

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
LOCAL DEVELOPMENT PLAN

HEARING STATEMENT

On Behalf of:	Mr Vic Price
Relating to:	Session 20 (Matter 11): Alternative Sites (4)
Proposal:	Proposed development sites, Port Talbot
Site:	Land at Broomhill Land at Ynys-Y-Gored Land south of Bay View

Report By: Matthew Hard MRTPI
Our Ref: 2008/079
Representor No.: 0150
Date: February 2015



Neath Port Talbot County Borough Council Location Development Plan

CDN Planning for Vic Price (Representor No. 0150)

Hearing Statement – Session 20 (Matter 11/4)



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1 INTRODUCTION

1.1 This statement has been prepared by CDN Planning (Wales) Ltd (“CDN”) on behalf of our client Mr Vic Price. CDN are instructed to act for Mr Price in submitting representations on the Neath Port Talbot (“the LPA”) Local Development Plan (“LDP”).

1.2 This statement is set out to address the matters and issues raised by the Inspector in advance of the examination hearings. It refers to various Core Documents using the code attributed to the documents within the examination library, e.g. SD04 is the deposit LDP dated August 2013, although for ease of reference the title of the document is referred to at its first use.

2 BACKGROUND

2.1 CDN have been acting for Mr Price in respect of various parcels of land in the Port Talbot area since the 1990s, including the following sites which have been put forward for consideration in the LDP.

- Land at Broomhill
- Land at Ynys-Y-Gored (NB: this is for one dwelling only and will not be discussed at the examination unless the Inspector wishes, however the information below summarises our position and written submission)
- Land south of Bay View

2.2 The backgrounds to these sites are as follow.

Land at Broomhill

LDP reference: AS(N) 51 / AS(SL) 48

CDN reference: 2003/0181

2.3 In the 1950s the site was used as allotments located to the north of the Dyffryn Junction rail yard. Since that time lots of development has taken place in the local area, including the redevelopment of the railway land for housing (Wildbrook) and the development of Broomhill to the north.

2.4 Mr Price has looked after the land since 1970s. He has been responsible for restoring the site, which is located immediately to the south of his own property (the Old Stables). The tree planting that covers some of the site today has been his through his own efforts.

2.5 It is acknowledged that this site is smaller than the land usually allocated in LDPs and is likely to accommodate only three additional dwellings. However, as the LDP process is shaped in a manner that favours LPAs and not private landowners, there is no other mechanism to advocate that the settlement boundary ought to be amended to include this land.

2.6 The LPA have always taken an entrenched view that this site is part of the open countryside, whereas in reality this is an infill site that logically would round-off the north-eastern part of the settlement.

Land at Ynys-Y-Gored

LDP reference: AS(SL) 45

CDN reference: 2005/008 – 2012/017

2.7 This land is a small parcel of land located to the north of the Ynys-Y-Gored development, which has been built out by Persimmon Homes and was allocated in the Unitary Development Plan as H1/23. The site was covered by an outline application P/97/0299 on the former Rutherglen Yard and is effectively the final plot of that consent. Since that permission for housing was granted the site was also used temporarily by the Environment Agency whilst they undertook works on the nearby weir. As applicant for the original development, Mr Price was responsible for the S106 contributions, including a financial contribution towards play areas. It appears from discussions that the LPA never spent the financial contribution in the intended manner.

2.8 A planning application (LPA reference: P2012/0925) is pending determination. The reason for the delay in its determination is due to uncertainty about the exact position of a mains sewer underneath the site. Nonetheless, evidence has been submitted to the LPA, and to Dwr Cymru Welsh Water, regarding the position of the sewer and the necessary buffer zone.

2.9 Documents relating to this land is appended at Appendix A.

2.10 It is our case that based on the above evidence the site should have been included within the UDP and consequently the LDP.

Land south of Bay View

LDP reference: AS(SL) 46

CDN reference: 2002/088

- 2.11 Mr Price has controlled the land since 1979.
- 2.12 This site had planning permission under LPA reference 97/0299 and 00/743. A further planning application (P/2003/252) was refused permission on the grounds of impact upon trees. The trees had been served with an emergency Tree Preservation Order without adequate assessment. Nonetheless protected trees remain on site and these are capable of being retained as part of any development.
- 2.13 At the time of P/2003/252 the site formed part of a housing allocation within the UDP.
- 2.14 There is an existing access off the Persimmon development specifically retained for Mr Price's development site.
- 2.15 The site serves no positive role and there is no logical reason why the site should be now excluded from the settlement boundary.
- 2.16 Appendix B provides information on this site.
- 2.17 Appendix C provides information relating to the original planning permission on land at Rutherglen Yard which encompasses both land at Ynys-Y-Gored and land south of Bay View.

3 MATTERS AND ISSUES

Key Issue: Whether the identification of the alternative site in question is essential to the soundness of the LDP?

- 3.1 The LPA do not appear to have adequately considered making minor alterations to the settlement boundaries around Port Talbot. Without making appropriate adjustments to settlement boundaries to allow otherwise perfectly acceptable sites to be developed, the LPA are prejudicing owners of small plots, reducing flexibility in meeting housing need and demand, potentially favouring less suitable sites within settlement limits and also failing to consider all relevant and appropriate alternatives.
- 3.2 The LPA have not given due consideration of land at Broomhill and have drafted an LDP which does not consider alternatives in terms of settlement boundaries. There is no evidence to support their position that this site should be open countryside. The site has good access (as evidenced in the original candidate site submission) and is proposed to be laid out to accommodate a small number of houses thus ensuring that most of the trees – planted by Mr Price – will be retained.
- 3.3 Therefore, it is considered that the LDP fails to meet Test of Soundness CE2 without including land at Broomhill.
- 3.4 The evidence base should include – or have regard to – planning applications and permissions. Land at Ynys-Y-Gored was included in planning permission P97/0299 and is subject to planning application 2012/0295. It is brownfield land and was shown to be appropriate for development in the late 1990s. The situation has not fundamentally changed. A review of the entire evidence base shows no justification for the site to be considered outwith the settlement boundary – a designation which obviously means it will form part of the open countryside rather than the urban area. This is an illogical designation; there is no way that this site should be treated under

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the countryside policies when its context, situation and location all show the site to be the final plot of the previous housing development.

- 3.5 It should also be noted that the only issue that is postponing the determination of planning application 2012/0295 is the location of the sewer, which is a matter of dispute and which has not yet been unequivocally agreed due to a legal dispute between parties. However there is a risk that this good development site would not be granted planning permission if the LDP is adopted as it current is drafted, despite the evidence supporting its development.
- 3.6 The absence of this site from the settlement boundary therefore means that the LDP land allocations are not appropriate, the LPA have not given full consideration to the relevant alternatives (i.e. including the site within the settlement boundary) and the resulting LDP is detached from the findings of its evidence.
- 3.7 Therefore land at Ynys-Y-Gored needs to be included in the settlement boundary in order for the LDP to be sound. At present the LDP does not meet Test of Soundness CE2.
- 3.8 Meanwhile there is no credible evidence to support the LPA's decision to exclude land south of Bay View (which is accessed from the Ynys-Y-Gored development) from the settlement boundary.
- 3.9 It always formed part of the redevelopment proposals of Rutherglen Yard and the original planning permission included this land.
- 3.10 It was only once the LPA served a TPO on the site that they were able to refuse to grant planning permission 2003/0252.
- 3.11 The LPA mistakenly are now off the belief that this site is part of the open countryside rather than the Rutherglen Yard redevelopment that has now resulted in the Ynys-Y-Gored scheme being built.
- 3.12 The evidence underpinning the LDP should include the full planning histories of the area and by ignoring the fact that the site formed part of an outline planning permission the LPA are not undertaking their duty to have a credible and robust evidence base. Moreover the site was subsequently removed from the UDP settlement boundary (and the remaining allocation at Ynys-Y-Gored), meaning that any further planning application would be refused in principle.
- 3.13 The evidence base which supports the LDP including its policies and allocations is thus flawed and cannot be described as robust or credible whilst the LPA continue to stifle minor adjustments to settlement boundaries to enable small sites that previously had planning permission and which would be able to have planning permission granted again (were it not for being the wrong side of a line drawn by the LPA in the wrong location) from being developed.