

SITE AND CONTEXT

The proposed development site forms part of the Briton Ferry Steel Cricket Club, Briton Ferry. The wider site consists of a club house; pavilion; cricket nets; cricket pitch and a raised hardstanding to the southeast to which this application relates. The application site is broadly square measuring 24m by 25m and is raised 72.5cm above the cricket pitch.

Cricket nets are located to the north of the application area and a cricket pitch to the west. Jersey park borders the site to the south and east with a children's playground to the northeast and woodland to the south.

The application site is located outside of the settlements boundary as defined by Policy SC1 of the NPTCBC LDP

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of 2no. outdoor padel courts with associated lighting and including a raised platform to enable them.

Each of the two paddle courts measures 20.2m by 10.2m and is enclosed in a mixed black wire mesh and tempered glass boundary walls. The walls measures 4m high at the narrower ends to the east and west and drops down to 3m in height along the sides. 4 No. 6m high lighting columns are set in 4m along sides from each of the padel court corners. The padel court bases are to be a 16cm thick concrete slab.

To accommodate the padel court, the existing hardstanding is to be extended on the western side for a length of 25m, width of 2m and a height of 72.5cm.

NEGOTIATIONS

Negotiations were made to reduce the lux levels spilling out of the site and into the adjacent trees.

PLANNING HISTORY

There is no relevant planning history on the site.

CONSULTATIONS

Biodiversity – No objections subject to the implementation of the green infrastructure statement

Highways – No objection though noted SAB approval would be required.

Environmental Health (Lighting) – No objection subject to condition

Environmental Health (Noise) – No objection

Heneb – No objection

Cadw – No objection though concerns raised regarding noise

Briton Ferry Community Council – No comment

REPRESENTATIONS

Site notices were posted adjacent to the site on 24/4/26

In response, to date no representations have been received.

REPORT

National Planning Policy:

Future Wales: The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 9 – Resilient Ecological Networks and Green Infrastructure.

Planning Policy Wales (Edition 12, February 2024)

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, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem-solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

Paragraph 6.4.2 – *“The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery*

Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species”.

PPW12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 12: Design (March 2016)
- Technical Advice Note (TAN) 16: Sport, Recreation and Open Space (2007)
- Technical Advice Note (TAN) 24 Historic Environment

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:

Strategic Policies

- **Policy SP1** Climate Change.
- **Policy SP2** Health.
- **Policy SP3** Sustainable Communities
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policy

- **Policy BE1** Design
- **Policy SC1** Settlement Limits
- **Policy TR2** Design and Access of New Development
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN10** Quiet Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Design](#) (July 2017)
- [Open Space & Greenspace](#) (July 2017)
- [The Historic Environment](#) (April 2019)

Issues

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

Principal of Development

The application site is located outside settlement limits as defined within the Neath Port Talbot Adopted Local Development Plan. Policy SC1 of the Local Development Plan states that outside settlement limits, development will only be permitted under the following circumstances:

- 1. It constitutes a sustainable small-scale employment use adjacent to a settlement limit; or*
- 2. It constitutes live-work unit(s) immediately adjacent to a settlement limit in the Valleys Strategy Area only; or*
- 3. It constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building; or*
- 4. It constitutes the appropriate replacement of an existing dwelling; or*
- 5. It is an affordable housing exception site; or*
- 6. It is an appropriate rural enterprise dwelling; or*
- 7. It is an appropriate 'One Planet Development'; or*
- 8. It is a sustainable tourism or farm diversification proposal that is suitable in a countryside location; or*
- 9. It is associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; or*
- 10. It is associated with either agriculture, forestry, minerals or energy generation; or*
- 11. It relates to the appropriate provision of accommodation for Gypsies / Travellers; or*
- 12. It constitutes the provision of open space and small-scale ancillary facilities adjoining the settlement limit.*

Where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form.

Regarding the proposed padel courts, they would be justified under policy SC1 constituting a small-scale expansion of an existing sporting site (being the cricket ground) adjacent to the existing settlement of Briton Ferry. The site is also alongside a cluster of other sporting and recreational facilities including a bowls club, playground, basketball court and a public park.

The application site is also located in a Historic Park and Garden as registered by Cadw. Policy SP21 of the Local Development Plan states:

The built environment and historic heritage will, where appropriate, be conserved and enhanced through the following measures:

- 1. Encouraging high quality design standards in all development proposals;*
- 2. Protecting arterial gateways from intrusive and inappropriate development;*
- 3. Safeguarding features of historic and cultural importance;*

4. The identification of the following designated sites to enable their protection and where appropriate enhancement:

- (a) Landscapes of Historic Interest;*
- (b) Historic Parks and Gardens;*
- (c) Conservation Areas;*
- (d) Scheduled Ancient Monuments; and*
- (e) Listed Buildings and their curtilage*

The Neath Port Talbot Historic Environment SPG lists the park as:

4.4.1.5 Jersey Park, Briton Ferry (Grade II): An exceptionally well preserved urban public park. Its original layout of formal and informal areas remains complete and includes sports facilities.

The SPG further states that:

4.4.1.9 Proposals that could affect a registered park or garden or its setting will need to be fully assessed, including consultation with Welsh Ministers/Cadw, to ensure that there are no adverse effects, and applicants should ensure that the significance of the registered park/garden and any impacts are shown to be fully understood and addressed.

Cadw was consulted on the proposal and noted the proximity of the development to the Scheduled Monument: GM489 Ynysmaerdy Railway Incline. Cadw noted that the proposed development was “screened from the monument by existing intervening vegetation, if visible it will cause a slight visual change but... ..views from the incline are not a significant part of its’ setting and therefore this will not have any effect on the way that the monument is experienced, understood and appreciated. Consequently, the proposed development will not have an unacceptably damaging effect upon the setting of scheduled monument GM489.” Cadw did want however, that the applicant be made aware of working within the vicinity of the Scheduled Monument and it is recommended that an informative be added to this effect should consent be granted.

Cadw further noted that the application area is entirely inside the boundaries of the registered Jersey Park historic park and garden. They further noted that “this area of the registered historic park and garden is already dedicated to sporting activity. Therefore, the use on an existing area of hardstanding for sporting activity will not therefore, in general, alter the way that this part of the historic park and garden is experienced, understood and appreciated.”

Cadw noted that Padel courts could generate noise through their use and this could have an adverse effect on the public enjoying the quieter more formal areas of the Park less than 50m to the southwest of the application area. The authority’s Environmental Health section was consulted on the noise impacts of the proposal and noted that “the rest of the park is not considered a sensitive receptor through our guidance so we would not consider the use of the courts to have a detrimental effect on users of the park.” The park is also not designated as a Quiet Area under Policy EN10 in the LDP defined as:

5.3.54 The quiet areas listed have been designated by the Welsh Government under the Environmental Noise (Wales) Regulations. They are public open spaces located

within the urban area that have local amenity value that warrants protection from noise intrusion and are relatively quiet by urban standards in actual and perceived terms

Given that the application site is set amongst existing sports facilities and playgrounds that already generate their own noise, that the formal park is not considered a sensitive receptor by Environmental Health and that the park is not a designated quiet area in the LDP it is not considered that the padel court would have a noise impact on the formal gardens of Jersey Park over and above the existing sports and play facilities.

Heneb was also consulted on the proposal and noted the nearby Scheduled Monument (GM489) and the application site being located within a registered Historic Park and Garden. Heneb commented that “given our understanding of the historic environment in the immediate area, it remains our opinion that it is considered unlikely that significant archaeological remains would be encountered during the proposed development, and no adverse impact on the setting of designated assets. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.”

As such, the proposal would not have an unacceptable impact on the historic significance of the park or nearby Scheduled Monuments and would be justified under policy SP21.

Impact on Visual Amenity

Policy BE1 (Design) states that *all development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places*.

The proposed padel courts are considered to be an appropriate form of development providing additional sports infrastructure within an existing sports related site. The courts including its hard standing are not considered to be out of keeping with the appearance and function of the site and are located amongst similar equipment such as the adjacent cricket nets and the nearby playground and basketball court in the adjacent Jersey Park. The courts would also be located well within the Cricket ground and would not be readily visible from a public vantage point. High boundary treatment on the southern perimeter of the cricket pitch and the treeline along that boundary further screen the proposal from the historic park and garden to the south.

With regard to policy BE1, the proposal is considered to be of a scale, form and design that would be in-keeping with the existing sports use on site and is considered to be acceptable.

Impact on Residential Amenity

The closest residential properties to the north are Nos 63 to 79 Ynysmaerdy Road, Briton Ferry, the rearmost part of these dwellings being located between 80m and 90m from the proposed padel courts with an intervening lane, boundary treatment, pavilion and clubhouse. Given the distance of these courts from these properties, the modest scale of the proposal and the existing intervening boundary treatment and

structures there would be no adverse overlooking, overshadowing or overbearing impact on these properties.

With regard to the lighting, the lux levels of the proposed lighting heads drops below 1 lux approximately 40m before the rearmost part of the gardens of Nos. 63 to 79. There is also a degree of screening from boundary treatments and intervening structures.

Environmental Health were consulted on the proposal and noted that poorly designed lighting and/or excessive lighting could have both an impact on the environment (wildlife/night sky) and may result in a visual light nuisance to residents and vehicle users. The officer commented that the applicant has submitted a floodlighting scheme showing sufficient lighting details to minimise the impact on the local amenity and as such and offered no objections subject to a condition ensuring that the applicant complies with the submitted details.

Given the flood lighting of the padel courts would enable them to be used into the night it is proposed to restrict the operation of the floodlighting to between 8:00 and 21:00, this to ensure that residential amenity is protected during unsociable hours. This would also be reflective of the surrounding uses which are not floodlit and operate on a dawn until dusk basis. As such, it is recommended these times are imposed by a suitably worded condition in the interest of residential amenity.

Taking the above into account, it is not considered that the development will adversely affect the residential amenity of any of the surrounding properties. It is therefore considered that the proposal would comply with Policy BE1 of the Local Development Plan.

Highways and Drainage

The authority's highways section was consulted regarding the proposed padel courts and associated flood lighting and had no objections to the proposal. It was also noted that SAB approval would be required and an informative would be added to any consent should it be granted.

Given that the development will not displace any of the existing off-road parking, it is not considered that the padel courts and associated flood lighting will impact detrimentally upon pedestrian and highway safety.

Biodiversity

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales (PPW) 12 sets out that;

The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and

ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15 of PPW 12) has been applied.

A green infrastructure statement was submitted in support of this application and will provide three bird boxes installed along the southern boundary of the cricket ground which will be secured by a suitably worded condition. The authority's ecologists were consulted on the proposal and offered no objections subject to the implementation of the green infrastructure statement

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 the amenities of neighbouring residents, visual impact upon the area, biodiversity or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1 (Settlement Limits), SP15 (Biodiversity and Geodiversity Sites), SP16 (Environmental Protection), SP21 (Built Environment and Historic Heritage), EN8 (Pollution and Land Stability), BE1 (Design) and TR2 (Design and Access of New Development) 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.