objections

Blaengwrach Community Council: It is felt that it is a much needed facility for this area, as well as bringing a much needed resource to Blaengwrach it would enhance the development as a tourist area within the Brecon Beacons, Lakes, Pontneddfechan Falls and much more in this area which sadly lacks this kind of amenity.

It would also bring to the area employment which has been diminishing over the last years with the loss of colliery's and industry which has devastated the jobs in the vicinity, with many young people with vision of employment left sadly with very little prospects.

The project is looking to bring up to 60 jobs to the area and an opportunity for apprenticeships in hospitality etc. This is not an

opportunity we can afford to miss, so we are asking you to look at this application favourably and bring this facility to our Community.

National Resources Wales: No objection

Environmental Health and Trading Standards (Contaminated Land): No objections

Head of Engineering and Transport (Highways): No objection

Head of Engineering and Transport (Drainage): No objections

The Glynneath Regeneration group: The Regeneration Group recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However, concerns were also expressed at the impact of the development on the existing town centre. Their view was that the greatest regenerative benefit would be realised if the land was developed with uses that are complementary to the services and facilities in the town centre rather than a duplication.

A Site Notice was displayed and the application was advertised in the local press. One letter of support for the proposal has been submitted by Bethan Jenkins AM pledging her support for the planning application. It is summarised as follows:

The developments will create many opportunities for the villages of Glynneath, Cwmgrach and Resolven. Such opportunities include employment which is needed in the area, it will enhance the area and make it more than a place people pass when travelling on the A465.

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

The site measures approximately 1.8 hectares in area and is situated adjacent to the existing McDonalds restaurant on the A465 Heads of the Valleys Road. To the north and beyond the river is an area of vacant land which received planning permission in 2015 for a primary healthcare centre and pharmacy.

The site is located approximately 1.5km to the south west of Glynneath district centre and beyond the established settlement limits for the purposes of the adopted Neath Port Talbot Local Development Plan.

## **Brief description of proposal:**

The application seeks full planning permission for what is described by the applicants as a roadside service area. This includes a petrol filling station (Heavy Good Vehicles and car pumps) and kiosk, a drive-thru coffee shop (Class A3), access, car parking, landscaping and associated works.

The submitted plans indicate that the coffee shop will incorporate a gross floor area of 170m<sup>2</sup> incorporating a maximum width of 13.6m, length of 17.7m and height of 6.1m (approximate). The materials proposed include dark grey profile metal roofing, white thru-colour render, and red treated horizontal timber cladding.

Turning to the 375m<sup>2</sup> kiosk development, the structure is proposed to have a maximum length of 38m, width of 20.7m and maximum height of 5.9m. The materials proposed consist of orange facing brickwork, a profiled metal roof; grey colour coated aluminium fascias and soffits and painted sand-cement render.

With regard to the filling stations, the plans detail 12 regular pumps with a Heavy Good Vehicle and Tanker pump. Parking provision around the kiosk is provided for with 25 spaces and the coffee shop supplies 34 spaces.

Members should note that this proposal comprises the first of two proposed 'phases', with a second application (App Ref: P2016/0254), submitted in Outline for a restaurant (Class A3) and parking provision for 85 cars. This application appears elsewhere on this agenda.

## **Main Issues:**

The issues to be considered in the determination of this application relate to the principle of the development at this location having regard to the prevailing planning policies, the relevance of the planning history on this site together with any impact on visual and residential amenity, highway and pedestrian safety, and an assessment of relevant material considerations

## **Policy Context:**

### **National Policy**

Planning Policy Wales (Edition 8) 2016

Paragraph 7.6.1 advises:

*“Local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:*

- the numbers and types of jobs expected to be created or retained on the site;*
- whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;*
- a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas.”*

Whilst it is acknowledged that the development will result in the creation of employment opportunities, this is only one of the above factors which must be considered. The other key factors identified above confirm the need to ensure that a development supports the Council's regeneration priorities and wider spatial strategies. In this regard the Council has identified a regeneration priority within the Glynneath area centred around the Park Avenue site. This site was chosen due to its size, ability to accommodate a mixture of commercial and residential uses, and its sustainable and accessible location within the heart of the community, close to the district centre but also close to the A465. This regeneration priority has been further highlighted following the designation of the Park Avenue site as a mixed use Valleys Regeneration Scheme under Policy VRS1 within the adopted LDP. The supporting text associated with this policy goes on to state:

*Within the Upper Neath Valley Strategic Growth Area, the Park Avenue Mixed Use Regeneration Scheme at Glynneath is key to delivering the growth strategy to the area and is considered to present the best*

*opportunity for the growth of the town. A mix of residential and retail uses is envisaged.*

As stated above Policy VRS1 designates a sustainably located site which has been assessed as part of the LDP Examination process to be most suitable to accommodate a range of mixed uses including those proposed under this application. In contrast the application site is detached from the district centre of Glynneath and is located outside settlement limits where there is a presumption against such development. While it is acknowledged that the developer is trying to secure trade from vehicles on the A465, the location of the allocated regeneration site which is also close to the A465 would also secure this aim in addition to supporting the vitality and viability of the district centre of Glynneath. Furthermore the approval of this development may have a negative impact upon existing services within Glynneath as it would capture passing trade from the A465 who might otherwise be encouraged into Glynneath itself. As a result whilst it is acknowledged that the development would lead to job creation opportunities, these could also be realised should the allocated site be developed, which for the reasons specified above is considered to be a more sustainably and appropriately located site and as such does not comply with the objectives of PPW relating to economic development.

Technical Advice Note 12: Design (2016)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 23: Economic Development.

This primarily deals with business uses contained within Classes B of the Use Classes order however the principles can be extended to job creation and economic development opportunities more generally. It amplifies the objectives of PPW as specified above by including a number of considerations which should be assessed for developments which are not in accordance with the sequential test. These tests are assessed in detail within the appraisal to this report.

## **Neath Port Talbot Local Development Plan**

In accordance with the Planning and Compulsory Purchase Act 2004, the Council prepared the Local Development Plan (2011-2026). The LDP was submitted for independent Examination to the Planning Inspectorate on 30<sup>th</sup> September 2014 and the Ministers of the Welsh Government appointed independent Inspectors to conduct the

Examination to assess the soundness of the Plan. The LDP Examination officially ended on the 2<sup>nd</sup> December 2015 when the Council received the Inspectors' Report from the Planning Inspectorate. The Report was published and the recommendations contained within were 'binding', meaning that the Council had to accept the changes recommended by the Inspectors.

The Council formally adopted the LDP on 27<sup>th</sup> January 2016, and therefore the proposal must be assessed against the following relevant Policies within the LDP: -

### **Strategic Policies**

- Policy SP1 Climate Change
- Policy SP2 Health
- Policy SP3 Sustainable Communities
- Policy SP4 Infrastructure
- Policy SP6 Development in the Valleys Strategy Area
- Policy SP12 Retail
- Policy SP14 The Countryside and Undeveloped Coast
- Policy SP15 Biodiversity and Geodiversity
- Policy SP16 Environmental Protection
- Policy SP17 Minerals
- Policy SP19 Waste Management
- Policy SP20 Transport Network
- Policy SP21 Built Environment and Historic Heritage
- Policy VRS1 Valleys Regeneration Scheme

### **Detailed Policies**

- Policy SC1 Settlement Limits
- Policy I1 Infrastructure Requirements
- Policy R3 Out of Centre Retail Proposals
- Policy EN6 Important Biodiversity and Geodiversity sites
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and land stability
- Policy M1 Development in Mineral Safeguarding areas
- Policy M2 Surface Coal Operations
- Policy M3 Development in Mineral Buffer Zones
- Policy W3 Waste Management in New Development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design



## Principle of Development

The application site lies outside of the settlement limit of Glynneath as defined by Policy SC1 of the adopted LDP, and is therefore defined as being within the 'countryside'.

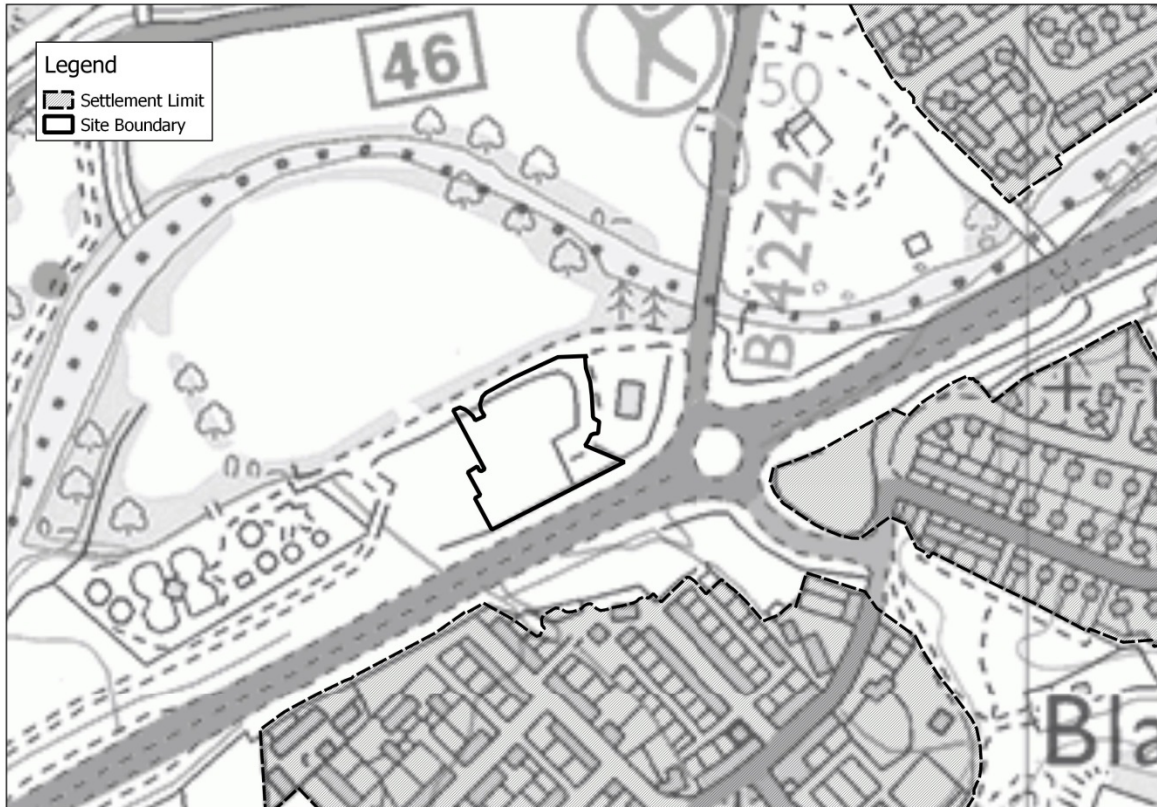
Policy SC1 lists 12 circumstances under which development would be permitted outside settlement limits, with only criterion (1) being potentially relevant to this proposal insofar as it allows a proposal which "constitutes a sustainable small scale employment use adjacent to a settlement limit".

Considering the proposal against this criterion, it is considered that: -

- The proposal is not considered to amount to a *small-scale* development, as the applicant has confirmed that this is phase one of two. The cumulative effect of the existing McDonalds restaurant, a petrol filling station drive-thru coffee shop and the restaurant proposed under phase two would be more than small in scale and would not occupy a sustainable location.
- In terms of the location of the site, it will be sited a minimum distance of 295m from the edge of the settlement associated with Glynneath, 105m from Blaengwrach and 50m from Cwmgwrach. Furthermore the site is separated from the settlement of Glynneath by extensive highway infrastructure, a river and open areas of land, while the A465 which is a dual carriageway separates the site from both Blaegwrach and Cwmgwrach. For these reasons the site cannot be considered as being adjacent to the settlement.

In respect of the second point, the applicant has stated that they consider the site to be 'adjacent' to the settlement limit, and argue that their interpretation of the dictionary definition and its synonyms "close to", "proximate to", "nearby" etc. offer credence to their interpretation.

Nevertheless, the dictionary definition of the word 'adjacent' is: "*next to or adjoining something else*", and if this definition is applied the application site is clearly not adjacent to the settlement limit.



Having regard also to the purpose of the planning policy which seeks to restrict development outside of settlement boundaries, it is considered that such terminology can only reasonably be given its common sense meaning. It is therefore concluded that as a matter of fact the application site is not adjacent to the settlement limit.

Accordingly, it is considered that the proposal does not fall within any of the exceptions allowed under Policy SC1, and therefore the principle of development is contrary to the Local Development Plan.

The proposed development would therefore represent a departure to the Development Plan, and it is therefore pertinent that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”. Such material considerations are addressed below.

## **Material Considerations**

### Site History / Fall-back

The applicants have submitted a planning statement which seeks to rely on the potential to complete the development permitted by P1999/0445 as a fall back option. As noted in the planning history above, consent was granted in October 1999 for “McDonald's restaurant: little chef restaurant: Esso petrol service station and associated roadworks (adjacent land for future development)”.

As described in the site description, only a McDonalds Restaurant associated car parking and access from the main road has been constructed at the site, the restaurant opening in the early 2000s. Despite construction of the aforementioned the developers failed to comply with a number of pre-commencement conditions associated with the development, ie conditions 9, 12, 7A and 7B.

In determining the weight that can be attributed, if any, to the above consent as a fall back, the central issue concerns whether the development of the McDonalds element constituted a lawful implementation of permission P1999/0445.

The applicant's submissions are supported by an opinion drafted by Sasha White QC (26 August 2015) in which he concludes that the “better view” is that the conditions in question were not true conditions precedent and thus non-compliance with them did not prevent lawful implementation of permission P1999/0445.

Officers have therefore sought their own Counsels opinion as to whether planning permission P/99/0445 had been lawfully implemented. In summary it concluded that the Council is entitled to maintain that permission P/99/0445 was never lawfully implemented on the basis that identified conditions (as referred to by the applicant) attached to the permission were not complied with prior to the commencement of development.

On this basis, it is considered that the planning permission granted in 1999 was not lawfully implemented and as such is not extant. As a result the argument put forward by the applicant that they have a fall-back position is not accepted and cannot therefore be considered as a material consideration in this application.

## Appropriateness of the roadside service area / Need

The applicants refer to the Officer report from 1999 which states that “the principle of providing roadside services was accepted at the time of the previous applications, and it is considered that such uses are acceptable in this location”.

This statement was, however, in an entirely different policy context, and followed an earlier decision to approve the principle of such development at the location based on the local policy context at that time. It should be noted that the decision taken at that time, some 17 years ago, had regard to the Neath Local Plan which was the relevant planning policy document at that time. That Plan has since been superseded by the Neath Port Talbot Unitary Development Plan and more recently by the Neath Port Talbot Local Plan which has been prepared in accordance with National Planning Policy and Guidance. Having regard to the views expressed above, it remains the case that the development would fall outside of the adopted Local Development Plan and as such is unacceptable in principle.

The applicant notes that there is no specific guidance on roadside service areas in Wales, but does refer to English Circular 02/2013, stating that the proposal would provide the mandatory service facilities required at roadside service areas (identified in the Circular). In respect of need, they further state that there are no such recognised service areas along the A465 and consequently the proposal will meet a currently unmet need.

It is noted, however, that despite the 1999 approval the site has not been developed for such roadside facilities other than a McDonalds, which itself provides all but one (fuel) of the ‘mandatory’ facilities referred to above. The ‘need’ for such a facility is also questionable, especially when fuel is already available in Glynneath, and may yet form part of the mixed use regeneration scheme put forward through the Local Development Plan and on a site within the settlement limits but close to and accessible from the A465.

## Economic Benefits

The applicants state that the proposal will create employment opportunities which are likely to be recruited locally, and that local contractors will be used during the construction phase, thus further

supporting the local economy. They thus argue that the economic benefits outweigh any Policy concerns.

In considering such matters, it is also noted that National guidance in respect of economic development is contained in TAN23, and in this regard paragraph 1.2.7 outlines that a sequential test should be used when ... determining planning applications. Judgement should be applied to the economic use and its applicability to the particular location. First preferences should be given to sites within settlement limits, second preference to edge of settlement sites, and third preference should consider land in the open countryside. It also notes that if land supply within settlements is already sufficient to meet demand, then generally it will be wrong to identify sites in the countryside

TAN 23 further advises that where a planning authority is considering a planning application ... it should ask three questions in order to help clarify and balance the economic, social and environmental issues. These are considered in turn below:

**Alternatives:** if the land is not made available (the site is not allocated, or the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where? This test follows from the principle in PPW, that the planning system should steer development to the most sustainable locations.

As mentioned earlier in the report, the LDP has allocated a mixed use regeneration site at Park Avenue, Glynneath (VRS 1 - Valleys Regeneration Scheme), which the LDP considers is “key to delivering the growth strategy to the area and is considered to present the best opportunity for the growth of the town. It is a site of significant scale close to the town centre and is therefore key for the future growth and change of the town”

It is not considered that the development strictly amounts to a ‘roadside service’ area given the level of amenities proposed to be afforded on site. Furthermore the development could undermine the delivery of the council’s designated regeneration site to the detriment of the sustainable development of Glynneath.

**Jobs accommodated:** how many direct jobs will be based at the site?

The accompanying evidence suggests the proposal will create up to 32 new jobs. It could however be argued that these jobs would be created on the allocated site which is more sustainably linked to the community of Glynneath, where future employees could reside. The creation of these jobs whilst valued in this valleys community is not sufficient to address the harm caused by this development.

**Special merit:** would the development make any special contribution to policy objectives? For example, a major employment site may be a key element of a wider spatial strategy which aligns jobs, development and infrastructure.

The only factor of relevance relates to the 32 jobs created by this development. Whilst each and every job created is valued, this development will undermine the delivery of a scheme on the allocated regeneration site at Park Avenue and as such it would be contrary to the policies which seek to promote economic development within this area.

Accordingly, while acknowledging that the proposed use would 'create employment', this is not considered to be of such significant weight that it would justify the development outside of settlement limits to the detriment of the Councils wider regeneration aspirations for this area and it is therefore contrary to Policy SC1 and to the principles contained within TAN23.

### Other Matters

The applicant has also drawn the Planning Departments attention to the judgement in Tesco Stores Limited v Dundee City Council [2012]. This judgement described how the Development Plan is a carefully drafted and considered statement of policy published to inform the public of the approach which will be followed by planning authorities in decision making unless there is good reason to depart from it. It goes on to say that such statements should not be construed as if they were statutory or contractual provision.

Despite the above case, Planning Policy Wales supports a plan led approach to development. An extract from PPW reads as follows:

## *“2.1 Plan-led System*

*2.1.1 The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society’s needs in a way that is consistent with sustainability principles (see section 4.3).*

*2.1.2 Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location.”*

The adopted LDP was prepared having regard to National Planning Policy and Guidance. The proposal has been considered against relevant planning policies and all other material planning considerations but remains to be an unjustified form of development which is unacceptable at this location.

### *Principle of Development Conclusion*

For the reasons given above, it is concluded that the development of this site would amount to unjustified new development in the countryside, which fails to accord with Policy SC1 of the Local development Plan. In addition, the applicant’s arguments in respect of the previous consent at the site as a fall-back are not accepted, and notwithstanding the potential economic benefits identified above, it has been concluded that there are no material considerations of sufficient weight to override the harm caused by reason of its failure to meet adopted LDP Policy.

Following the above assessment of the ‘principle’ of development, other matters are considered in turn below

### **Retail Impact**

LDP Policy R3 concerns itself with retail proposals outside defined retail centres but within settlement limits. The policy states that out of centre retail proposals will only be permitted where they satisfy the following criteria:

1. It is demonstrated that there is a need for the development; and
2. The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach; and
3. The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and
4. The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved;

Or:

5. The proposal is within the Coastal Corridor Strategy Area and is for a new retail unit, change of use or extension resulting in a premises of 100m<sup>2</sup> gross floorspace or less and is demonstrated to serve local neighbourhood needs; or
6. The proposal is within the Valleys Strategy Area and is a new retail unit, change of use or extension resulting in a premises of 200m<sup>2</sup> gross floorspace or less.

It has been argued earlier in this report that there is no justified need for this proposal at this location, moreover it is considered that its location outside both the defined settlement limits and the allocated regeneration site for Glynneath will undermine the delivery of a more sustainable development on the allocated site together with existing services within Glynneath itself. As a result the development would be contrary to criterion 1 and 4 of Policy R3.

In terms of the second criteria, the allocated regeneration scheme site is considered to be more appropriately located and the uses proposed within this application could be accommodated on that site. Turning to the third criterion, as indicated earlier in this report the proposed uses are remotely located from the district shopping centre and whilst it is acknowledged that they are aiming to secure passing trade from the A465, they will also capture the trade which could have been directed into Glynneath itself. This will therefore have a negative impact upon the vitality and viability of the district shopping centre.



The fifth criterion is not relevant to this application. The sixth and final criterion specifies a threshold of 200m<sup>2</sup> of gross floorspace outside of the district shopping centre. The kiosk associated with the petrol filling station incorporates a gross floor area of 375m<sup>2</sup>, while the drive-thru coffee shop has a gross floor area of 170m<sup>2</sup>. When combined this amounts to 545m<sup>2</sup>, which exceeds the threshold specified in Policy R3.

The applicants indicate that because a retail impact is only normally required for proposals over 2,500 sq m, that it must follow that impact cannot be a reason for refusal. They further add that the majority of trade will be from customers already on the A465. Despite this it must be acknowledged that whilst there is a policy within the LDP which allows some form of out of centre retail development, this scheme fails to comply with the criteria associated with that policy. Furthermore there are very serious concerns that the development will reduce or even remove trade which is currently being diverted into Glynneath, to the detriment of its vitality and viability. The development may also affect the ability to attract additional new retail investment to the town, notably at the mixed use regeneration site at Park Avenue Glynneath, which the LDP allocates an indicative convenience floorspace capacity of 660m<sup>2</sup> net which would allow for the provision of a modest sized new foodstore to serve the local catchment, and help to reduce expenditure leakage. This site is considered to be the most appropriate and sustainable location for such new development in the Glynneath area.

The above position is supported by the Glynneath Regeneration group who *recognise the benefit of the proposed facilities particularly to users of the A465 and also the potential local job creation benefits. However they raise concerns with regard to the impact of the development on the existing town centre.*

Accordingly it is considered that the proposal will result in the creation of an out of town development contrary to Policy R3 of the LDP.

### **Visual Amenity:**

Policy BE1 requires all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive sustainable places.

The kiosk building provides a floor space that is associated with the Petrol Filling Station. It is a single-storey mono-pitch design that is broken up in terms of fenestration and materials. The proposed high level dark grey cladding panels are recessive and create the impression of a reduction in massing.

The drive-thru coffee unit is constrained somewhat by the necessities of the practical usage of the drive-thru element of it. The applicant has been mindful with regard to its siting to ensure that the serving window faces south away from the main vista greeting the public. This arrangement means that the queuing customers will be shielded from view by the building allowing the more open and attractive elevation to be seen from the spine road.

The flat site incorporates the existing bund as a shielding mechanism against the A465 to the south whilst the existing hedging and stone walling along the northern boundary are incorporated into the boundary treatments.

Therefore in terms of visual amenity, it is considered that the proposed development by virtue of its scale and massing together with the use of appropriate materials would provide a development which would not have an unacceptable impact on the overall character and appearance of the surrounding area of the streetscene and will integrate into the landscape.

### **Residential Amenity:**

The proposed development by virtue of its location away from nearby properties (the nearest residential property being located approximately 50m at 46 Cefn Gelli) and across significant highway infrastructure, would have no unacceptable impacts upon nearby residential properties.

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

The Head of Engineering and Transport (Highways) has assessed the proposal and is satisfied that the development will not have a negative impact on highway and pedestrian safety. As a result there is no objection to this development on highway and pedestrian safety grounds subject to the imposition of a number of conditions.

## **Flooding**

The application was accompanied by a Flood Consequences Assessment and substantial hydraulic modelling where it was concluded that the site is compliant with the requirements of Technical Advice Note 15 (TAN15).

The submissions have been scrutinised by Natural Resources Wales (NRW) who share the conclusion that the site is compliant with TAN15. Therefore the application is considered to be acceptable in terms of any flooding impacts / issues.

## **Mineral Safeguarding**

It is also noted that the site is located within a Mineral safeguarding area under Policy M1 of the adopted LDP (coal safeguarding).

Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above it is considered that the development due to its scale and location will not have a significant impact on the working of the mineral. Moreover, given the sites relationship to existing development namely the McDonalds building and the recently approved health care centre to the south, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 grounds.

## **Conclusion:**

The site is located outside of the defined settlement limit, and outside of land allocated or safeguarded for employment or retail use by the LDP, where such uses should be located in order to steer economic development to the most appropriate and sustainable locations. Policy SC1 only allows exceptions for small scale employment uses, and it is considered that by reason of its scale and location away from the settlement boundary, the proposed development does not amount to an exception supported by Policy SC1. Furthermore the development will undermine the regeneration aspirations of the Council within the Glynneath area as defined under Policy VRS1. Accordingly the proposal would amount to unjustified new development in the

countryside, contrary to Policies SC1 and R3 of the Neath Port Talbot Local Development Plan and is also contrary to the objectives of Planning Policy Wales and the national guidance contained within Technical Advice Note 23 (Economic Development), and that there are no material considerations of sufficient weight which outweigh the harm caused by reason of its failure to comply with the above Policies.

**RECOMMENDATION: Refusal**

(1) The proposed development represents an unjustified form of development outside the defined settlement limits, the development of which would also undermine the sustainable growth of Glynneath contrary to Policy SC1 of the Neath Port Talbot Local Development Plan

(2) The proposed development by virtue of the uses proposed and its location outside the defined district shopping centre and outside the allocated Valleys Regeneration Scheme Site, will adversely affect the function together with the vitality and viability of the district shopping centre and will also undermine the Council's aspirations to deliver a comprehensive regeneration scheme on an allocated and more sustainably located site within Glynneath and as such is contrary to the objectives of Planning Policy Wales, TAN 23 and Policies VRS1 and R3 of the Neath Port Talbot Local Development Plan.