

*Neath Port Talbot County Borough Council  
Cyngor Bwrdeistref Sirol Castell-nedd*

*Democratic Services  
Gwasanaethau Democrataidd*

*Chief Executive:* Steven Phillips

**Date: 25<sup>th</sup> October 2016**

Dear Member

**PLANNING COMMITTEE - TUESDAY, 25TH OCTOBER, 2016**

Please find attached the following amendment sheet for consideration at the next meeting of the **Planning Committee - Tuesday, 25th October, 2016.**

**Item**

10. **Amendment Sheet** (Pages 3 - 12)

Yours sincerely

Chief Executive

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## PLANNING COMMITTEE

25<sup>TH</sup> OCTOBER 2016

### AMENDMENT SHEET

#### ITEM 4

<b><u>APPLICATION NO:</u> P2015/0011</b>	<b><u>DATE:</u> 27/01/2015</b>
<b>PROPOSAL:</b>	138 residential dwellings with associated infrastructure, engineering works, and public open space.
<b>LOCATION:</b>	Land at Neath Road, Tonna, Neath
<b>APPLICANT:</b>	Barratt South Wales
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Neath North

#### Clarifications - Page 12

It is noted that the letter from Gwenda Thomas AM was received when she was still an Assembly Member, although she has since left that position.

Byron Davies is incorrectly referred to as an Assembly Member (AM) but is actually the MP for Gower.

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#### Head of Engineering & Transport Representations

Following publication of the report, the Head of Engineering & Transport has requested that the following matters are clarified for Members, with appropriate amendments made to conditions and the Section 106 Heads of Terms: -

##### 1. Drainage and Road Network

The report currently states that the drainage of the site will not be formally adopted by the Local Authority but will be a privately maintained scheme. It does not, however, clarify that the highway network will also not be adopted under highway legislation due to the proposed drainage not being acceptable for adoption by the Highway Authority given the future maintenance costs that would be associated with the type of drainage system proposed.

There is a requirement, however, that the highways, associated lighting etc. and drainage must be designed to an adoptable standard, and for the legal agreement to confirm that they will remain privately owned and will be the responsibility of a private management company, details of which shall be submitted to and agreed in writing with the LPA. This will therefore be secured through the legal agreement.

To reflect the above, condition (no. 4) is also proposed to be amended to remove the reference to any “arrangements for adoption by any public body or statutory undertaker” since this would not be acceptable to the Authority for the reasons given above.

Finally, an additional requirement of the s106 agreement is recommended to reflect the Head of Engineering and Transport’s requirement for a scheme of appropriate signage to be displayed at the entrance to the site which will emphasise (in English and Welsh) that it is a private road which will not be ***dedicated under S37 of the Highway Act 1980.***

## 2. Condition 16 – visibility splays

The Head of Engineering and Transport has also requested that the wording of condition 16 is amended to require 2.4m x 90m visibility splays in a southerly direction and a 2.4m x **120m** visibility splay in a northerly direction.

## **Agents Submissions**

Having reviewed the report, the agent has also requested that conditions 4, 14 and 15 are amended to be ‘pre-occupation conditions’, in order to limit potential delays to commencement of the development on site.

Having considered such a request and liaised with the Highway Officer, appropriate amendments have been made to the relevant conditions, as detailed below.

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Having regard to the above, the **RECOMMENDATION** is amended to read as follows: -

Approval subject to conditions and the signing of a Section 106 Legal Agreement covering the following general Heads of Terms:-

- Provision of 28 units of affordable housing

- Requirement for Phase Two of the allocated LDP development site to incorporate the 0.5 Hectares pitch/non-pitch sport required under Phase One (in addition to its own requirements). In the event the Phase Two development is not commenced within 5 years of the date of the agreement (or other such agreed trigger point), a financial contribution of £187,956 for provision of off-site POS to be made for provision of public open space, such project to be identified within the locality;
- Financial contribution of £100,000 towards off-site highway improvement works (together with the need for regular review and assessment throughout the construction period)
- Provision of a pedestrian link between the development and the existing Hunters Ridge development
- **Requirement for roads, associated lighting and drainage to be constructed to adoptable standards, and for their future management and maintenance by a management company (and such roads and drainage will not be adopted by the Local Authority).**
- **Display of signage at the site to confirm that the estate is a private road which will not be dedicated under S37 of the Highway Act 1980.**

In addition, the following amendments are made to the recommended conditions:-

(4) Prior to first beneficial occupation of any dwelling hereby approved, details of the implementation, maintenance and management of the drainage scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and
- ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the drainage system throughout its lifetime.

Reason

In the interest of good land drainage

(14) Prior to first beneficial occupation of any dwelling hereby approved, an Open Space and Footpaths Management Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. A plan identifying all parts of the site which will be subject to ongoing management under the scheme;
- ii. A timetable for its implementation, and
- iii. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body, or any other arrangements to ensure all identified areas of open space and footpaths are managed throughout its lifetime.

Reason

In the interest of visual and residential amenity.

(15) Notwithstanding the submitted plans, prior to development commencing on site a scheme at a scale of 1:200 detailing a right turn lane designed in accordance with Design Manual for Roads and Bridges, including any drainage, street lighting, signing and lining and the required widening on the B4434 shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented on site prior to first beneficial occupation of any dwelling hereby approved and retained on site as such thereafter. All highway works relating to the construction of the right turn lane into the primary access of the site shall be subject to Stages 1 to 4 Road Safety Audit in accordance with HD19/03, and submitted for the written approval of the Local Planning Authority at each stage of the audit.

Reason

In the interest of highway safety

(16) Notwithstanding the vision splays shown on Drawing Number 1605 100 A, prior to first beneficial occupation of any dwelling hereby approved vision splays shall be provided along the B4434 with a 2.4m x 90m visibility splay in a southerly direction and a 2.4m x 120m visibility splay in a northerly direction. Such visibility splays shall thereafter be retained at the site, with nothing in this area having a height greater than 600mm.

Reason

In the interest of highway safety

## **ITEM 5**

<b><u>APPLICATION NO:</u> P2016/0593</b>	<b><u>DATE:</u> 19/07/2016</b>
<b>PROPOSAL:</b>	Change of use from office accommodation (Class B1) to residential use (Class C3) to provide 41 affordable dwellings, alterations to building elevations and roof, cycle, mobility scooter and refuse storage, improvements to public realm and associated works
<b>LOCATION:</b>	Aberafan House, Access To Port Talbot Civic Centre, Port Talbot SA13 1PJ
<b>APPLICANT:</b>	Mr C Davies – Hacer Development
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Aberavon

Since the original report was written the Applicant has submitted further information to satisfy the requirements of conditions 3 (Drainage Strategy), 4 (Delivery Management Plan) and 6 (Construction Method Statement) as originally drafted.

In respect of drainage (original condition 3), Welsh Water and the Drainage Officer have confirmed the additional details are acceptable, subject to an additional condition stating that no surface water from any increase in the roof area of the building/or impermeable surfaces shall be allowed to drain directly or indirectly to the public sewerage system. The condition has therefore been amended to reflect the need to comply with the approved scheme and such additional representations.

In respect of the Delivery Management Plan (DMP) (original condition 4), the Head of Engineering and Transport (Highways) and Estates Manager have confirmed the details are acceptable. The condition has therefore been amended to require adherence to the approved DMP.

An updated Construction Phase Plan / Method Statement (original condition 6) has also been received to take account of representations from the Estates manager and Environmental Health officer. The condition has therefore been amended to require adherence to the approved Plan.

Finally, condition 2 is updated to refer to the new submitted plan / details above. Because the above conditions are no longer 'pre-commencement conditions' (now being 'regulatory'), however, the conditions in the final decision notice also require re-numbering. Accordingly, in the interests of clarity, the re-numbered conditions are detailed below in full.

## CONDITIONS

### Time Limit Conditions

(1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

#### Reason

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

### Approved Plans

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

Site Location plan AL(0) 001 Rev C

Existing GF, Mezzanine Plans & 1F Plans AL(0) 002 Rev A

Existing 2nd 3rd and 4th floor plans AL(0) 003 Rev A

Proposed External Works AL(0) 004 Rev B

Proposed Ground floor and mezzanine Plans AL(0) 005 Rev G  
Proposed 1st and 2nd floor Plans AL(0) 006 Rev G

Proposed 3rd and 4th floor Plans AL(0) 007 Rev G

Proposed south east elevation AL (0) 008 Rev F

Proposed north west elevation AL(0) 009 Rev F

Proposed SW and NE Elevations AL(0) 010 Rev F

Proposed external Materials AL(0) 011 Rev D

Site Servicing Layout (construction) AL (0) 012 Rev D

Site Servicing Layout (occupation) AL (0) 013 Rev B

Existing and proposed roof plan AL(0) 014 Rev A

Proposed landscape materials AL(0) 016 Rev B

Detailed site set up and establishment AL (0) 017 Rev A

Proposed building sections AL (0) 018 Rev C

Pod detail AA (2) 001

Roof detail AA(0) 002

Existing south east elevation AL (0) 019 Rev A



Existing north west elevation AL (0) 020 Rev A

Existing SW and NE elevation AL (0) 021 Rev A

Planning Statement - May 2016

Design and Access Statement - May 2016

Pre-Construction Information for refurbishment and redevelopment- 13th May 2016

Construction Phase Plan (Received 24-10-16)

Delivery Management Plan (Received 21-10-16)

Flood Consequences Assessment -CB3 Consult Ltd - 10/3/16

Transport Statement - Acstro - March 2016

Drainage Strategy Note (Received 7-10-16)

Reason

In the interests of clarity

#### Pre-Commencement Conditions

(3) Before beginning any development at the site, you must do the following: -

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

## Action Conditions

(4) Notwithstanding the submitted details and prior to their use in the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted - which shall include a sample panel of a minimum of 1m<sup>2</sup> of the proposed paint finish to the existing concrete panels - shall be 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.

(5) Prior to the first beneficial use of any residential unit hereby approved (a) the public realm improvements / landscaping identified on drawing ref. AL(0)016 Proposed landscape materials shall be completed in accordance with the approved details, and (b) a landscape management plan, including management responsibilities and maintenance schedules for all hard and soft landscaped areas, shall have been submitted to and approved in writing by the local planning authority. The completed scheme shall thereafter be maintained in accordance with the approved management plan.

### Reason

To ensure that the improvements to the public realm, which form part of the justification for the development, are provided and thereafter maintained, in the interest of visual and residential amenity.

(6) Prior to the first beneficial use of any of the hereby approved dwellings, a Flood Emergency Plan shall be produced that details what measures should be taken by residents in the event of flood occurring, including detailed plans for staying in situ and measures for evacuating the property. All future residents of the dwellings shall be provided with a copy of the Flood Emergency Plan on moving into the property.

### Reason

To ensure the safe evacuation of residents in the event of flooding.

(7) Prior to the first beneficial use of any of the hereby approved dwellings a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

#### Reason

To ensure the satisfactory provision of affordable housing in perpetuity in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan

#### Regulatory Conditions

(8) The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

#### Reason:

To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(9) Prior to first beneficial occupation of the development, the drainage scheme shall be implemented in accordance with the approved details, with no further foul water, surface water and land drainage allowed to connect directly or indirectly with the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

(10) The approved Delivery Management Plan (during and post-construction) shall be adhered to at all times.

Reason

In the interests of pedestrian and highway safety.

(11) The approved Construction Method Statement (construction phase plan) shall be adhered to at all times throughout the construction period.

Reason:

In the interests of amenity, and pedestrian and highway safety.

## **ITEM 6**

<b><u>APPLICATION NO:</u></b> P2016/0320	<b><u>DATE:</u></b> 04/05/2016
<b>PROPOSAL:</b>	Proposed change of use from former lorry park to caravan/ motorhome storage and servicing
<b>LOCATION:</b>	Former Lorry Park, Tata Steel , Cefn Gwrgan Road, Margam , Port Talbot SA13 2PT
<b>APPLICANT:</b>	Mr Paul O'Dwyer
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Margam

This application has been deferred from determination at this committee.