



## ***PLANNING COMMITTEE***

***2.00 PM - TUESDAY, 3RD FEBRUARY 2015***

***COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE***

### **PART 1**

1. To receive any declarations of interest from Members.
2. To receive the Minutes of the previous meeting held on 13th January 2015  
(*Pages 1 - 2*)
3. To request a Site Visit(s) from Applications Presented

### **Reports of the Head of Planning**

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

#### **Planning Applications Recommended for Approval**

4. **Application No: P2012/0087** (*Pages 3 - 26*)  
Hydro electric scheme including new upstream weir, stepped concrete water channel, hydro electric screw, raising weir crest, excavation works, fish pass, detached power building, tail race, reinstatement of car parking space and associated works.
5. **Application No: P2014/0739** (*Pages 27 - 42*)  
Application under S106A of the Town and Country Planning Act 1990 (As Amended) to vary the legal agreement associated with Planning Permission P2005/0393 (Approved on the 08/02/08).

6. **Application No: P2014/0913** (*Pages 43 - 70*)  
Reserved matters for 79 residential dwellings plus 5 retail units (Class A1) plus associated infrastructure, public open space and landscaping including details pursuant to the discharge of conditions 10 (Town Code Addendum for Phase 2 only) 40 & 41 (Means of Enclosure temporary/permanent), 42 (Cycle/footpaths), 49 (Retaining structures), 50 (Drainage), 54 (Lighting), 61 (Detailed road/footway/cycleway design), 75 (Highway retaining structures), (Noise Assessment), 87 (Phase Landscaping) & 92 (Phase 1 Habitat Survey) of outline planning permission P2005/0393 (Approved on the 08/02/08)
7. **Application No: P2014/1128** (*Pages 71 - 82*)  
Extension to existing Caegarw Gypsy and Traveller Site to include 11 new pitches plus amenity blocks with associated drainage works, improvements to the internal access road together with the creation of 2 new informal play areas, and associated access path.
8. **Application No: P2014/1175** (*Pages 83 - 96*)  
Demolition of existing 2/3 storey teaching block and construction of new 2/3 storey teaching block.

## **SECTION B - MATTERS FOR INFORMATION**

9. Appeals Received (*Pages 97 - 98*)
10. Delegated Applications Determined between the 7th January 2015 and 23rd January 2015 (*Pages 99 - 108*)
11. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**S.Phillips**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 28th January 2015**

**Committee Membership:**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor E.E.Jones

**Members:** Councillors Mrs.A.Chaves, D.W.Davies,  
Mrs.R.Davies, Mrs.J.Dudley, S.K.Hunt, D.Keogh,  
Mrs.S.Paddison, Mrs.S.M.Penry, R.Thomas,  
Mrs.L.G.Williams

**Cabinet UDP/LDP Member:** Councillor A.J.Taylor

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## PLANNING COMMITTEE

(COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE)

**Members Present:**

**13<sup>th</sup> January, 2015**

**Chairman:** Councillor R.G.Jones

**Vice Chairman:** Councillor E.E.Jones

**Councillors:** Mrs.A.Chaves, D.W.Davies, Mrs.R.Davies,  
S.K.Hunt, D.Keogh, Mrs.S.Paddison,  
Mrs.S.M.Penry, R.Thomas and Mrs.L.G.Williams

**UDP/LDP Member:** Councillor A.J.Taylor

**Invited Member:** Councillor J.Rogers

**Officers In Attendance:** Mrs.N.Pearce, S.Ball, I.Davies, P.Colman and  
Mrs.T.Davies

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1. **MINUTES OF THE LAST MEETING**

**RESOLVED:** that the Minutes of the Planning Committee held on the 2<sup>nd</sup> December, 2014, as circulated, be confirmed as a true record.

**Report of the Head of Planning**

2. **NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT (NSIP): POWER GENERATION ENHANCEMENT SCHEME AT PORT TALBOT STEEL WORKS, MARGAM**  
**LOCAL IMPACT REPORT AND WRITTEN REPRESENTATIONS**

The recommendation, as detailed in the circulated report, was amended at the meeting to include the words in italics below.

**RESOLVED:** that the Local Impact Report and Written Representations, as detailed at Appendices A and B to the circulated report, be accepted, and that delegated

powers be granted to the Head of Planning and the Development Manager – Planning, to allow any appropriate amendment or alteration to them as maybe necessary prior to their submission, *and to explore with the applicant the possibility of Community Benefits – (Section 106 Agreement).*

3. **APPEALS RECEIVED**

**RESOLVED:** that the following Appeals received be noted, as detailed in the circulated report.

- (a) Appeal Ref: A2014/0011 – Variation of condition 1 (to allow a further 5 years for the commencement of development) of Planning Permission P2008/1547 (Approved on 21/08/09) at land adjacent to 161A New Road, Skewen, Neath.
- (b) Appeal Ref: A2014/0012 – Detached residential dwelling (outline with details of access, landscaping and scale to be determined) and new vehicular access and off street parking to serve both No 36 and the application site, at land adjacent to 36 Heol Cae Gurwen, Gwaun Cae Gurwen.

4. **DELEGATED APPLICATIONS BETWEEN 24TH NOVEMBER 2014 AND 5TH JANUARY 2015**

Members received a list of planning applications which had been determined between 24<sup>th</sup> November 2014 and 5<sup>th</sup> January 2015, as contained in the circulated report.

**RESOLVED:** that the report be noted.

**CHAIRMAN**

## SECTION A – MATTERS FOR DECISION

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2012/0087</b>	<b><u>DATE:</u> 25/11/2014</b>
<b>PROPOSAL:</b> Hydro electric scheme including new upstream weir, stepped concrete water channel, hydro electric screw, raising weir crest, excavation works, fish pass, detached power building, tail race, reinstatement of car parking space and associated works Additional information received (Flood Consequences Assessment) on 04.09.12 (Amended plans received 19.02.13) (Further amended plans and information received 29.05.14, 14.07.14 and 25.11.14)	
<b>LOCATION:</b> Land Adjacent To 67 Gurnos Road, Ystalyfera	
<b>APPLICANT:</b> Mr Kevin Jones	
<b>TYPE:</b> Full	
<b>WARD:</b> Ystalyfera	

This application has been called to Committee at the request of Councillor Alun Llewelyn as it proposes a new of form of development in proximity to a local landmark which is a grade II Listed Building and as a committee discussion allows the greater options for transparency and accountability of the application and decision.

#### **Planning History**

None

#### **Publicity and Responses if applicable:**

The application was advertised via site notice and in the press as affecting the setting of a Listed Building.

To date, one letter has been received from Swansea Canal Society received that states that they consider the proposals to be a positive development. However, reassurance is sought that the structural integrity of the viaduct will be protected or enhanced

**Ancient Monuments Society** - No response

**Natural Resources Wales** – No Objection, subject to conditions

**Biodiversity Unit** – No Objection, subject to conditions

**Estates** – No response (notified affecting Local Authority land)

**Powys County Borough Council** – No response

**Structures Section** – No Objection

**Design and Construction Department** - No objection

**Contaminated land** – No Objection, subject to condition

**Welsh Water** – No Objection

**Pollution Control (Noise)** – No Objection, subject to conditions

**Cadw** – No Objection, subject to condition

**Glamorgan Gwent Archaeological Trust:** No objection, subject to condition

**Ystalyfera Community Council** – No response therefore no comment to make

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

The application site is an irregular shaped parcel of land which takes in the River Twrch, the Afon Twrch Aqueduct and weir which are sandwiched between the old A4067 road (Gurnos Road) and the A4067 bypass. The River Twrch flows under the aqueduct in a southerly direction, joining the River Tawe south of the village. The river banks are lined with vegetation and remains of industrial activity. The old canal has been infilled and provides a raised foot and cycle path above the aqueduct. The weir is set below the aqueduct and protects the piers.

Part of the application site also includes a section of private garden belonging to no 67 Gurnos Road and is likely to be partly reclaimed land since the canal feeder became inactive.

It should also be noted that a portion of the application site lies within Powys County Borough Council. The proposed new weir is located within this



section of the application site. The application has submitted a separate planning application to that Authority and at the time of writing it is understood that this application was undetermined.

The Canal Aqueduct, including weir, is a Grade II\* listed structure, with the Aqueduct also a Scheduled Ancient Monument (GM396), which was scheduled in 1979 and revised in 1992. The monument is the largest of the aqueducts which formed part of the original Swansea Canal.

### **EIA Screening opinion:**

With regards to Environmental Impact Assessment the proposal is of a type that requires a decision as to whether an Environmental Impact Assessment needs to accompany the application. This is called a 'Screening Opinion'. A screening opinion has been undertaken and it was concluded that the development is not likely to have significant environmental impacts by virtue of factors such as nature, size or location. It was determined under delegated powers that an Environmental Impact Assessment was not required.

### **Brief description of proposal:**

This is a full planning application to construct a hydroelectric scheme adjacent to the Ystalyfera aqueduct and weir. The main element of the scheme includes the construction of an Archimedes screw that will generate electricity. Water from the River Twrch will flow into the top of the Archimedes Screw and as it falls it will rotate the screw. This rotation allows the potential energy to be extracted from the water which is fed through a gear box to power a generator. In order to accommodate the Archimedes screw and create a successful environment for the capture and use of the water, alterations and additions are required to the watercourse and surrounding land / structures.

The scheme briefly includes the following elements:

1. Upstream weir
2. Stepped concrete water channel
3. Hydro electric screw
4. Raising weir crest
5. Excavation works
6. Detached power building
7. Tail race
8. Reinstatement of car parking space

While the above highlights the individual aspects of the scheme, the proposal can be broken down further into five main elements of work.

### **Upstream Weir**

The new weir is required in order to provide sufficient water flow to make the hydro electric screw work. It would be located partially across the flow of the river heading north-east from, the north side of the west aqueduct pier. The proposed new weir would comprise of an inverted T-shaped structure of reinforced concrete measuring 950mm in height, although two-thirds of the structure would be buried or submerged. The weir would possess a visible top surface measuring 200mm in width. The south west end of the weir would be fixed to the aqueduct pier using stainless steel dowels fixed to existing joints.

### **Works to the existing weir below the western arch of the aqueduct**

The applicant requires that the existing weir crest be raised by 300mm along its length across the western aqueduct arch and that the bed immediately upstream is reduced in height by 1.45m. A new stepped concrete water channel would be inserted, with some of the original stone setts of the weir apron set in lime mortar on the upper surface. The applicant stated that without these particular works being permitted the overall scheme is not viable as the volume of water required to operate the screw cannot be obtained. The submitted appraisal states that 'the setts will be bedded in a hydraulic lime mortar so that in the future if the facility needs to be dismantled the stones can be taken up and used to reinstate the original weir and channel apron.'

### **Excavation of the south side of the western aqueduct abutment**

This element of the works is required to direct the captured water flow from the raised weir to the proposed hydro screw. The ground excavation would occur at the location of the original canal feeder mouth and sluice gate. This feature is located within the scheduled area and would be removed as the required channel needs to be both deeper and wider.

### **Excavation of a large pit to house Archimedes screw**

This element of the works is set behind the existing western river wall. The existing river wall would be retained in its entirety, albeit shored as required.

## **Detached power house**

The power house will house the generator and be located on land forming part of the curtilage of number 67 Gurnos Road. This building will have a maximum width and depth of 3.65m and a maximum height of 4.3m.

## **Material Considerations**

The main issues concern the principle of development, having regard to national and local land use and development plan policy, and the impacts of the development on visual amenity and upon the historic environment; upon residential amenity of residents within adjoining properties; and on highway and pedestrian safety.

## **Policy Context:**

### National Planning Policy

**Planning Policy Wales Edition 7, (July 2014)** sets out the strategic framework for the effective operation of the planning system in Wales, including an emphasis on renewable energy and protection of the historic environment.

**Technical Advice Note 8 (TAN 8):** provides technical advice on renewable energy proposals and is relevant in the determination of planning applications.

**Technical Advice Note 15 (TAN 15): Development and Flood Risk (2004)** sets out the responsibilities and requirements of the various parties in the development process and seeks to ensure that flood risk, surface water and foul water drainage arrangements are properly considered during the planning process.

### **“A Low Carbon Revolution” – (The Welsh Government Energy Policy Statement (2010))**

In this policy statement, the Welsh Government sets out its ambitions for low carbon energy in Wales. It recognises the challenge of climate change and the aim is to renewably generate up to twice as much electricity annually by 2025 compared to output in 2010.

### **UK National Renewable Energy Action Plan (2010)**

The National Renewable Energy Action Plan provides details on a set of

measures that would enable the UK to meet its 2020 target for renewable energy. It also seeks to secure UK energy supplies through 2020 and beyond and provides a sound framework for business to develop in the new industries, providing jobs and cutting harmful greenhouse gases.

The action plan recognises the role of the planning system to deliver the infrastructure required to reduce carbon emission. It also equally recognises the need for the planning system in

*“safeguarding our landscape and natural heritage and allowing communities and individuals the opportunity to shape where they live and work.”*

### **UK Renewable Energy Road Map (July 2011)**

This document sets out the shared approach to unlocking the UK renewable energy potential and ensures that 15% of the UK energy demand is met from renewable sources by 2020 in the most cost effective way.

The role of the planning system is also recognised within the document. Paragraph 3.20 states

*“The planning system plays a central role in delivering the infrastructure we need to reduce our carbon emissions, to ensure continued security of energy supply and help our economy to grow. It has a vital role in safeguarding our landscape and natural heritage and allowing individual communities the opportunity to shape their environment.”*

**Planning (Listed Buildings and Conservation Areas) Act 1990** – makes provision for listing of buildings of special architectural or historic interest, designation of conservation areas and exercise of planning functions in relation to these;

### **Development Plan Policies**

The Development Plan for the area comprises the Neath Port Talbot Unitary Development Plan within which the following Policies are of relevance.

Strategic Policy 6 – seeks to protect the County Borough's historic environment including ... ancient monuments.

Policy 19 advises that “Opportunities to create energy from renewable resources will be encouraged provided that unacceptable impacts are not created”.

GC1 - New Buildings /Structures and Changes of Use  
ENV5 – Nature Conservation  
GC2 – Engineering works and operations  
ENV1 – Development in the countryside  
ENV3 – Impact on the Landscape  
ENV5 – Nature Conservation  
ENV16 - Contaminated Land  
ENV17 – Design and General Considerations  
ENV 18– Listed buildings  
ENV29 – Environmental Quality and Amenity  
T1 - Location, layout and accessibility of new proposals  
RO6 – Canals  
IE6 – Renewable energy

In respect of Policy IE6, this policy is particularly relevant when it states:

“proposals for the creation of renewable energy will be supported provided their impacts are acceptable and where appropriate they include measures to reinstate the land”

### **Assessment**

#### **The principle of the proposed development**

In respect of land use, the site is not allocated for any specific purpose, but lies inside the defined settlement limits of the area.

As emphasised above, national and local planning policy supports the Government’s commitment to renewable energy projects including smaller schemes such as that proposed in this planning application.

It is therefore considered, there is a general presumption in favour of developing hydro electric schemes subject to there being no resultant adverse impacts. It is considered that in this case there are no reasonable or sustainable grounds on which to object to this development in respect of its principle in policy terms and that subject to criteria, especially relating to those issues concerning the impact on the aqueduct which is a listed building and scheduled ancient monument, it would accord with the development plan and prevailing planning policy.

## **Visual Amenity:**

As stated the proposal comprises five main elements of work and as such the visual impacts can be assessed under these categories.

The first comprises the construction of a new upstream weir. The majority of the weir would be constructed outside of the scheduled area and would only possess a visible top surface measuring 200mm in width.

Two thirds of this structure would be buried or submerged. Furthermore, the weir would be located upstream and not viewed directly in the context of the proposed works around the aqueduct. The weir would also not be readily visible from Gurnos Road. As such, it is considered that this aspect of the scheme would have no unacceptable visual impact and would not be detrimental to the character and appearance of the surrounding area and streetscene.

The second element comprises works to the existing weir below the western arch of the aqueduct. The applicant stated that without these particular works being permitted the overall scheme is not viable as the volume of water required to operate the screw cannot be obtained. It is noted that the proposals would have a physical impact on the aqueduct. However, the submitted information indicates that the setts will be bedded in a hydraulic lime mortar so that in the future if the facility needs to be dismantled the stones can be taken up and used to reinstate the original weir and channel apron.

It is therefore considered that while it is accepted that there would be an impact upon the weir and channel apron, the scheme allows for the existing stone setts to be re-formed to re-create the original appearance of the weir and apron. Furthermore, a suitably worded condition can be imposed requiring the applicant to provide full details of the materials to be used in the development. This will allow the local planning authority to consider in detail the type of materials to be used thereby ensuring there will be no unacceptable visual impact in this respect.

The third element of works comprises the excavation of the south side of the western aqueduct abutment to direct the captured water flow from the raised weir to the proposed hydro screw and fish pass. The ground excavation would occur at the location of the original canal feeder mouth and sluice gate. This feature is located within the scheduled area and would be removed as the required channel needs to be both deeper and wider. The current structure is built of stone with a metal sluice gate. Given the aqueduct abutment would be protected from the new concrete channel by the use of a separating membrane

between the new and historic fabric, it is considered that there will be no unacceptable impact on the aqueduct. Furthermore, this element of the scheme is low level and will not project out from the ground. This will only be visible from close range distances including from number 67 Gurnos Road and from the track / footpath that runs over the aqueduct itself. As such, on balance it is considered that this element of the scheme will not have an adverse impact on visual amenity.

The fourth element of works comprises the excavation of a pit to house the proposed Archimedes screw behind the existing western river wall. The northern part of the proposed excavation lies within the scheduled area, but the southern part and tail race lie outside of the scheduled area. Again, given that these works are largely confined to excavation works, no structures will be built that could be viewed from the surrounding area. Furthermore, the existing river wall would be retained in its entirety (albeit shored as required) behind which these works would take place. This wall would to a certain degree screen this element of the proposal from the surrounding area. Nevertheless, amendments have been made to this element of the scheme to protect the setting of the adjacent Listed Building / Scheduled Ancient Monument (SAM), which are addressed in the subsequent section of this report. Subject to the controls recommended below, it is considered that there would be no unacceptable impact in terms of visual amenity.

The final feature of the scheme is the proposed power building. It was originally intended that this building would sit immediately adjacent to / attached to the aqueduct. However, following concerns being raised by CADW this aspect of the scheme was amended. The powerhouse is now proposed as a detached structure located in the rear garden area of number 67 Gurnos Road. Given the limited scale and size of the power building, together with the sensitive use of materials proposed, it is considered that this aspect of the scheme will not have an unacceptable impact on the visual amenity and character and appearance of the wider area. The building is of a size that would be commonplace with residential gardens and as such does not appear at odds with the location within which it is proposed.

In conclusion, it is accepted that the site is located within an area that is relatively prominent with views available to the site from a number of public areas including from the top of the aqueduct and Gurnos Road. Some of the equipment proposed is of a functional appearance and the Archimedes screw turbine / structure, while visible above ground when viewed from both down and upstream, its impact would be limited nby the additional works required below to protect the historic environment in this area. Furthermore, the new weir and works to the existing weir would have minimal impact given their

siting within the watercourse and unobtrusive design.

As such, it is considered that the proposed development would have an acceptable visual appearance in the locality given its sensitive design and siting.

### **Archaeology and impact upon the historic environment:**

#### **Historic Environment**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority,....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

More recent guidance contained in paragraph 6.5.9 of Planning Policy Wales Edition 7 July 2014 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

The Neath Port Talbot Unitary Development Plan reflects National Guidance with policy ENV 18, stating that “Proposals for the alteration, extension or re-use of a listed building or its curtilage should not adversely affect its special architectural or historic character.”

In respect of Scheduled Ancient Monuments, PPW7 Chapter 6 seeks to protect the historic environment, and advises, at para 6.5.1, that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application,

As detailed above, the adjacent aqueduct is a Scheduled Ancient Monument (SMC) and a Grade II\* Listed Building and, accordingly, special regard must be had to the need to preserve its setting.

In respect of the impact on the historic environment, CADW have evaluated the direct physical impact of the proposed development on the scheduled monument through a requirement for Scheduled Monument Consent (SMC), which has been granted. However, those works that do not physically impact upon on the scheduled monument do not require SMC and do not therefore



form a material consideration in the decision as whether or not to grant SMC.

In respect of the works proposed under this application (which largely fall outside of the need for SAM Consent) CADW have provided comments to the Council on those wider elements of the proposal that fall outside of the scheduled area through the planning process, and stated that they are in principle supportive of the scheme as most elements of the proposals have been deliberately located outside of the scheduled area to minimise the direct impact on the monument and listed building.

The initial comments, however, raised concerns relating to the potential cumulative visual impacts of the proposed additional gratings, fencing, weir and other structures on the setting of the Listed Building / scheduled monument, which having regard to the s66 need to have special regard to such setting, would render the development unacceptable. As a consequence, Officers have negotiated with the applicant with a view to the applicant providing comfort that revisions could be made to the scheme (details of which could be secured by condition) to lessen its visual impact, overcome the objections from CADW, and ensure that the development would have no unacceptable impact upon the setting of the scheduled monument.

In response, the applicant has provided details including an indicative visualisation of how the issues raised by CADW could be addressed. The submissions indicate that the opening around the Archimedes screw could be covered by a turf roof and the drive unit hidden under a green painted cover. The introduction of covering means that some of the fencing can be omitted, leaving just a line along the top of the eastern stone boundary. Finally, the applicant has stated that the walkway material can also be changed to green fibreglass instead of galvanised steel.

Given that the current submission shows the Archimedes screw almost fully exposed with a fenced enclosure around the opening, it is considered that the suggested revisions would make the proposals significantly less visually intrusive and, subject to further detail, ensure that the setting of the Listed Building / SAM would not be adversely affected. CADW are also of this view, and state that the indicative scheme addresses their concerns and demonstrates that the applicant can omit successfully a number of the structural elements, specifically railings, gratings and walkways, thereby reducing the overall visual impact of the scheme. It is considered that these matters can be adequately dealt with under a pre-commencement condition, requiring full details to be approved prior to commencement of development on site.

Having regard to the above, and the generally positive presumption in favour of renewable energy schemes where impacts are acceptable, it is considered that the details provided within the submission and CADWs willingness to accept a condition for submission of further detail in respect of the visual impact of the scheme, are such that the proposal would not result in a significant or unacceptable impact on the setting of the Listed Building / Scheduled Ancient Monument. Furthermore, it is considered that the proposed works have been carefully considered and there will be no significant intrusion into the historic fabric of the listed part of the building. The most significant alterations are reversible and subject to conditions, it is considered that the proposals will not have an adverse impact upon the listed building or its setting and will preserve its special character and appearance.

### **Archeological impact**

Glamorgan Gwent Archaeological Trust (GGAT) were consulted and confirmed that in their view due to the nature of the aqueduct, the proposals will have an impact. However, GGAT are content that any potential unacceptable impact can be mitigated by conditions set out within CADW's Scheduled Monument Consent (SMC). Mitigation required by the SMC includes the aqueduct being recorded by means of a photographic and drawn record, both prior to and after the undertaking of the works; trial pits being dug, and all trenching to be archaeologically hand dug. (Building Notice No. 14B709) 32 Goetre Fawr Road, Killay. UKradon - Credit Card Order

As such, to ensure that the impact on the archaeological resource will be minimised, GGAT recommend that a condition requiring the applicant to submit a detailed written scheme of investigation, including a programme of archaeological work, is submitted to and agreed in writing by the local planning authority prior to any development taking place on site.

Accordingly, subject to the imposition of conditions, the development is considered to have no unacceptable impacts on the historic environment.

### **Residential Amenity:**

The site is located in between residential properties positioned on both the east and west sides of the river. 67 Gurnos Road is located approximately 8.0m away from the development site to the west and the complex of flats to the east side of the river bank is located approximately 33.0m away.

However, it is considered that the equipment and new structures proposed would not have any significant impact upon neighbouring residents by reason

of their acceptable siting, design, bulk and mass.

Despite this, it is considered that the proposed development could cause noise through the rotation of the gear box, belt drive and generator and also through the disturbance of water itself. However, it should be noted that the proposed location is adjacent to an existing weir that creates a significant amount of background noise. This would to a certain extent mask some of the noise created by the development. The screw itself would be located in a trench that would reduce the noise escaping from its rotation and the water within it. Furthermore, the powerhouse is shown to be constructed primarily of stone, a naturally efficient sound proofing material.

Notwithstanding the above the Authority's Environmental Health Section were consulted and have no objection to the proposed development subject to the imposition of conditions. These conditions would relate to restricting the noise rating level emitted from the proposals, together with a requirement for the submission of a noise management plan.

It is considered that the imposition of these conditions will ensure that the neighbouring properties are not affected by an unacceptable level of noise nuisance as a result of the proposed development.

It is therefore considered that the proposed development would not have an unacceptable impact on the amenities of the occupiers of the adjacent properties.

#### **Highway Safety (Access, Parking and Traffic flows):**

The Head of Engineering and transport (Highways Section) offers no objection to the proposed development subject to conditions.

#### **Natural Resources Wales:**

Natural Resources Wales (NRW) were consulted and have no objection to the proposed scheme subject to conditions.

In respect of flood risk, given the length of time the application has been under consideration and the small changes to the proposal, NRW suggest that in order to ensure the submitted flood consequences assessment and model remain suitable for use and there is no change in the previously approved findings, any changes should be updated and submitted for review. As such a condition can be imposed securing this requirement.

NRW also note that the scheme only includes provision for a potential fish pass and it is not necessarily the applicants intention in the short term to

provide this feature. In response, the local planning authority acknowledge this issue and that the submission includes details of the fish pass. However, while it is accepted the introduction of a fish pass would bring benefits to the water environment and migration of fish, the Local Planning Authority cannot insist on this feature being included and accept NRW's comments that this element of the proposal could form part of a future project should funding become available.

### **Contaminated Land:**

The authority's Contaminated Land section were consulted and has no objection to the proposed development subject to the imposition of a condition relating to unsuspected contaminated land.

### **Biodiversity:**

The Biodiversity Section has no objection to the proposed development subject to conditions. Conditions requested refer to the requirement for the submission of an ecological construction management plan, protection of native trees and requirements for invasive non-native species at the site to be eradicated. Subject to these conditions, the development is considered to have no unacceptable impact on biodiversity. The recommended condition requiring a landscaping scheme in this case is not felt necessary or reasonable as there will only be limited loss of existing landscaping features.

### **Community Involvement and Benefits:**

TAN 8 Renewable Energy (2005) considers "Community Involvement and Benefits" and recognises the opportunities that renewable energy developments provide in making contribution that benefit the community, and experience has shown that there are opportunities to achieve community benefits through renewable energy developments.

These include where developers offer benefits not directly related to the planning process. However such contributions should not impact on the decision making process, and should not enable permission to be given to a proposal that otherwise would be unacceptable in planning terms.

Having regard to the above, and to the Authority's recent success in ensuring other renewable energy proposals which directly benefit the community hosting such development, the applicant has offered to provide a minimum community benefit contribution of £2,760 which will be paid as a lump sum upon first generation and transmission of electricity. While it is noted that this

is not a substantial sum of money, it is proportionate to the amount of energy that could be generated from the proposed development and will not undermine the viability of the project going forward. This will be secured through a s106 agreement.

It should be noted however, that the community benefit is not put forward as mitigation and must not be taken into consideration in the decision of the planning application.

### **Decommissioning and restoration:**

It is anticipated that the development will generate energy for approximately 25 years. In accordance with Policy IE6, at the end of the operational life of the development, the plant would have to be decommissioned and the site restored in accordance with a Restoration Plan to be approved by the local planning authority under conditions attached to any Planning Permission granted.

Furthermore, the applicant will have to enter into a Section 106 Legal agreement through which a bond will be provided to cover the scenario that they fail to carry out the restoration task in accordance with any condition(s) attached to any Planning Permission granted. In this scenario the Council may carry out the restoration task itself and use the bond for this purpose.

The bond figure has been calculated as £4,950. While the bond figure is not significant it does take account of the potential re-sale value of the turbine, railings and all steel sundry items together with stone and slates which the council could recoup should they need to.

As such, it is considered that the scheme can provide for a satisfactory restoration strategy subject to the compliance with the bond requirement and planning conditions.

### **Objections:**

In response to the comments received from Swansea Canal Society. The authority's structures section were consulted and raised no objection to the proposed development and as such it is considered that the proposed development would not unacceptably impact upon the structural integrity of the viaduct.

## **Conclusion:**

This application has been assessed with reference to both national and local policies. The national policies are strategically aimed at increasing renewable energy production in order to achieve reductions in carbon emissions and reducing greenhouse gases. However, these objectives have to be balanced against the impact of such developments upon a number of criteria including primarily visual impacts, ecology, the effects on communities within the local area and the visual impact.

In view of the above, it is accepted that the development will to some degree materially change the character of the site and that the proposal would have some effect on the character and appearance of the area immediately surrounding the aqueduct, including the setting of the Scheduled Ancient Monument and Listed Building. However, it is concluded that the impact would not be of such a significant scale as to cause undue harm to the visual amenity of the area or scheduled ancient monument and would not be unacceptably detrimental to the character of the local landscape in accordance with Policies GC1, GC2, ENV1, ENV3, ENV5, ENV16, ENV17, ENV18, ENV29, T1, RO6, Policy ENV16 and IE6 of the Neath Port Talbot Unitary Development Plan and Welsh Government TAN 8 (Renewable Energy), TAN 15 (Development and Flood Risk) and TAN 12 (Design).

As such, it is recommended that subject to the signing of a legal agreement to secure a community benefit contribution of £2,760.00 and the provision of £4,950.00 to cover the decommissioning and restoration of the site (should the Local Planning Authority have to carry out these works), that the application is APPROVED subject to conditions and a s106 agreement.

**RECOMMENDATION: Approval subject to s106 Agreement**

## **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.

(2) The permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported from the hydro electric scheme to the electricity grid network (First Export Date). Written confirmation of the First Export date shall be notified in writing by the developer to the Local Planning Authority within one month of the First Export Date.

Reason

In the interests of visual amenity

(3) Not later than 24 years after the First Export Date a decommissioning and site restoration scheme shall be submitted to and agreed in writing with the Local Planning Authority. Such a scheme will include:

-the removal of all surface elements of the development

-confirmation of the management and timing of works;

-a traffic management plan to address highway issues during the period of the decommissioning works;

-any other works of restoration and aftercare

The scheme shall be implemented as approved.

Reason

In the interests of visual amenity

(4) Notwithstanding the requirements of condition 3, if the hydro electric scheme fails to produce electricity to the grid for a continuous period of 12 months, the hydro electric scheme and its associated ancillary surface equipment shall be removed from the site in accordance with a scheme that shall have been submitted to and agreed in writing with the with the Local Planning Authority within 28 days of the end of such 12 month period. The scheme shall include provisions for the decommissioning of the hydro electric scheme and associated equipment / buildings and the restoration and aftercare of the relevant land (herein referred to as the restoration scheme). The submission shall also include a timetable for the aforementioned and the works shall be completed in accordance with the approved restoration scheme.

Reason

In the interests of visual amenity

(5) Notwithstanding the submitted plans and information, no development shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority:

(a) The covering of the Archimedes screw, drive unit and walkways including full details of any roof structure / covering, landscaping / planting, colour and materials;

(b) Revised scheme of means of enclosure which shall include omission of any railings, gratings and walkways, and the raising of the parapet wall between the Archimedes screw and the river;

(c) The colour, materials and surface finishes of all permanent buildings, machinery, covering and structures

The development shall be carried out in accordance with the approved details and retained and maintained as such thereafter.

Reason

In order to ensure the overall visual impact of the development, particularly given its location adjacent to a scheduled ancient monument, is acceptable

(6) Notwithstanding the submitted plans / information, prior to the commencement of the construction of any retaining wall, full details including calculations, specifications, materials and landscaping scheme for any retaining structures that may be required and a detailed method statement detailing how the works are to be carried out shall be submitted to and approved in writing by the Local Planning Authority. Any retaining wall shall be constructed in accordance with the agreed details.

Reason:

In the interests of public safety.

(7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.



(8) 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.

(9) The noise rating level emitted from the powerhouse, gearbox, generator and any other plant / machinery shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest residential premises or at another location that is identified by the Local Planning Authority. Measurements and assessments shall be made in accordance with BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas.

(a) No electricity shall be exported until the Applicant has submitted to the Local Planning Authority for written approval a list of proposed independent acoustic consultants who may undertake compliance measurements in accordance with this condition.

(b) Within 1 month of the plant and equipment being brought into operation, a post installation noise assessment shall be carried out by an acoustic consultant approved by the Local Planning Authority and submitted for approval to the Local Planning Authority. This report shall identify noise levels being achieved and compliance or otherwise with this Condition. Where necessary any additional mitigation needed to achieve the levels required by this condition shall be identified and submitted for approval by the Local Planning Authority with the post installation noise assessment. Any additional mitigation thus identified and approved shall be installed or provided within one month of approval, and shall be retained thereafter.

Reason:

To protect the residential amenity

(10) Prior to the "first export date", a detailed noise management plan shall have been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall detail the physical and operational management controls necessary to mitigate noise emissions, as well as noise complaint investigation procedures. The approved scheme shall then be implemented in full before the development is brought into use and shall be retained thereafter.

Reason:

To protect the residential amenity

(11) Unless the Local Planning Authority has first given its formal agreement in writing, no in-river works are to be carried out between the 15 April to 15 October in any year.

Reason

To avoid disturbance to spawning migratory salmonids and their eggs/offspring during the winter months.

(12) Free passage for otters along the river shall be maintained at all times and no construction work shall be undertaken between dusk and dawn.

Reason

To minimise disturbance to Otters

(13) Prior to the commencement of the development on site, a pre-commencement check for otters by a qualified surveyor shall be made on the site. If positive signs of otters are found, no works of site clearance, demolition or construction shall take place in pursuance of this permission until a scheme of mitigation is submitted to and agreed in writing by the local planning authority. The mitigation shall be carried out as may be agreed and in accordance with an agreed timeframe of works.

Reason

In the interests of biodiversity and to ensure the protection of otters

(14) No development shall take place until a detailed method statement for removing or the long-term management / control of Japanese Knotweed and Himalayan Balsam on the site has been submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason

To prevent the spread of Japanese Knotweed and Himalayan Balsam which are invasive species.

(15) Unless the Local Planning Authority has first given its formal agreement in writing, brash and timber from any felling works shall be kept on site and constructed into habitat piles within 2 weeks of trees being felled and retained as such thereafter.

Reason

In the interest of Biodiversity

(16) The recommendations and mitigation measures stated within the Ecological Assessment prepared by EWS and submitted in support of this application shall be followed at all times during construction and mitigation measures shall be implemented prior to the first operation of the hydro electric scheme hereby approved. All mitigation measures shall be maintained and retained as such thereafter.

Reason

In the interests of ecology

(17) No development approved by this permission shall be commenced until a Method Statement detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

The Method Statement shall identify as a minimum:-

-storage facilities for all fuels, oils and chemicals

-methods for in-river working

-details of surface water drainage arrangements to be installed to intercept and treat contaminated/silt laden run-off

-identification of any buried services, such as foul sewers, so that they are protected

-details of emergency contacts, for example the Environment Agency Pollution hotline 0800 807 060

The Method Statement shall then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

The scheme shall be implemented as agreed and in accordance with an agreed schedule of works.

Reason

Prevention of pollution.

(18) Prior to the commencement of development on site, details shall be submitted to and agreed in writing by the local planning authority demonstrating that the submitted Flood Consequence Assessment (FCA) and model remain suitable for use with the latest proposals and that there is no change in the previously approved findings. In the event that the FCA and model is no longer suitable, no development shall commence on site until an updated FCA and model has been submitted to and agreed in writing by the local planning authority that accounts for any changes to the scheme. The development shall be carried out in accordance with the agreed FCA and any mitigating measures proposed within it.

Reason

Due to the length of time that has passed since the preparation of the original FCA, given the small changes in the proposal and to ensure that the proposed development does not result in any unacceptable impact on flooding issues

(19) No development approved by this permission shall be commenced until an ecological construction management plan is submitted to and approved in writing by the Local Planning Authority. The Method Statement shall be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

The scheme shall be implemented as agreed and in accordance with an agreed schedule of works.

Reason

Prevention of pollution.

(20) If bats are discovered during works, work shall stop immediately. Natural Resources Wales shall be contacted as a Welsh Government licence may be required to continue.

Reason

Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

(21) Prior to first operation of the hydro electric scheme, the leading edge of the Archimedean Screw shall be fitted with a rubber bumper which shall be retained and maintained as such thereafter

Reason

To prevent pinch point injuries to eels

(22) No development shall commence, including any works of demolition, until a 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:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- Means of enclosure to the highway (if required);
- measures to control the emission of dust and dirt during demolition and construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason

In the interest of highway and pedestrian safety

(23) If bats are discovered during demolition works, work shall stop immediately and Natural Resources Wales shall be contacted to establish whether a Welsh Government (WG) licence is required to continue. Works shall only re-commence once a copy of the WG licence has been submitted to and agreed in writing by the Local Planning Authority.

#### Reason

Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2014/0739</b>	<b><u>DATE:</u> 31/07/2014</b>
<b>PROPOSAL:</b>	<b>Application under S106A of the Town and Country Planning Act 1990 (As Amended) to vary the legal agreement associated with Planning Permission P2005/0393 (Approved on the 08/02/08)</b>
<b>LOCATION:</b>	<b>Former Llandarcy Oil Refinery, Llandarcy, Neath</b>
<b>APPLICANT:</b>	<b>BP &amp; Department Of Economy &amp; Transport</b>
<b>TYPE:</b>	<b>Outline</b>
<b>WARD:</b>	<b>Coedffranc West</b>

#### **Planning History:**

P2005/0393- Outline application for an urban village comprising approx. 4,000 dwellings, 41,200sq m of B1 Business Uses; up to 3,800 sq m of retail (gross) and 8,000 sq m of other commercial, education, community facilities, highways, drainage services, infrastructure, car parking and landscaping. – Approved, subject to a s106 on the 8<sup>th</sup> Feb 2008.

P2011/0880- 302 residential dwellings and associated infrastructure and landscaping (Reserved matters following outline planning permission granted on the 8/2/08)- Approved, subject to a S106 – 30/05/12

P2014/0913- Reserved matters for 79 dwellings plus 5 retail units (Class A1) plus associated infrastructure, public open space and landscaping including details pursuant to the discharge of conditions 10 (Town Code Addendum for phase 2 only) 40 & 41 (Mean of enclosure temporary/permanent), 42 (Cycle/Footpaths), 49 (Retaining structures), 50 (Drainage), 54 (Lighting), 61 (detailed road/footway/cycleway design), 75 (Highway Retaining Structures), 77 (Noise Assessment), 87 (Phase landscaping) & 92 (Phase 1 habitat survey) of outline planning permission P2005/0393 (Approved on the 08/02/08). – Undetermined at this time.

#### **Publicity and Responses if applicable**

The application was advertised in the press and on site.

In addition the Planning Department has met with the relevant internal consultees to discuss the principles proposed by the suggested changes to the

clauses within the S106 provided. A consultation in writing has also been undertaken. Whilst discussions have been supportive of the proposed changes we have not yet received any written responses.

### **Background information:**

As members will be aware outline planning permission was granted under planning application reference P2005/0393 in August 2008, subject to conditions and a S106 agreement, for the development of an Urban Village comprising approx. 4,000 dwellings; 41,200sq.m of business use; up to 3,00sq.m of retail (gross) and 8,000sq.m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping.

The S106 agreement covered a wide range of topics, including remediation obligations, highways and transport improvements and infrastructure, the provision of on site education provision, provision of affordable housing and older persons accommodation, on site health facilities, open space sports and playing fields provision, provision of a community building, and controls and procedures in relation to urban design and habitat protection.

This agreement was signed in February 2008, and is legally binding over the lifetime of the development of this new urban village. It is a complex and wide ranging agreement, that is meant to secure the majority of the planning gain and community facilities on the site, providing key triggers for the delivery of strategic infrastructure in line with the progress of residential development on the site.

Since this agreement was signed in 2008, the progress of the initial phases of development were delayed due to a number of external factors, including the wider economic downturn faced by the area, and the country as a whole. As such the first phase of residential development, subject to this outline planning permission was not commenced until 4 years later in 2012.

Ongoing discussions have taken place with the site owners and relevant consultees to ensure that the site continues to develop in a form that maintains the vision for a sustainable urban village model, and that all of the requirements of the existing S106 are maintained, but all parties are aware that these need to be amended to reflect current needs and changes to proposed development phasing, and to provide more of a review structure going forward over the lifetime of this development.



Both parties have discussed the experiences from the first phase of the scheme, in terms of development impact and financial performance. An assessment of the enabling works that have been required to deliver this first phase suggests that some of the obligations required re-examination in order to deliver and support additional phases of development in a timely manner.

The main purpose of this report is to assess the robustness of the legal agreement in supporting further residential development in the north of the site, where the initial phase of residential development has commenced, and its ability to allow for the commencement of a second front of development in the southern area. The acceleration of development within the Southern area will not only increase the delivery rate of new homes at Coed Darcy, (as required under the emerging LDP) but will also increase income to facilitate the delivery of key infrastructure and community requirements.

The following section sets out the key requirements to be secured for this site in-addition to the recommended changes to the existing S106 requirements. It should be noted that up to the signing of any new S106 agreement, all consultees will continue to have an input into these changes.

### **Principles and Suggested Heads of Terms.**

#### ***Southern Access road and strategic highways link. - The Southern Access Road , Southern Highway Link and associated matters (Schedule 3, Part 1, 1.6)***

The southern access road (SAR) is the strategic highway link (SHL) to the south of the site that links the development with the Amazon link road, that runs parallel with Fabian way. This road is a key infrastructure requirement to allow further development on the site, as it ensures a public transport link to Fabian Way, and facilitates a through route between Junction 43 of the M4 to Fabian Way for public transport, and the general public.

The main changes concern a revision to the timing of the delivery of this Southern Access Road and the strategic highways link connecting the northern and southern parts of the site. Members may be aware that planning permission for the SAR was recently renewed, and that an application to discharge the pre-commencement conditions has been submitted. At this time the applicant is also in discussion with the Authority on the adoption agreements for these works.

The current legal agreement requires the SAR to be delivered before the occupation of more than 300 homes and the proposal is to allow this figure to

increase, and to amend the timing of the SAR and strategic highway link . This will allow the development of the second phase of development to proceed (as referred to above) and let the authority consider revisions to the next phases of the development, in terms of their location and the timing of their delivery.

It will also enable the developers to open up a second front door in terms of the Southern area, the delivery of which is prevented without the SAR. Allowing the development of Coed Darcy on two fronts will enable for an increase in the number of house builders on the site, and a consequent increase in the delivery of residential units for occupation. Such delivery rates are also important to demonstrate that the Councils house building trajectory as defined within the emerging LDP is deliverable.

The need to make these adjustments provides an opportunity to review and update other topic areas within the S106 agreement which reflect and respond to changes realised through the passage of time. This acknowledges that developing a site of this scale and complexity is an iterative process which needs constant monitoring and evaluation, with all parties being able to respond to changing needs and demands. These other adjustments mainly concern a re-packaging of improvements to Junction 43, thus increasing capacity on Junction 43 to allow an increase in development served off this access, prior to the delivery of the SAR and SHL.

A revised trigger for the delivery of the SAR will be inserted to require completion of the SAR before March 31<sup>st</sup> 2017 or prior to the occupation of the 441<sup>st</sup> dwelling on the site as a whole (linked to capacity of the improvements to J43 and the site access) whichever is the sooner.

The figure is over and above that requested by the applicant, allowing an additional three months over that requested, and is linked to both the J43 improvements that are about to take place, together with the projected build rates provided by the applicant, and set out within “Phasing & Delivery of New Housing Provision (January 2015) document, supporting the emerging Local Development Plan, but also ensuring that this strategic piece of infrastructure is delivered without any further delays.

New or adjusted clauses will also be inserted to;

- Require a Highways Agreement (a section 38 or 278 agreement) to be in place for the works to construct the viaduct and highway network from the junction onto Ffordd Amazon to the boundary of the southern development area of Coed Darcy (which will allow housing to be

constructed). The agreement will be signed with a surety/guarantor agreement prior to occupation of any dwelling beyond that approved under planning application P2011/0880 (or the land it covers).

This amended clause will ensure that the provision of the SAR is secured, and that there is financial security in place to ensure its completion, should the developer fail to deliver in accordance with these clauses. It will also prevent occupation of any development within the southern part of the site before the SAR is completed and opened, given that the SAR will be required to provide access to these properties, and at that time will be the sole means of access. Following the opening of the SAR, a restriction will still continue whereby only up to 50 homes in the southern area can be occupied before a public transport link is open connecting the northern and southern areas of the development together. This will ensure that a public transport link between the two halves of the site is secured, in addition to creating the essential public transport link between J43 and Fabian Way at an early stage of the development of the site as a whole. The amendment to the trigger point will allow for development to commence in the south prior to the creation of the link, but will limit the number of units to be occupied until its provision, thus incentivizing the developer to deliver at an early stage.

- To limit the occupation of more than 350 homes in the southern area before the strategic highway link (SHL) through the site, connecting the north and south development areas is completed and open and unrestricted for general public use

This will be a publicly accessible route that will allow not only public transport, but also private transport by the public, including cycle and walking provision.

These linkages are very important to the connectivity and sustainability of the site as a whole, especially as the first community facilities, such as the first primary school, are to be located in the northern part of the site, and those living in the early phase of development within the southern area will need access to this and other facilities in the north until such a time as they are replicated in the south.

## **Junction 43 improvement works and phasing.**

### ***Phasing of Works to Junction 43 of the M4 Motorway (Schedule 3, Part 1, 1.1 to 1.5)***

The existing section 106 agreement requires a series of improvements to Junction 43 of the M4, and the road connecting the scheme to the Junction which is known as the Northern Access Road (NAR). A revision to these requirements is proposed to reflect the revised phasing of the development of the site and projected build rates in the north area of Coed Darcy.

In basic terms, the changes will re-phase the delivery of the improvement works to increase potential capacity for additional traffic from the site onto J43 earlier, and therefore allow a greater number of residential dwellings to be constructed prior to the construction of the strategic highway link connecting J43 to Fabian way, via the southern access road. I.e. a larger proportion of traffic will be directed to enter and leave the site via the north in the shorter term and the phasing of the highway improvements are to be re-profiled to accommodate this. In addition, that sufficient capacity is provided prior to the strategic highway link being upon for public use, as once this internal link is created, the approved Traffic Impact Assessment estimates that up to 85% of traffic in the south will travel out of the site via J43, and an estimated 15% of traffic in the north will travel out of the site via the Southern Access Road. i.e. 30% of total traffic will go south via the SAR and Fabian Way, and 70% will use J43.

## **Public Transport Subsidy**

### ***To phase and/or amend the provision of the “Transport Subsidy Sum” (Schedule 3, Part 1, 2.1)***

The S106 currently secures the phased payments of £1,430,000.

The revisions to the site phasing, and expected delivery rates, will trigger changes to the staging of the Transport Subsidy Sum which will be used to fund public transport to and from the site. The total figure, and the phasing of its payment to the Authority, will be amended to reflect the actual cost and timing for subsidising a service through the site at this time.

It is clearly evident that changing the timing of the provision of a strategic highway link through the site, and providing public transport linkages, either via tank farm road or through Llandarcy village, in the short term, will incur different costs. There are also differing costs to diverting existing bus

services, and providing additional routes or services. As a result there will be a need to amend the phasing of the payments to address the actual need in line with the phasing and delivery of development on the site. In addition to amending the phasing of the payments, there may also be a consequential increase in the overall sum required. At this time these discussions are ongoing.

## **Affordable housing**

### ***To adjust the provision for Affordable Housing (Schedule 3, Part 3)***

Phase 1 of the development (302 residential units, approved under planning permission P2012/0880) provided no affordable housing, as the applicant (Persimmon/St Modwen) provided a viability assessment to support their application. It was made clear by the Local Planning Authority at the time that whilst this would be acceptable on the initial phase to enable work to commence on site, all future phases would be required to deliver affordable housing on a phased basis.

Affordable housing provision on such a strategically important site as Coed Darcy is an essential requirement. However it is also acknowledged that the economics associated with delivering such large scale complex sites will change over time and have changed since the original S106 agreement was signed. Nevertheless it is the policy of this Authority, as set out within the existing Unitary Development Plan, and Supplementary Planning Guidance, together with the emerging Local Development Plan, that these strategic sites deliver for all sections of the community.

At present the S106 requires;

- No reserved matters application to be submitted until the affordable housing phasing plan for that part of the site is approved.
- No less than 20% affordable housing to be provided on the site.
- The units will be offered to an approved Registered Social Landlord (RSL) at 42% open market value.
- For the first 5 years 75% of these units shall be social rented, 25% intermediate housing.
- There are limits placed on grouping, ensuring “pepper potting”.
- The affordable units have to be provided along with the open market houses within that phase at set stages.

In discussion with our Housing Strategy colleagues and with our partner RSL's, the Authority has suggested to the applicant an alternative model to secure the total number of units across the site but at different densities throughout the site. Such provision will be based on the different character areas throughout the site in addition to the need as evidenced within the most up to date local Housing Market Assessment (2013) data that the Authority holds.

As a consequence affordable housing provision across the site will be revised to reflect a spatial zoning approach to delivery over the lifetime of the scheme. Whilst overall provision will be retained at 20% across the site as a whole, this will differ across different phases, whereby some higher density phases may well have greater ratios of affordable housing than within the lower density areas. Each phase will be required to deliver a specified level of affordable housing, in addition to tenures, types and sizes. These will be specified within phase development briefs. The amount and type of affordable housing in each area will be based on the Local Authority's Local Housing Market Assessment, and other relevant evidence, and when read as a whole will deliver the objectives of the original section 106 which is to secure a mixed sustainable community.

Therefore the proposed changes to the S106 will provide;

- A minimum of 740 affordable housing units across the site. (equating to 20% of the remaining 3698 units)
- Ensure a mix of 70/75% (518-555 units) social rented properties, and 25/30% (185-222 units) intermediate housing. (With a review mechanism to ensure actual need is re-assessed)
- Using the Local Housing Market Assessment LHMA (2013) ensure that the mix of unit type provides for the actual need identified. (With a review mechanism to ensure actual need is re-assessed)

Therefore at this time the following criteria would be relevant;

The table below is taken from the Local Housing Market Assessment LHMA (2013) and based on the overall LDP Housing Requirement.

Housing Size	Number of Dwellings Required			Total	% of overall housing need	% of overall affordable need
	Market Housing	Affordable Housing				
Net Requirement 2010-2026		Intermediate	Social			
1 bedroom	500		900	1,400	17.2%	29%
2 bedroom	1,400		1,100	2,500	31%	35.5%
3 bedroom	2,600		1,000	3,600	44.4%	32.3%
4+ bedroom	500		100	600	7.4%	3.2%
<b>Total</b>	<b>5,000</b>		<b>3,100</b>	<b>8,100</b>	<b>100%</b>	<b>100%</b>

The unit numbers, based on these figures would require the provision of;

- 1 Bedroom Units 29% = 210 Units (of which 100% can be apartments)
- 2 Bedroom Units 35.5% = 260 Units (of which 30% can be apartments)
- 3 Bedroom Units 33% = 240 Units (Houses)
- 4+ Bedroom Units 4% = 30 Units (Houses)

This approach provides clarity on the types of units required over the development as a whole, based on known data from the LHMA to ensure that the real need is addressed. A review of this “need per unit type” can be built into the revised agreement to ensure that it is reviewed every 5 years, or when a revised LHMA is adopted, whichever is the sooner.

In terms of where and when these units are to be provided, the existing S106 is very prescriptive of the number of units that can be grouped together. This is to ensure that the units are “pepper potted” amongst the open market housing. Whilst this is still an important factor, recent evidence suggests that in certain circumstances the management of these properties by an RSL is easier when the properties are grouped together.

It is this approach that the revised S106 will take, and the details of this will be subject to further discussion with the relevant consultees.

## **Healthcare Facilities.**

### ***To amend the timing and provision of temporary and permanent Health care facilities on site (Schedule 3, Part 4)***

The S106 requires the provision of a temporary health care facility prior to the occupation of the 101<sup>st</sup> dwelling, and the provision of a permanent primary health care centre on the occupation of no more than 451 dwellings.

Due to the length of time which has passed since the original S106 was signed the current Health Board requirements have altered significantly. The primary health care centre at Baglan has been constructed, and the new Briton Ferry primary health care facility has been granted planning permission, and is currently under construction. In addition, the capacity at the existing surgeries in the area has altered.

This means that the timing of the temporary health care facility will need to be reconsidered. Current discussions suggest that provision will need to be made for a dentist and a branch surgery/practice.

It may be the case that the permanent primary healthcare facility is no longer required. If this is confirmed, then it is likely that a building for a dental practice will be needed by the occupation of the 500<sup>th</sup> home, and a branch GP surgery/practice will need to be delivered before the occupation of the 1,500<sup>th</sup> home. The final details will be agreed in consultation with the health board.

### ***Local Shop facilities (Schedule 3, Part 7 (5), 1.2)***

The S106 requires the provision of a local shop facility in the village centre prior to the occupation of no more than 300 residential units on site.

This requirement is to remain, but due to the fact that the delivery and phasing is to be amended to provide a separate development phase to the south area earlier than originally expected and potentially prior to the construction of the Strategic Highway link between the northern and southern areas, a facility to serve those residents also needs to be secured. This change will ensure that the sustainability of the site is maintained, and that the holistic approach to a mixed development can be promoted.



### ***Education Provisions (Schedule 3, Part 2 and Definitions)***

At present the S106 requires the provision of three primary schools, and a secondary school on site. These are again triggered by the number of dwellings occupied on site.

It requires;

- 1<sup>st</sup> Primary School to be provided before the occupation of the 400th dwelling.
- 2<sup>nd</sup> Primary School to be provided before the occupation of the 1341st dwelling.
- 3<sup>rd</sup> Primary School to be provided before the occupation of the 2681<sup>st</sup> dwelling.
- Phase 1 Secondary school to be provided before the occupation of the 600<sup>th</sup> dwelling.
- Phase 2 Secondary school to be provided before the occupation of the 2001<sup>st</sup> dwelling.

The delivery of education at both primary and secondary levels has evolved since the section 106 agreement was signed. The developer and the Council are considering modern forms of provision which may see different types or sizes of primary school and revised triggers for the provision of secondary education for children living at Coed Darcy.

The main changes proposed are to provide two sites for primary education rather than the three originally proposed, together with the phasing of the size of these schools. At present there is uncertainty regarding the current economic viability of two specific development areas within the site as a whole. If these areas are not developed it would reduce the overall site capacity down to approximately 3000 dwellings. Whilst these sites could be developed at some point in the future, it is considered that the scale of the education provision should reflect this reduction in house numbers but should be designed to allow expansion should the need arise. This phased approach will ensure that the school provision caters for the children living on the site only, thus ensuring sustainable delivery of education without detrimentally impacting upon the viability of existing schools within the surrounding area.

The education provision for the site is not to replace existing provision with the area, but to serve the needs of the population of this urban village as it expands. As such, taking into account current projected build rates, and phasing the current proposal is being tested and considered as follows;

- a) The first primary school will be built as one construction project but will be available for use (or fitted out) in two phases. The first phase will be ready for use by the occupation of the 400<sup>th</sup> home (as set out in the current obligations). The second phase of this school will be fitted out for use before the occupation of the 1000<sup>th</sup> home on the site as a whole.
- b) The second “southern” primary school (currently timed for the occupation of 1341 homes) will also be delivered in two phases. To reflect wider development progress, the first phase will be delivered before 500 homes are occupied in the southern area or 1500 homes are occupied on the site as a whole. The second phase will be available before 1,000 homes are occupied in the south or 2000 on the site as a whole, whichever is sooner. This school will be constructed to allow for future expansion to a three form entry school.
- c) Secondary school provision on the site will be reduced from 900 to 600 spaces to reflect the reduction in house numbers on the site as a whole to 3000 units. This will be accommodated within one school which will be constructed/occupied in two phases as per the original agreement. The first phase was originally to be delivered before the occupation of 600 homes, and the second by house 2001. The trigger for the first phase is to be amended to be delivered prior to the occupation of the 1000<sup>th</sup> dwelling, but there will be no change to the second phase trigger.
- d) Provision is to be made to add a third form to the southern primary school and to extend the capacity of the secondary school (to add accommodation for an extra 300 pupils, should the number of residential units increase beyond 3000 as per the allowances within the existing planning permission). The trigger for both projects will be before the occupation of the 3001<sup>st</sup> home.

These changes have been discussed with colleagues in the Education Directorate, as such the principles have been agreed, and the detail will be subject to further discussions. The triggers for the provision of the schools and their phasing are based on the build rates, together with the estimates on child ages and numbers within these properties. These take into consideration both statistical data used by Education for this purpose and that used by the Planning Department, in relation to its LDP evidence.

### **A Community Building (*Schedule 3, Part 6*)**

The existing section 106 agreement requires provision of a community building in the main village centre by the occupation of the 451<sup>st</sup> home. Revisions to the way facilities are delivered and managed, means that this facility may not be required until later in the scheme. If the (above) revisions to primary education provision are accepted, the second phase of the first primary school will be used as a temporary community facility until the completion of the community building or the occupation of 1000 homes (whichever comes first).

### **Town Architect (*Schedule 3, Part 7*)**

The original S106 requires the employment of a “Town Architect” by “CDL” (Coed Darcy Limited). Both the role of the Town Architect and how the Town Architect is financed needs to be considered going forward, in light of the fact that this role is linked to reporting directly to “CDL”.

The Town Architect provides expert advice on both the Masterplan and Town Code. Their current role includes reporting to the CDL board on Town Code compliance and to contribute towards the preparation of Development Briefs by St Modwen. The post also supports the Local Planning Authority in relation to design and layout issues on reserved matters applications, both at pre-application and application stage. This key role is significant in ensuring ongoing quality in the design process as this site goes forward, and offers a consistent voice and approach to design principles, on a site where multiple developers will be submitting schemes. It also ensures that the design detail required to deliver an exemplar development is secured independent of the normal regulatory planning function, otherwise the planning function will be overwhelmed with detail over and above that normally controlled under the planning process.

As an independent role, the Town Architect can look objectively at these issues, with a view to adding value to the development without compromising deliverability. The Town Architect has significantly raised quality within the first phase of this development, by influencing the design of the development in addition to monitoring build quality throughout the construction process. This has resulted in review meetings taking place where all parties can assess outcomes, both good and bad, to ensure that the development improves as it progresses forward. However it is acknowledged that the strategic role of the post has been overshadowed by the detail associated with the build quality within phase 1. This role needs to be more balanced going forward to ensure

that the right development is identified at the right location. The contribution of the Town Architect to achieving this goal is critical.

Given the importance of the role of the Town Architect, it is proposed to secure the retention of this post within the revised S106 agreement, to be financed by CDL or St Modwen. The Town Architect role will in future report directly to the Local Planning Authority, and a requirement will be built into the S106 requiring quarterly reports to be prepared by the Town Architect in relation to progress on site and compliance with the Masterplan and Town Code. Should issues be identified within that report, which need addressing by the developer(s) then such mitigation will be required to be submitted within a set time frame. As a consequence of the aforementioned, added weight will be given to the role of the Town Architect.

### **Site Monitor (Schedule 2)**

The original S106 requires the employment of a firm of “Environmental Consultants” appointed by “CDL” for the purposes of monitoring compliance with the remediation obligations and reporting such findings to CDL, the Authority and any other relevant Environmental Authority.

The monitor reports directly to “CDL” as a company relating to the remediation action plan works and strategic remediation progress. It is important on a site that will be developed in a piecemeal fashion over up to 25 years, that there is a consistent approach to remediation. There has been a significant amount of remediation and site preparation work undertaken on site up to this point, and this has all been overseen and signed off by the existing independent “Monitor”. It is accepted that the level of work associated with such monitoring may reduce over time once the majority of the strategic remediation works has been completed. However such remediation is only being carried out up to a certain level i.e. to a level whereby the site can be used for public open space. Parcels of land which will accommodate more sensitive land uses will require additional remediation and given the scale of this development site it is essential that a strategic approach to remediation is maintained. It is also important to demonstrate due diligence in the remediation and sign off associated with this site, to ensure that public confidence in its future use is maintained. This can only be achieved via the retention of resources to secure an independent “sign off” by means of the independent Monitor. This post will be financed by “CDL” or St Modwen , until such time that the local Planning Authority is satisfied that monitoring of the remediation is no longer required.

## **Conclusion**

The above sets out the basic proposals or heads of terms for the modifications proposed to the section 106 agreement. As confirmed above further discussions between the Planning Authority and the developer, and where appropriate, with other internal and external Consultees will be required to add detail to the Heads of Terms, in order to agree the amended S106 for this site.

Sections of the agreement will provide inbuilt review mechanisms in order that the Authority can react to changes in the market thus ensuring that any changes to the wider needs of this site can be accommodated at a future date.

## **Recommendation**

APPROVE the proposed changes to the principles within the S106 Agreement as outlined above, and grant delegated powers to the Head of Planning for any further minor amendments to these terms, subject to the agreement of the relevant consultees, on condition that the amendments do not undermine the principles/objectives as described above.

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## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2014/0913</b>	<b><u>DATE:</u> 09/10/2014</b>
<b>PROPOSAL:</b> Reserved matters for 79 residential dwellings plus 5 retail units (Class A1) plus associated infrastructure, public open space and landscaping including details pursuant to the discharge of conditions 10 (Town Code Addendum for Phase 2 only) 40 & 41 (Means of Enclosure temporary/permanent), 42 (Cycle/footpaths), 49 (Retaining structures), 50 (Drainage), 54 (Lighting), 61 (Detailed road/footway/cycleway design), 75 (Highway retaining structures), 77 (Noise Assessment), 87 (Phase Landscaping) & 92 (Phase 1 Habitat Survey) of outline planning permission P2005/0393 (Approved on the 08/02/08)	
<b>LOCATION:</b>	Phase 2a Coed Darcy, Llandarcy, Neath
<b>APPLICANT:</b>	Mr Ben Cook
<b>TYPE:</b>	Reserved Matters
<b>WARD:</b>	Coedffranc West

#### Planning History:

P2005/0393 Outline application for an urban village comprising approx. 4,000 dwellings; 41,200sq.m of business use; up to 3,000sq.m of retail (gross) and 8,000sq.m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping. Planning permission granted 8<sup>th</sup> February 2008.

P2010/0282- Junction and highway works- Approved- 3/11/10

P2011/0880- 302 residential dwellings and associated infrastructure and landscaping (Reserved matters following outline planning permission granted on the 8/2/08)- Approved, subject to a S106 – 30/05/12

P2014/0739- Application under S106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement associated with Planning Permission P2005/0393 (Approved on the 08/02/08)- To be considered elsewhere on this agenda.

### **Publicity and Responses if applicable:**

The application was advertised on site and in the press.

Head of Engineering and Transport (Highway Section)- No Objection, Subject to conditions.

Head of Engineering and Transport (Drainage Section)- No Objection, subject to conditions.

NRW- No Objection.

Biodiversity Unit- No Objection, subject to conditions.

Coedffranc Community Council- No Objection.

Town Architect- Report provided on Compliance with Town Code and Masterplan.

Architectural Liaison Officer (SW Police)- Offer comment in relation to security, including crime prevention, security and natural surveillance.

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

Outline planning permission was granted under planning application reference P2005/0393 in August 2008, subject to conditions and a S106 agreement, for the development of an Urban Village comprising approx. 4,000 dwellings; 41,200sq.m of business use; up to 3,00sq.m of retail (gross) and 8,000sq.m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping.

This reserved matters application seeks approval of the details for 79 residential units and 5 retail units (Use Class A1) and associated infrastructure on Phase 2 of the Coed Darcy Urban Village Development, together with the discharge of a number of pre-commencement conditions imposed upon the outline planning permission. The site lies to the west and south of the existing Phase 1 residential development, approved under planning permission P2012/0880. It is accessed via the main site access from the B4290 (Alterations to which were approved under Planning Application P2010/0282, Approved on the 3<sup>rd</sup> November 2010),



The application site is split into two distinct areas, separated by a section of temporary highway. The western section lies adjacent to the existing apartment block constructed as part of Phase 1. The eastern section lies to the south of the existing rock faced cliff running east west, and it will infill a section of the site bounded by phase 1 to the east and south.

The existing rockface feature provides the southern boundary of the site, and the site slopes down to the north and west, linking to the main spine road running through the site, and proposed village centre.

The site has undergone significant remediation and clearance as part of the ongoing site wide remediation following the closure of the refinery. Apart from the rockface, there are no existing areas of vegetation or any buildings or structures present.

The outline planning permission for this site has a number of strategic planning condition, that have previously been discharged by the Local Planning Authority. Phase specific conditions follow, requiring compliance with the overarching strategic conditions. Where these impact upon this application and development, reference is made within the report.

### **Brief description of proposal:**

The application seeks reserved matters approval for 79 dwellings, and 5 commercial units, together with the associated infrastructure and public open space. In addition the details submitted address the requirement of conditions imposed on the outline planning permission, including;

Condition 10- Town Code.

Condition 40- Permanent Boundary Details.

Condition 41- Temporary means of enclosure.

Condition 42- Cycle and Pedestrian Routes,

Condition 48- Existing and Proposed Ground Levels.

Condition 49- Existing and Proposed Retaining Structures.

Condition 50- Phase Specific Drainage.

Condition 54- External Lighting scheme.

Condition 61- Detailed road/footway/cycleway design.

Condition 72- Pedestrian Crossing Facilities.

Condition 75- Highway retaining works.

Condition 77 – Noise assessment

Condition 87- Phase specific landscaping.

Condition 92- Extended phase 1 habitat survey.

The site as a whole has an approved Masterplan, and a Town Code. The Masterplan defines this area for residential development, and mixed use commercial development, where the site bounds the main strategic link road as it enters the main town square. The Town Code sets out design and layout related issues, together with detailed matters such as external materials, finishes and boundary treatments, scale and proportion.

As part of the approved Town Code, an addendum, allowing a relaxation in the external material was approved for Phase 1 only. This primarily related to the roofing material, where the use of a specified artificial slate would be allowable. The applicant again wishes to allow a variation in the Town Code (Condition 10 of outline planning permission P2005/0393) to allow an addendum to be used for this Phase 2 development. The main changes again relate to roofing materials, but also includes the use of Upvc windows.

The development can be split into two distinct sections, the first proposes a continuation of the commercial development along the main strategic road leading to the proposed village centre, which will accommodate residential apartments on the upper floors, and a residential area, to the west, linking into the existing phase 1 residential development.

#### Apartment blocks/Commercial units. (Blocks D & E)

The apartment blocks propose two, three storey buildings, linked via single storey sections, to provide a continuous means of enclosure along this strategic link road, and reflecting the connectivity provided by the existing apartment block that can be seen as you enter the site. They are linear in form, and will incorporate projecting rear wings. At ground floor these buildings will accommodate 5 retail units, and on the upper 2 floors a total of 19, two bedroom apartments are proposed. All of these apartments are to be managed by a Registered Social Landlord as affordable housing units.

The commercial units range in scale from 74 sqm to 89.9sqm, and it is considered that a mix of retail (Class A1), office use (Class A2), and limited hot food/café uses (Class A3) may be appropriate. All but one of the residential units are located on the upper floors, and these units can be accessed via the front, and rear. To the rear, due to changes in level across the site, these buildings appear two storey, in scale. Car parking areas will be located to the rear of each block and will be accessible via the rear elevation of the building, together with a link to the strategic highway to the north.

The apartment block E (Plots 70-79) incorporates a traditional appearance, being rendered, with an artificial slate roof, with a ridged design. Gables are

proposed on the front elevation, together with a slight variation in the building line to break up the massing of the elevation, and providing a more vertical emphasis along this prominent frontage. This reflects the design of the apartment block approved under phase 1 of this development, to which it will adjoin. At ground floor the use of large glazed “shopfronts” and a blue engineering brick provides a more robust and commercial aesthetic, and reflects the progression along this frontage towards the town square and village centre.

Apartment block D (Plots 61-69) proposes a similar form of development, again offering a three storey frontage, with a two storey elevation at the rear. The projecting rear wing, wraps around the corner of the plot, and provides enclosure to the rear car parking and amenity areas, The eastern end of this block connects to Block E, with a single storey ridged roof section, thus maintaining a strong connected means of enclosure to the street. The remainder of the front elevation maintains a traditional design, again providing glazed “shopfronts” to the ground floor.

The western end of this block provides a variation in the design, including a full height glazed section, rising three floors, and serving the internal stairwell. Beyond this, the ground floor includes a residential unit in addition to those on the upper floors, and the use of natural pennant stone to this corner at ground floor level, wrapping around the corner of the building and rising up to chimney level provides a distinct and strong corner feature which includes a projecting wood clad bay window. This ensures that this visually prominent corner is sufficiently articulated.

Thirty one off street car parking spaces are proposed to the rear of blocks D & E, for occupiers of the apartments (1 per unit) plus spaces for staff and visitors. In addition to this dedicated parking provision lay-bys will be incorporated into the highway fronting the two blocks, which will provide loading and parking opportunities for the operators and customers respectively. Indicative locations for a pedestrian crossing point and bus stop locations are also proposed fronting these blocks.

#### Residential development (Plots 1-60)

This phase of the development comprises a total of 60 residential units, and a section of public open space. A total of 9 house types are provided within this phase, and these range from 2 bed FOG (Flat Over Garage) units to large detached 4 bedroom units. A total of three, 2 bed houses are again provided within this area as affordable housing units.

## House types

H3B706 (17 No. 2 Bed units on Plots 2, 9-14, 16, 17, 24, 25, 32, 33, 58 & 59)

A two storey dwelling, measuring 5.3m wide, by 8.8m deep, with a ridged roof to a height of 8.4m, some of which incorporate a chimney detail to the side gable. The front door is recessed, providing a screened internal bin storage area. The ground floor projects forward from the first floor, with a flat, parapet roof. The dwellings are painted rendered, and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. These house types are proposed as semidetached pairs, or link units with other house types.

H3B839 (18 No. 3 Bed units on Plots 3-7, 27-29, 40, 41, 52, 51, 53- 56, 57 & 60) A two storey dwelling, measuring 5.1m wide, by 9.7m deep, with a ridged roof to a height of 8.8m. The dwellings are painted rendered and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and large full height glazing to the first floor. These house types are proposed as detached, semidetached pairs, or link units

H3B938 (2 No. 3 Bed units on Plots 30 & 39)

A two storey detached dwelling, measuring 9m wide, by 6m deep, with a ridged roof to a height of 8.5m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and integrated engineering brick enclosures to the frontage for bin storage. A variation of this house type (H3B938B) is provided on plots 1, 15, 20 & 31. This has the addition of a large gable feature to the side elevation, incorporating a chimney. These are located on key corner plots within the site, and feature a bolder colour to the render.

H4B1099 (2 No. 4 Bed units on plots 36 and 37)

A two storey detached dwelling, measuring 6.3m wide, by 10m deep, with a ridged roof to a height of 8.6m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have a gable front featuring a bold colour render, and full height glazing to the ground floor.

#### H4B1475 (11 No. 4 Bed Units on Plots 35, 38 & 42-50)

A two storey dwelling, measuring 9.7m wide, by 9.3m deep, with a ridged roof to a height of 8.7m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have projecting gable features, incorporating chimneys, and a projecting single storey bin store in stone work, with a flat roof projecting to form a canopy over the front door. A full height glazed window feature is built into the front elevation. These are proposed as single units and semi-detached pairs.

#### Fog 1 (2 No. 2 bed apartments over garages on Plots 8 & 34)

A first floor unit, within a two storey block incorporating 2 ground floor garages, but allowing vehicular access beneath the unit. It measures 12.5m wide by 6.6m deep, and has a ridged roof to a height of 7.8m. It is externally finished in blue engineering brick at ground floor, with colour coated wood cladding to the first floor. Again the roof is finished in artificial slate, with white fascia and black rainwater goods. These are proposed as detached buildings or adjoining other house types. A variation on this type (Fog 2) proposes three garages at ground floor, this is located on Plot 26.

#### DQR2B (3 No. 2 Bed Units on Plots 21-23)

A two storey link property, measuring 5.8m wide by 8.3m deep, and with a ridged roof to a height of 8.4m. The dwellings are painted render and have artificial slate roofs. Windows are to be grey Upvc, while rainwater goods are to be black, and fascias will be white. The front elevations to these properties have simple flat projecting canopies over the front doors, and full height glazing to the ground floor.

#### Layout

The eastern section of the site fronts onto the section of public open space provided as part of this phase. This area of land slopes steeply down towards the north and east, and will be landscaped to provide intermittent level areas and intersecting walkways, together with stepped walkways, linking the roadway in the north to the upper levels of the site. This provides “desire line” pedestrian access from the upper plateaus to the lower levels where pedestrian crossing and bus stops are provided, together with access to the proposed primary school site and village centre.

Plots 42 to 48 are large 4 bedroomed semi-detached properties, fronting onto a shared drive that are afforded views over this open space. These properties are two storey, and are designed to be symmetrical matching pairs, with projecting gable features to the front elevations. Garages are set back between these

properties, to provide parking and the openings between these pairs of properties are narrowed through the provision of pillars and walls to ensure a sense of private space and enclosure. Again these properties are traditional in appearance, offering good proportioned glazing, rendered elevations, chimneys and artificial slate ridged roofs. Projecting flat roof canopies, enclose bin storage areas to the frontages making them an integral part of the design, they are to be finished in stonework, and the front garden areas are enclosed by low walls and pillars, again to match the dwellings.

To the south, backing onto these plots, 14 further dwellings (Plots 39-41 & 50-60) are proposed, creating a perimeter block. Vehicular access will be directly off the secondary access road to the east of this block, adjacent to the public open space and runs up to the southern boundary, where it continues east, running parallel to the existing rock face.

The properties along this frontage provide a mixture of detached and semi-detached two storey houses, and again are provided with off street car parking, to the front, sides, and within garages. On the corner plots of this perimeter block properties are designed to be dual aspect, to ensure that there are no blank elevations to public vantage points.

In addition to the public open space a strategic pedestrian link is to be provided linking phases 1 and 2 by providing a set of steps down over the rock face. This access creates an important sustainable link between the residential areas and the proposed village centre and associated community uses, including the proposed primary school, which is to be located on the lower level. The link will enable residents to access these community and complementary uses on foot without having to rely on either private or public transport. The applicant has provided a plan detailing the proposed pedestrian and cycle linkages and connectivity as part of this application, in accordance with the requirements of Condition 42 of the Outline Planning permission.

The steps have been designed to reflect the character of the immediate area, and the rock face within which they sit. As such they are to be finished in natural stonework, and will have low level integrated lighting for security. A suitably worded condition will be imposed ensuring that this link is delivered as part of the phased delivery of the residential units within this phase, and that full construction details are provided.

To the west of this block, two further residential perimeter blocks are provided, separated by a mews style courtyard, through which pedestrian access is provided to the north and the secondary access road leading to the village centre. These blocks again provide strong frontages onto the highway and

public vantage points, with strong corner buildings, utilising the design of the dwellings at these locations, and also a bolder colour render to provide key visual markers and focal points within the development.

The public realm area within the mews incorporates a shared surface arrangement and maintains both permeability through the phase whilst also maximising natural surveillance of parking areas, and incorporating landscaping to provide an accessible yet safe and pleasant environment.

### **Material Considerations:**

The material issues in the determination of this application are slightly different than those considered on typical residential developments, as there are matters which relate to the compliance of the proposals with the approved Masterplan and Town Code for the Coed Darcy Urban Village. These matters have been considered at both pre-application stage and during the consultation process. Reference to these issues are, where appropriate, set out within the following appraisal. In addition, design and visual amenity, highway and pedestrian safety, biodiversity and ecology, sustainability, affordable housing, and viability are all considered.

### **Policy Context:**

Neath Port Talbot Unitary Development Plan.

Policy LL1- Llandarcy Urban Village.

The site is allocated under Policy LL1 of the Neath Port Talbot Unitary Development Plan. The site has the benefit of outline permission, and an approved Masterplan and Town Code.

ENV4- Proposals affecting international and national sites for Nature Conservation and Species protected by European or UK legislation.

ENV5- Nature Conservation.

ENV16- Contaminated Land.

ENV17- Design.

H4- Affordable Housing.

T1- Location, layout and accessibility of new proposals.

RO3- Provision of open space to serve new residential developments.

The site is allocated as part of the larger LL1: Llandarcy Urban village Policy, and accord with the masterplan with regard to land uses. As such the proposals accords with the broad objectives of the development plan, in terms of land uses. Specific reference to policy where relevant is made within each section of the following report.

### **Habitat Regulations, and Environmental Impact Assessment Regulations.**

The proposed development is a reserved matters application for a phase of development on a much larger outline permission. The outline planning permission was supported by an Environmental Statement. As required by the EIA Regulations, the reserved matters application has been screened under the Environmental Impact Assessment Regulations 1999. This screening concludes that the proposed development does not require the submission of an Environmental Statement.

The application has also been considered under the Habitat Regulations. A test of likely significance has been undertaken due to the potential impacts of any decision upon Crymlyn Bog. Such assessment has concluded that an appropriate assessment is not required.

### **Masterplan and Town Code Compliance.**

Coed Darcy urban village has an approved Masterplan. Within the Masterplan, land uses, strategic infrastructure, densities, and overarching strategic issues are set and defined. The location of community development such as schools, community buildings and other requirements of the S106 legal agreement are also defined and indicative locations set out.

This application site lies within an area designated for residential use part of which adjoins the entrance to the proposed town square, which will lie to the north and east of the site boundary. As such it provides an important link between the residential areas and the commercial heart of the emerging village.

The approved Town Code sets out the design principles for the site as a whole, (limited to residential development only at this time), and offers guidelines on the design of development including highways, public realm, scale, character and materials. As previously stated, the applicant proposes an addendum for this phase, to allow for the use of alternate materials. These are considered in the Town Architects report.



The Town Architect has submitted a report on the compliance of this phase of development with the approved Masterplan and Town Code. This report has been considered in full by the Coed Darcy Ltd Board, which has voted to agree for the application, subject to conditions, to be formally determined by the Local Planning Authority. This is a requirement of the S106 legal agreement for the site, and part of the Town Architect's function and role.

The Report highlights areas where this phase of development would not comply with the Town Code. This report is summarised as follows;

### **Non-compliant design**

*PVC (upvc) windows* – These are included within the Town Code. The Town Code position is based on two principle concerns, sustainability, and frame sizes. The first of these cannot be overcome. The second can be overcome if the casement details are thin enough, as most windows do not have transomes. Samples have been provided, and these need to be seen in more detail.

*PVC rainwater goods, soffits and fascias* – again these do not conform. However these match those used within Phase 1 and they have been used reasonably successfully.

*Timber cladding to FOG units* – Non-compliant. However this can be acceptable, subject to samples being provided.

*Aluminium windows to retail units* – Non-compliant, though there is no objection given the use and location.

*Retail unit ground floors* – No confirmation has been provided on the potential of adaptability for conversion to other uses in the future.

*GRP doorway canopies* – Non-compliant. Similar proposals have been included in phase 1, but not successfully. Samples are to be provided.

*Front boundaries* – The major problem in phase 1 is handled far more confidently in this phase. A number of differing treatments are suggested, including railings and low rendered walls. The latter is non-compliant, but these are acceptable.

*Parking courtyards* – We need to ensure they all include landscaped strips viewed from the public realm.

The development of such a large site in phases requires an iterative process, where lessons learned from previous phases are taken forward into the design of the next. It is clear from discussions with the Town Architect, and the developers of this phase, that this scheme has taken on board and aims to address some of the key issues identified under phase 1. These include window sizes and boundary treatments, and the need for on site quality control to ensure build quality is seen as paramount.

A condition is to be imposed requiring sample panels of key elements of the construction, together with additional samples associated with the upvc windows to ensure that the proportions and the finish are acceptable, and to ensure that the concerns raised by the Town Architect are addressed. In addition, and outside of this process, on site meetings will be held with the key stakeholders, to ensure that levels of quality are maintained, and where necessary improvements considered.

### **Visual Amenity:**

As clarified previously, the site holds a relatively unique position within the County Borough, having an approved Masterplan and Town Code. These overarching documents form a level of control over important elements of the development proposals, which are subsequently submitted to the Authority for determination. In addition, there is an independent Town Architect overseeing these submissions, who is employed by the Coed Darcy Board to ensure that the Masterplan and Town Code are adhered to. As such, through a number of pre-application workshops, the design and layout of the development has been considered and refined, taking into consideration those comments provided by both the Local Planning Authority, other consultees, and the Town Architect.

It is considered that through the consultation process, and a number of iterations, the development has reached a point where it substantially complies with the Town Code. As such the overall character, design and external appearance of the site is considered to be acceptable, and certain elements of the scheme provide a unique form of development within the County Borough.

The external materials broadly match those set in the Town Code, and a previously approved addendum. Artificial slate will be used for all roof finishes, render is the predominant finish for dwellings. Brickwork is used sparsely, and comprises of a blue engineering brick. Pennant stone feature elements are also incorporated as a design feature to break up the render and add further visual interest. Means of enclosure are provided to front elevations, and these generally match the dwelling to which they serve. The use of walls and railings provide a mixture of formal and informal areas, ensuring that a

more formal character is maintained along the primary street frontages, and a more informal character defined within the secondary and tertiary streets.

The provision of three storey apartment block buildings as a continuation of the main route into the town square, providing commercial units at the ground floors, builds upon the strong frontage to this strategic route, that will ultimately lead through the entire site.

The use of high quality surfacing materials for the public realm, and control over signage and street lighting will ensure that not only the buildings themselves are designed well, but that the public realm is of a distinct quality to ensure that a sense of place and character are achieved over subsequent phases.

The inclusion of an area of public open space, provides a soft edge to the development, and the landscaping and pedestrian route created through this area will provide important linkages but also an area of informal amenity space.

Overall the proposals generally conform to the requirements of the Town Code and reference is made within this section of the report dealing with this specifically. Also in general design and visual amenity terms it is considered that the proposals are acceptable. Suitable conditions would be imposed upon any permission issued in respect of these external materials, including the requirement for test panels and details of these materials to be approved for both the dwellings, and the hard surfacing elements of the public realm.

### **Residential Amenity:**

The development due to its high quality design and layout will ensure that a safe, pleasant and sustainable place to live and work is created thus securing high levels of residential amenity for potential occupiers. Furthermore due to its location within the early phases of this development, there are limited impacts upon the amenity of adjoining properties.

The properties currently under construction to the south are located at a higher level on the top of the rock face, and set back off this elevation, beyond the shared drive. The proposed staircase link will provide a strategic pedestrian access between these phases. To the east, the existing dwellings front a highway and section of green space, through which a pedestrian link drops down to the public open space. The properties in the vicinity of this boundary face north and south, and as such there are no overlooking issues, and due to these properties being at a lower level no overbearing or overshadowing issues.

Within the site generally any front garden areas are small, providing strong frontages to the highway, but with means of enclosure to create defensible spaces to front windows. Rear gardens are generous, and due to the creation of perimeter blocks, will benefit from natural light. Those properties in the mews areas are of a higher density, but with the inclusion of landscaping the outlook to these properties is not dominated by car parking.

As such, it is considered that the proposed development will create a high quality environment for future occupiers whilst also safeguarding the residential amenities of existing occupiers.

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

The highway layout and design are to be assessed against the level of control and design requirements set out within the Masterplan, and the Town Code. These set out specific design principles to ensure a self regulating 20mph zone once you enter the Coed Darcy Development. This is to be achieved without the need for signage beyond the commencement of this zone, and without the requirement for speed bumps and other obvious traffic calming measures. This is achieved through the use of horizontal highway deflection, use of the built form to reduce onward visibility, and provision of on street parking to control speeds along the primary and secondary highway networks. The tertiary roads are designed as shared “mews” type zones, where the speeds of vehicles are reduced through built form and design.

Parking is controlled via a condition placed upon the outline planning permission for the site as a whole, which restricts parking to an average of 1.5 spaces per residential unit for the site as a whole. Parking on this phase averages 1.5 spaces per unit.

In addition the following conditions of the outline planning permission are relevant;

- Condition 42- Cycle and Pedestrian Routes
- Condition 54- External Lighting scheme
- Condition 72- Pedestrian Crossing Facilities.
- Condition 75- Highway retaining works.

This phase of development includes the primary and secondary highway network which will in time link into the wider site wide public transport network. In addition a temporary section of the primary network, where it runs through the main town square is proposed. The alignment of this section may be amended under future applications.

This phase connects to roads within phase 1, which have already been provided with bus stops. This phase will also result in the creation of a looped route which will further facilitate accessible and efficient public transport links through the site.

The Head of Engineering and Transport, Highway Section offers no objection, subject to conditions.

As Members are aware there is currently a S106 agreement in place for this site that requires the provision of the Southern Access Road, and a strategic link road through the site prior to the occupation of the 301<sup>st</sup> dwelling. This application, if approved, will increase the number of dwellings with reserved matters approval in excess of this number. Members will also be aware that there is an application before you requesting changes to this S106 agreement, and part of this requests a change to the delivery of the SAR and the strategic link road.

The revised triggers will allow for up to a maximum of 440 units to be built on site, prior to the opening of the SAR, and the applicant would need to ensure that this was delivered by 31<sup>st</sup> March 2017 in order to achieve their projected build rates for the site as a whole.

To ensure that the SAR is delivered, and that this application corresponds to the revised commitments from the developer in the proposed S106 revisions, it is considered relevant and necessary that the developer enter into a Highways Agreement (a section 38 or 278 agreement) prior to the issue of this planning permission. This will secure the works to construct the viaduct and highway network which comprises the SAR, and which will extend from the junction off Ffordd Amazon to the boundary of the southern development area of Coed Darcy (which will allow housing to be constructed in the southern area of the site). The agreement will be signed with a surety/guarantor agreement prior to the issue of any planning permission for further development at this site.

This surety will provide the Authority with more confidence that the provision of this critical infrastructure will not be renegotiated post-decision, and after the development of further housing on this site has been granted. At this time, due to the transition between the existing S106 and proposed changes, there is a need for certainty on delivery.

Therefore the planning permission should only be issued when this agreement is signed, to secure the delivery of this strategic infrastructure.

### **Ecology (including trees & protected species):**

There are no areas of specific ecological interest within the development phase which has been remediated up to a level to allow for development to take place. This development phase does however provide an area of open space which is to be planted in accordance with a submitted scheme. In addition it is proposed to undertake planting within each plot, and within the public realm including street trees. The applicant has provided a Landscape Strategy, and a Landscape Compliance Statement (Rev 2) which sets out how the proposals comply with the previously approved strategic landscaping for the site as a whole.

### **Affordable Housing.**

Policy H4 of the Neath Port Talbot Unitary Development Plan refers to affordable housing provision. The Authority has also adopted Supplementary Planning Guidance for the provision of affordable housing. In this case the matter is further defined by the S106, signed as part of the outline planning permission for the site. There are no conditions imposed upon the outline permission, but the requirement for affordable housing is set out within the aforementioned legal agreement.

Members may be aware that phase 1 of this development did not provide affordable housing, but was subject to a viability assessment, and a S106 agreement to assess viability on an annual basis. It was made clear by the Authority at that time that this position would not be repeated on future phases, and that affordable housing provision on this site was essential to achieve a sustainable development, but also to address the needs of the population within the Borough.

Members will also be aware that the authority is currently considering changes to the existing S106 that include a proposed change to the way in which affordable housing is delivered on this site. These changes do not affect the total number of affordable units to be delivered, and this remains as a minimum of 20% of the units developed.

In this phase the applicant is providing 27.8% affordable housing which is over and above the 20% requirement. This includes 3, two bed houses, and 19, two bedroom apartments. Discussions have taken place with Housing Strategy and the Registered Social Landlords (RSLs) who operate in this Borough, and they consider the provision acceptable, and are eager to enter into further discussions to be represented on this phase. These units will be provided to the appointed RSL at 42% open market value, in line with the current S106 requirements.

A condition will be imposed ensuring the delivery of these affordable housing units, as the open market housing is developed.

### **Drainage /Sewerage.**

The applicant has provided Technical Note reference TN-000145, Rev 1.1, including drawing 5041216-ENG-DWG-0001670, in order to comply with the requirements of Condition 50 of the outline planning permission. This scheme is in line with the strategic drainage strategy for this catchment. However, the applicant clarifies that further detail is required on some of the temporary drainage solutions in order to avoid constraining the build out of this phase. As such, whilst the principles set out are considered acceptable, a condition will be imposed requesting that these details are provided prior to the first occupation of any dwelling.

### **Conclusion:**

The proposed development provides both additional residential development at this site, and commercial development. The design and layout of the development substantially complies with the adopted Town Code, and subject to the submission of acceptable samples and the construction of sample panels, the proposed variations to the adopted Town Code can be considered acceptable. The proposals include the creation of commercial units that will start to allow for the introduction of retail and other supporting uses to provide a more sustainable and mixed use development, and will introduce another area of open space, and a key pedestrian link between phases 1 and 2.

As such it is considered that the proposed development is acceptable in terms of design, layout, visual amenity, residential amenity and highway and pedestrian safety. As such the development accords with Policies LL1, ENV4, ENV5, ENV16, ENV17, H4, T1 & RO3 of the Neath Port Talbot Unitary Development Plan.

### **Recommendation.**

Approve, subject to conditions, and upon the signing of a Highways Agreement (a section 38 or 278 agreement) prior to the issue of this planning permission. This is to be in place for the works to construct the viaduct and highway network (SAR) from the junction off Ffordd Amazon to the boundary of the southern development area of Coed Darcy. The agreement will be signed with a surety/guarantor agreement prior to the issue of any planning permission for further development at this site.

**Conditions:**

(1) All dwellings shall be finished externally in accordance with Drawing No. PL005D, and all garages serving those dwellings shall be finished in materials in accordance with Drawing No. 7658-PL30B.

**Reason**

In the interests of clarity, design and visual amenity.

(2) All permanent boundary treatments shall be erected/constructed in accordance with the details as defined on Drawing No's 7658-PL06D & 7658-PL54C. These shall be erected/constructed in accordance with the approved details prior to the occupation of each associated dwelling, and retained as such thereafter.

**Reason**

In the interests of visual amenity, and security and to comply with the requirements of Condition 40 of outline Planning Permission P2005/0393.

(3) Notwithstanding conditions 1 and 2, and the details submitted, prior to the use of that material or construction of that detail on site, sample panels for the proposed brickwork, stonework, render, including windows, corner detailing and mortar joints, together with roof verge, eaves, chimney and canopy design and detailing shall be constructed on site, inspected by the Local Planning Authority and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason**

In the interests of design and visual amenity and to ensure compliance with the approved Town Code.

(4) All public realm hard surfacing shall be carried out in accordance with those details and materials as set out on Drawing No's 7658-PL53C, and PL07G,

**Reason**

In the interests of design and visual amenity and to ensure compliance with the approved Town Code.

(5) Service meter boxes shall be located in accordance with Drawing No.s 7658 PL10 Rev F and PL60 Rev B. Bin store locations shall be provided in accordance with Drawing no. 7658 PL09 Rev F. These details shall be fully implemented prior to the occupation of the associated dwelling and retained as such thereafter.



Reason

In the interests of visual amenity, and to accord with the requirements of the adopted Town Code.

(6) The development hereby approved shall be undertaken in accordance with the proposed levels, as set out on Drawing No,s P13-268-303E and P13-268-305A

Reason

To accord with the requirements of Condition 48 of Outline Planning Permission P2005/0393, and in the interest of visual amenity and design.

(7) Notwithstanding the proposed levels, cross-sections, retaining works, and boundary treatments submitted and hereby approved, for all rear gardens with a gradient steeper than 1 in 12, a scheme shall be submitted to and approved in writing by the Local Authority, which shall demonstrate where a gradient of 1:12 cannot be achieved for the total length of garden area, how the relevant non-compliant section of garden shall be graded, screened and/or retained, to ensure that a 1:12 gradient is maximised. This scheme as approved shall be fully implemented in accordance with these approved details, prior to the first occupation of the associated dwelling.

Reason

In the interests of residential amenity, and design.

(8) No external flues, vents and utility boxes shall be located on the elevation of any dwelling fronting any highway or footpath, unless in accord with a scheme to be first submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and design and to accord with the adopted Town Code.

(9) Unless otherwise agreed in writing by the Local Planning Authority all street signage shall be fixed to buildings, or a means of enclosure in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling within that street.

Reason

In the interests of visual amenity, and design.

(10) Construction phasing shall be undertaken in accordance with Drawing No. SK17.

Reason

In the interests of clarity.

(11) The public open space shall be landscaped and open for public use no later than the first planting season following the first occupation of any dwelling located on Plots 42-49. The landscaping and layout of the public open space shall be completed in accordance with Drawing 1554/04F, and any trees or plants which within a period of five years from the completion of the development die, or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual and public amenity, biodiversity and sustainable connectivity within the site.

(12) Prior to the occupation of any dwellings within construction phase 3 (Plots 36-38 & 39-41) as defined on Drawing SK17. The cliff face staircase as set out on Drawing PL16 REV C shall be constructed in accordance with these approved details and shall be open for public use thereafter. Notwithstanding these details and prior to these works taking place full construction details, including external materials and integrated lighting details shall be submitted to and approved in writing by the Local Planning Authority. The stair case shall be constructed in accordance with these approved details.

Reason

In the interests of amenity, and to ensure that the connectivity of the site, and impacts of these works are fully integrated within the construction programme.

(13) No dwelling within this phase of development hereby approved shall be occupied until a binding contract is in place between the applicant and the selected RSL to transfer all of the affordable dwellings proposed within this phase of development, as identified on Drawing No. 7658-PL61 Rev B (Plots 61 to 79, and Plots 21-23) to that RSL. A copy of this signed contract shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of any dwelling.

No residential dwellings within construction phases 8, 9, 10 & 11, as identified on Drawing No. SK17, shall be occupied until such time that all of the affordable housing apartments located within blocks D & E (Construction Phase 7, Plots 61-

70) are constructed, available for occupation and transferred to the selected RSL in accordance with the binding contract referred to above.

No residential dwellings within construction phases 10 and 11, as identified on Drawing No. SK17, shall be occupied, until such time that the dwellings on plots 21-23 are constructed, available for occupation and transferred to the selected RSL in accordance with the binding contract referred to above.

Reason

To accord with the provisions and requirements of Part 3 of the S106 agreement and to ensure that a percentage affordable housing units are provided together with the open market housing.

(14) Prior to the first occupation of any property it shall be connected to the main sewer.

Reason: In the interests of amenity.

(15) Surface water and land drainage shall be carried out in accordance with Drawings 5088491/R5080/500C, 510C, 520C & P13-268-301E, 302E, 304B & 306A.

Notwithstanding these details and in accordance with Technical Note 5041216-ENG-TN-000145, and drawing No. 5041216-ENG-DWG-0001670, prior to the first occupation of any dwelling a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the proposed temporary Phase 2 drainage solutions 'NSR' including;

- A hydraulic model assessment of the NSR, pre and post phase 2 temporary drainage solution catchment contribution.
- Proposed NSR pumping strategy and associated NSR water level considerations.
- Pre-NSR temporary attenuation solutions.
- Temporary surface water drainage network solutions.
- a programme of works or phasing.

This scheme as approved shall be fully implemented in accordance with the approved details, and timescales for implementation.

Reason : In the interests of amenity, clarity, and to ensure that the strategy hereby approved is fully implemented in accordance with condition 50 of outline Planning permission P2005/0393.

(16) The highways and associated drainage shall be completed in accordance with those details submitted on Drawing No's 5088491/R5080/100C, 500C, 510C, 520c, 530c, 700c, 710C, 720C, 730C, 740C, 750C, 760C, 770C, 1100C & P13-268 308 Rev A.

Reason: in the interests of clarity, and to accord with the requirements of Condition 61 of Planning Permission P2005/0393.

(17) Prior to the first occupation of that dwelling, or the first use of any commercial unit, the car parking to serve that property shall be constructed and available for use in accordance with the approved layout as set out on Drawing Number PL03 Rev P, and PL50 Rev F.

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

(18) The section of Highway and associated footways, as identified on Drawing No. 5088491/R5080/700 Rev C as 'enabling works' are temporary only, and shall not form a permanent alignment of this section of the strategic highway. These works shall be completed to binder course level as a minimum prior to the first occupation of any dwelling served off this highway, or any public access, whichever is the sooner.

Reason: In the interests of clarity, and to ensure that future phases of development can be considered that may affect the alignment of this strategic highway.

(19) Notwithstanding the details submitted the carriageway adjacent to Plot 15 shall be widened to a minimum of 5.5m in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the rock feature/planting area, ensuring that this has a height no greater than 600mm. The approved scheme shall be fully implemented on site as part of Construction Phase 10, as defined on Drawing No. SK17.

Reason: In the interests of Highway and Pedestrian Safety.

(20) Prior to the occupation of any dwelling a scheme shall be submitted to prevent vehicles from parking on the footways on Road 50, fronting construction Phases 5, 6 & 8 and the un-named road adjoining the western boundary of Plot 1, as defined on Drawing SK17. This scheme as approved shall be fully implemented in accordance with these details prior to the first occupation of any dwelling fronting that section of footway, and retained as such thereafter.

Reason : In the interests of Highway and Pedestrian safety.

(21) Street lighting shall be fully implemented in accordance with Drawing No's 5088491/R5080/1300C, LE.1802/1300/01/C. Any variation on the location and specification for the lighting, if required at technical approval stage, shall be submitted to and approved in writing by the local Planning Authority prior to the implementation on site, and shall be retained as such thereafter.

Reason

In the interests of highway and pedestrian safety, and to accord with the requirements of conditions 54 and 61 of Outline Planning permission P2005/0393.

(22) All street lighting columns within a shared surfaced area shall be provided with column protection in accordance with the approved Town Code Specification.

Reason

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

(23) Notwithstanding the details submitted and prior to the construction of any dwelling on Plots 3 & 4, Plots 20 to 23 and Plots 31 to 33, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing security lighting to be provided to the rear pedestrian access routes. This scheme, and the provision of lockable gates to these access routes, as approved, shall be fully implemented on site prior to the first occupation of any dwelling served off that access route and retained as such thereafter.

Reason

In the intertests of public safety and security, and the amenity of residents.

(24) The layout and design of the strategic cycle and pedestrian routes as defined on Drawing PL14C shall be fully implemented in accordance with the details hereby approved as part of the phased construction of the development.

Reason

To accord with the approved masterplan, strategic footway and cycle strategy, amenity and sustainability, and to accord with the requirements of Condition 42 of Planning Permission P2005/0393.

(25) All highway retaining works shall be undertaken in accordance with P13-268-305, 309 & 310.

Reason

In the interests of clarity and to comply with the requirements of Planning Condition 75 of Outline Planning Permission P2005/0393.

(26) Unless otherwise agreed in writing by the Local Planning Authority all pedestrian crossing facilities and bus stop locations, as detailed on Drawing No. PL62A, shall be fully implemented on site prior to any occupation of any dwelling fronting that crossing facility or bus stop. If at technical approval stage the location of these facilities are amended, a scheme shall be submitted to and approved in writing by the Local Planning Authority for these revised locations prior to their implementation on site.

Reason

In the interests of highway and pedestrian safety, and to accord with the requirements of Condition 72 of Outline Planning Permission P2005/0393.

(27) The 5 commercial units located on the ground floor of blocks D and E as shown on drawing No's PL50F, PL51E & PL56E shall be used for A1, A2 or A3 Uses and for no other purpose including any other purpose in any other Class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In order that other changes of use can be assessed in the interests of amenity.

(28) No more than 2 No. hot food and drink (Class A3) uses shall be permitted within the 5 commercial units located on the ground floor of blocks D and E, as shown on drawing No's PL50F, PL51E & PL56E. Of these A3 uses no more than 1 unit can be a hot food takeaway use and these A3 uses shall not be located adjacent to each other.

Reason

In the interests of the amenity of neighbouring residential development, and the vitality, viability and attractiveness of the emerging village centre.

(29) Customers shall not be permitted entry to any hot food and drink (Class A3) premises between 23.00 hours and 07.00 hours and shall not be served or remain on the premises between 23.30 hours and 07.00 hours.

**Reason**

In the interest of the amenities of residents living in the vicinity of the application site.

(30) Prior to the first use of any commercial cooking facilities within any of the ground floor commercial units within Blocks D & E, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the means of extraction and odour control. This scheme shall be wholly contained within the fabric of the building, and shall not require the installation of any additional external flues, and vents. The scheme shall provide full technical specification, including noise and vibration mitigation, together with odour control. The scheme as approved shall be fully implemented on site prior to the first use of the unit for which they serve, and shall be maintained as such, in accordance with the manufacturers specifications thereafter. Any replacement system shall be of a similar or better specification.

**Reason**

In the interests of the amenity of adjoining residential properties, and the visual amenity of the area as a whole.

(31) Prior to the first use of any commercial unit within Blocks D & E hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a signage/advertisement strategy for these units. All future advertisements on these premises shall comply with the approved signage/ advertisement strategy.

**Reason**

In the interests of visual amenity, and to ensure that the proposed signage across these units reflects the principles of the Town Code.

(32) Notwithstanding condition 11, all planting, seeding or turfing comprised in the approved details of landscaping as set out on drawing No's 1554/03E, 1554/03D & 1554/06A shall be carried out in the first planting and seeding season following the occupation of the buildings within that construction phase, as set out on Drawing No. SK17, or the completion of the development hereby permitted, whichever is the sooner. Any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990, and Condition 87 of Outline Planning permission P2005/0393.

(33) All tree protection measures shall be in accordance with the approved town code specification. Where tree guards are to be provided, these shall be Marshalls, Ollerton flared top tree guards, coated black.

Reason

In the interests of clarity, visual amenity, and to accord with the approved town code.

(34) Notwithstanding the details submitted, and prior to the commencement of development on the superstructure of any dwelling. Revised parking and landscaping details including alterations to the hard surfacing, removing the Tegular Concrete Sets from the parking areas serving Plots 21 to 23, and revised hard landscaping proposals to the frontages of Plot 61 shall be submitted to and approved in writing by the Local Planning Authority. These schemes as approved shall be fully implemented in accordance with these approved details prior to the occupation of the aforementioned properties.

Reason

in the interests of the amenity of residents.

(35) Temporary means of enclosure shall be provided in accordance with Drawing No. PL63. These means of enclosure shall be provided on site prior to the occupation of any dwelling fronting that boundary.

Reason

In the interests of visual amenity, residential amenity and public safety and to accord with the requirements of Condition 41 of Planning Permission P2005/0393.

(36) Notwithstanding the details submitted in Technical note 5041216-ENG-TN-01318 Rev R1 and Drawing No. 5041216-ENG-DWG-001728 Rev D. Prior to the construction of the superstructure within;

- a) Zone 1: Any dwelling on Plots 50 to 60, and Plot 39.
- b) Zone 2 :Any dwelling on Plots 15-23 and Plot 38.



Full details of all works to the rock face shall be submitted to and approved in writing by the Local Planning Authority, including existing and proposed cross sections extending to the front face of those properties opposite the zone of work and the provision of sample sections of any retaining structures for approval which are to be constructed on site. These details as approved shall be fully implemented prior to the first occupation of any dwelling within that Zone, and shall be retained as such thereafter.

Reason

in the interests of visual amenity and the amenity of adjoining residents.

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 proposed development is acceptable in terms of design, layout, visual amenity, residential amenity and highway and pedestrian safety. As such the development accords with Policies LL1, ENV4, ENV5, ENV16, ENV17, H4, T1 & RO3 of the Neath Port Talbot Unitary Development Plan.

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## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2014/1128</b>	<b><u>DATE:</u> 13/01/2015</b>
<b>PROPOSAL:</b> Extension to existing Caegarw Gypsy and Traveller Site to include 11 new pitches plus amenity blocks with associated drainage works, improvements to the internal access road together with the creation of 2 new informal play areas, and associated access path.	
<b>LOCATION:</b>	<b>Caegarw Gypsy and Traveller Site, Margam</b>
<b>APPLICANT:</b>	<b>Mr Gareth Nutt</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Margam</b>

### Planning History:

09/0964 Proposed single-storey extension to an existing utility/toilet block for caravan plot Approved 03/12/09

### Publicity and Responses (if applicable):

The application was advertised via site notices, and it was publicised in the Local Press: To date, no response received.

Coal Authority: No objection, subject to conditions.

Contaminated Land Unit: No objection, subject to conditions.

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

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

Welsh Water: No objection.

### Description of Site and its Surroundings:

The application site is located at Cae Garw Gypsy and Traveller Site, Margam.

The application site totals 0.9914 hectares in area and comprises three distinct areas. The first and largest area relates to a section of an existing grassed field

which is sloping in profile from the west down to the east, and also from the north down to the south. It measures approximately 165m long by 45m in depth. It is bounded by the existing Cae Garw Gypsy and Traveller Site to the north and east with some existing shrubs along the eastern boundary, with open agricultural fields to the south and west. The second area is connected to the larger area via a 95m long link, and also relates to a 35m wide by 45m long relatively flat area that is currently grassed with some small sheds. It is bounded by the open land to the north, east and south, and the rear of the existing caravan plots to the west. The third area is relatively small in area and measures approximately 40m wide by 15m in depth. It is relatively flat in profile and comprises a semi-hardcore surface with small soil bund. It is bounded by some landscaping to the north and east, the existing access road to the south, and a former site office block to the west.

The site is located outside the settlement limits as defined by Policy H3 of the adopted Neath Port Talbot Unitary Development Plan (UDP) and within the open countryside. It is also located within Margam Green Wedge (Policy ENV2). Pedestrian and vehicle access to the application site is gained via the existing entrance into the Gypsy and Traveller Site off the A48. There are 21 existing pitches on the site.

### **Brief Description of Proposal:**

This application seeks full planning permission for the extension to existing Caegarw Gypsy and Traveller Site to include 11 new pitches plus amenity blocks with associated drainage works, improvements to the internal access road, together with the creation of 2 new informal play areas, and associated access path.

The first element of the proposed development involves the excavation of existing material in the largest part of the application site in order to form the 11 new pitches. The amount of cut will range from approximately 2m extending to approximately 3m. The excavated material is proposed to be deposited to along the western boundary of the site to form a graded bund. The proposal would leave an average pitch area approximately 28m in depth by 14.6m wide and a gradient of 1:40. Each plot would be subdivided by a 1.2m high concrete post and panel fence, with a 2m high security fence to the rear boundary. Each pitch is proposed to have an amenity block with space for a static caravan and touring caravan, together with 2 parking spaces. 10 plots would have semi-detached amenity blocks, with one plot having a detached block. The semi-detached blocks (5 in total) would measure 9.89m wide by 4.2m in depth and will reach a height of 3.9m. The detached block will measure 5.2m wide by 4.3m in depth and will reach a height of 3.9m. The blocks will provide a kitchen, bathroom and storage area. They are proposed to be constructed with brickwork walls and

concrete roof tiles to match the existing amenity blocks on the Cae Garw site, with white uPVC windows and doors. In addition to the above works, it is proposed to widen the existing service road by 1.6m to accommodate the new pitches and to provide a new turning area.

The second element of the proposal relates to the creation of an informal play area. This is roughly rectangular in shape and would measure around 34m wide by 48m in length. The proposal would involve the removal of existing bushes and brambles and levelling off with the surface with topsoil to raise the level by approximately 600-800mm. A new 1.2m high concrete post and panel fence is proposed on the southern boundary. In order to provide access to the site, a new 95m long access path is proposed to the east and south of Plots 10-15. It will comprise a free-draining gravel surface.

The final element of the proposed relates to the creation of an additional informal play area on land adjacent to the former site office. It is irregular in shape and measures 40m wide by 15m in depth. The proposed works involve the removal of tipped material only, and the enclosure with a 900mm high post and rail fence. No engineering or levelling works are proposed in this area.

### **EIA Screening/Scoping Opinion & Habitat Regulations:**

With regards to Environmental Impact Assessment (EIA), it should be noted that the proposal is a Schedule 2 type of development that requires the Local Planning Authority to determine whether an Environmental Impact Assessment needs to be carried out and an Environmental Statement produced to accompany the application. This is called a 'Screening Opinion'.

A screening opinion was undertaken in accordance with Schedule 3 of the EIA regulations. It concluded that the development is not likely to have significant effects on the environment by virtue of factors such as nature, size or location, and it was determined under delegated powers that an Environmental Impact Assessment was therefore not required.

In addition, due to the scale of the development and distance to Kenfig Special Area of Conservation (SAC), it was considered that the proposal would not require an Appropriate Assessment, as set down within the Conservation and Habitats and Species Regulations (2010).

## **Material Considerations:**

The main issues for consideration concern the principle of development at this site, together with the impact of the proposal upon visual and residential amenity, and also highway and pedestrian safety having regard to prevailing planning policies.

## **Policy Context:**

Neath Port Talbot Unitary Development Plan:

GC1	New Buildings/Structures and Changes of Use
GC2	Engineering Works and Operations (including Minerals and waste)
ENV17	Design
T1	Location, Layout and Accessibility of New Proposals
ENV1	Development in the Countryside
ENV2	Green Wedges
ENV5	Nature Conservation
ENV16	Contaminated Land
H7	Gypsy Caravan Sites

It should be noted that the application site is located within the open countryside (Policy ENV1) and within Margam Green Wedge (Policy ENV2). Policy ENV1 permits the creation of Gypsy caravan sites subject to compliance with Policy H7.

Policy ENV2 identifies Green Wedges which seek to protect the setting of built-up areas and prevent urban coalescence between settlements. Within these areas inappropriate development will not be permitted, except in very exceptional circumstances.

In respect of Policy H7, this states that proposals for the development of Gypsy caravan sites and temporary stopping places will normally only be permitted where a genuine need over and above the sites already provided can be proven, and 9 criterion are satisfied, including that: - the design of the site is compatible with the character and appearance of the area; it is compatible with existing land uses and does not lead to unacceptable levels of pollution, noise, disturbance or risks to health and safety for people living on or near the site; it is within easy reach of community and other facilities; would have a good standard of facilities including water, electricity, sewage, play areas; there would be no adverse impact upon highway safety; there are adequate facilities for storage of business equipment; any new buildings should only be erected in exceptional circumstances for essential ancillary services and are non-

residential and where there are not any suitable buildings for conversion or re-use; and proposals either individually or in combination with existing commitments would not create unacceptable impacts on existing or programmed infrastructure or community facilities.

### **Principle of Development**

Under current housing and planning legislation, the Authority has a statutory duty to provide suitable residential sites for Gypsies and Travellers. In 2012, NPTCBC commissioned Opinion Research Services (ORS) to undertake a Gypsy and Traveller Accommodation Needs Assessment, to meet the requirements of Sections 225 and 226 of the Housing Act 2004 and provide the evidence base for the emerging Local Development Plan (LDP). The study identified a need for 20 additional residential pitches on public sites over the LDP period, 2011-2026.

To meet the identified need in the short to medium term of the UDP and LDP period (up to 2022), an extension to the existing site at Cae Garw has been allocated in the Deposit LDP. The Gypsy and Traveller community is well established in this area and has access to a wide range of facilities, including education.

Having regard to Policy H7, it is thus concluded that there is a genuine need over and above the sites already provided, and the proposed extension of the existing site and associated facilities will sustainably meet the need for new household formation from both existing residents and from in-migration into the area.

In addition, the proposals would provide for an extended site with a good standard of facilities (Policy H7 Criterion (d)); and ensure that there are adequate facilities and space for storage associated with the business activities of gypsies; (criterion (f)).

While the site would not represent the most sustainable location in terms of its access to community and other facilities (criterion (c) refers), having regard to the acceptable impacts identified within this report, and the fact that this is an appropriate extension of an existing site, the development is considered to be acceptable. The small scale of additional accommodation will also ensure that there would be no unacceptable impacts on such local infrastructure.

Accordingly, as the proposal would meet the identified need and is in line with Welsh Government national policy and guidance, it is considered that the general principle of development is acceptable, subject to the impacts of the

development being acceptable having regard to the remaining criterion within Policy H7 and Policy ENV2 (Green Wedges).

### **Visual Amenity**

Policy H7 (criterion (a) requires that the design of the site, including suitable landscaping, is compatible with the character and appearance of the area where the site is located; with criterion (h) seeking to ensure that the scale of the site is in keeping with the particular conditions and characteristics of the location.

In respect of the proposed new pitches, amenity blocks and road widening, it is considered that their size, scale and design would be in keeping with the existing pitches and amenity blocks on the Cae Garw site, and would provide a visually acceptable extension to the existing site. Furthermore, due to their size and nature (e.g. soft landscaping) it is considered that the proposed informal play areas and associated access track would also be acceptable in terms of visual amenity.

In light of the above, it is considered that the proposed extension of the site, while increasing the impact of such development on the countryside, would nevertheless satisfy the design criterion within Policy H7.

In addition to being ‘countryside’, the site is also located within the Margam Green Wedge, wherein Policy ENV2 seeks to protect the setting of built-up areas and prevent urban coalescence between settlements. Within these areas inappropriate development will not be permitted except in very exceptional circumstances.

As detailed above, it is considered that the proposal would amount to a visually acceptable extension to the existing site. Having regard to the clear and identified need for additional Gypsy and Traveller accommodation in the County Borough, and the generally acceptable visual impacts of the development, it is similarly concluded that the harm to the green wedge would be acceptable, and in any event the identified need for such accommodation would amount to a ‘very exceptional circumstance’ which would outweigh such harm, such that the proposal would comply with the objectives of Policy ENV2 – Green Wedges.

### **Residential Amenity:**

Criterion (b) of Policy H7 requires that the site is compatible with existing land uses and does not lead to unacceptable levels of pollution, noise, disturbance or risks to health and safety for people living on or near the site.



As an extension to the existing site, with no other nearby residential properties, the primary impacts of the proposal are on the occupants of the existing site.

Proportionate to the existing size of the site and the identified need, the scale and extent of the 'extension' is considered to be appropriate, while due to the size, scale and siting of the proposed caravan pitches and amenity blocks relative to the existing pitches at Cae Garw, it is considered that the proposal would not create any unacceptable overlooking, overshadowing or overbearing issues. Similarly, due to the nature and location of the proposed informal play areas and access track, it is considered that there would be no overriding issues in terms of residential amenity, while such new facilities would also add to the general degree of amenity of the site.

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

Criterion (e) of Policy H7 requires that "regard is made to safe and satisfactory accommodation of traffic generated from the development".

It is noted that the proposed development would provide 11 new pitches with associated parking for each pitch. This has been assessed by the Head of Engineering and Transport (Highways Section) who offers no objection to the proposal, subject to a condition in relation to the improvement of the surfacing of the first 10m of the access road into the site. Provided this condition is imposed on the application, it is therefore considered that there would be no detrimental impact upon highway or pedestrian safety.

### **Ecology (including trees & protected species):**

The application site has low biodiversity value with some grass cover and shrubs. As such, there are considered that there would be no overriding issues with the proposed development in terms of ecology.

### **Flooding and Drainage:**

It should be noted that the site is not located within an identified flood zone. As such, no issues are anticipated in terms of flood risk.

In respect of drainage, the developer has indicated that surface water from the new caravan pitches and amenity blocks would connect via attenuation into the existing surface water drainage system serving the Gypsy and Traveller site, whilst foul water would connect into the existing package treatment plant. The play areas would have natural Greenfield drainage.

The Head of Engineering and Transport (Drainage Section) has assessed the principle of the drainage and offers no objection, subject to the submission of detailed drainage scheme. Provided the requested condition is imposed on the application, it is therefore considered acceptable in terms of drainage.

**Pollution (air and ground):**

It should be noted that the site has been identified as potentially contaminated land and has potential for ground gas. However, as the Contaminated Land Unit offers no objection to the proposal, subject to conditions, it is considered that the proposed development would be acceptable in terms of pollution.

**Others (including objections):**

Members should note that the site has been identified in a Coal Mining Referral Area. A Coal Mining Risk Assessment has been undertaken and submitted in support of the application. This has been assessed by the Coal Authority who offers no objection to the proposal, subject to conditions. These require a site investigation to establish the presence (or otherwise) of coal seams and unrecorded mine workings plus ground gas monitoring. Provided that the requested condition is imposed on the application, it is therefore considered that the proposed development would be acceptable in terms of coal mining legacy.

**Conclusion:**

Having regard to the identified need for additional Gypsy and Traveller Accommodation in the County Borough, it is considered that the principle of extending the existing site at Caegarw is acceptable, and it would represent acceptable development in the Green Wedge, and that the impacts of the development on the character and appearance of the surrounding area/open countryside, on residential amenity, highway and pedestrian safety would be acceptable. The proposed development is therefore in accordance with Policies H7, ENV1, ENV2, ENV5, ENV16, ENV17, GC1, GC2, and T1 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:      Approval with Conditions**

**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.

(2) Prior to the construction of the amenity blocks hereby approved, samples of the materials to be used in the construction of the external surfaces 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.

(3) Notwithstanding the submitted details and prior to the occupation of any caravan pitch hereby approved, details of the proposed means of enclosures to all property boundaries, including the informal play areas, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosures shall be erected prior to the occupation of any caravan pitch, and retained as such thereafter.

Reason

In the interests of the visual amenity of the area.

(4) No caravan pitch hereby permitted shall be occupied until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority as part of the scheme. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved drainage scheme shall be fully implemented on site prior to the occupation of any caravan pitch, and retained as such thereafter.

## Reason

In the interest of adequate drainage of the site.

(5) Prior to first use of any new caravan pitch, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing surfacing improvements to the access road for the first 10.0 metres from nearest edge of the public highway. The access improvement works shall be fully implemented on site in accordance with the approved scheme prior to first use of any new caravan pitch, and retained as such thereafter.

## Reason

In the interest of highway and pedestrian safety.

(6) Prior to the commencement of any work on site, a scheme to assess the nature and extent of any contamination on the site, including ground gas from coal seams, shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

- (i) a survey of the extent, scale and nature of the potential for ground gas;
- (ii) an assessment of the potential risks to human health, in terms of ground gas.
- (iii) an appraisal of remedial options, and proposal of 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 is sufficient to enable a proper assessment.

(7) Prior to the commencement of any work on site, and if required by Condition 6, a remediation scheme 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 historical environment shall be prepared and submitted to and agreed 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(8) 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 7 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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(9) 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.

(10) Prior to the commencement of any works on site, detailed site investigation works shall be undertaken, including intrusive borehole investigations 30-40m in depth, and the results shall be submitted to and approved in writing by the Local Planning Authority in the form of a report. In the event that the site investigations confirms the need for remedial works to treat areas of unrecorded shallow mine workings, and to ensure the safety and stability of the proposed

development, these shall also be included as part of the submitted report, together with a timetable for the implementation on site. The approved remedial works, if required, shall be retained in accordance with the approved scheme.

#### Reason

In order to establish the exact situation regarding coal mining legacy issues on the site, and to ensure the safety and stability of the proposed development.

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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.

Having regard to the identified need for additional Gypsy and Traveller Accommodation in the County Borough, it is considered that the principle of extending the existing site at Caegarw is acceptable, and it would represent acceptable development in the Green Wedge, and that the impacts of the development on the character and appearance of the surrounding area/open countryside, on residential amenity, highway and pedestrian safety would be acceptable. The proposed development is therefore in accordance with Policies H7, ENV1, ENV2, ENV5, ENV16, ENV17, GC1, GC2, and T1 of the Neath Port Talbot Unitary Development Plan.

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2014/1175</b>	<b><u>DATE:</u> 12/12/2014</b>
<b>PROPOSAL:</b> Demolition of existing 2/3 storey teaching block and construction of new 2/3 storey teaching block.	
<b>LOCATION:</b> Ysgol Gyfun Ystalyfera, Glan Yr Avon, Ystalyfera	
<b>APPLICANT:</b> Director of Education (NPTCBC)	
<b>TYPE:</b> Full Plans	
<b>WARD:</b> Ystalyfera	

### Planning History:

P2001/0782- 6 Class teaching block- Approved- 14/08/01

P2003/1076- Sports Hall- Approved- 30/09/03

### Publicity and Responses if applicable:

The application was advertised on site and in the press, in addition 5 individual properties were consulted by letter.

NRW- No Objection, subject to conditions.

Head of Engineering and Transport, Highway Section- No objection, subject to conditions.

Head of Engineering and Transport, Drainage Section- No Objection, subject to conditions.

Pollution Control (Noise)- No Objection, subject to Conditions.

Contaminated Land- No Objection, subject to conditions.

### Description of Site and its Surroundings:

The application site lies within the existing boundaries of Ysgol Gyfun Ystalyfera. The school has a frontage onto Glan Yr Afon to the east, and bounds the rear of properties on Ynysydarren Road to the west. To the north lie further residential properties on St Davids Road, and to the south lies an area of open space/playing fields, and further housing and sheltered housing.

The application site measures approximately 57m by 170m and is located in the south west corner of the school site. There is currently a three storey rectangular flat roof teaching block on the site, measuring approximately 63m by 48m. This is to be demolished as part of this application. The site slopes down very slightly in level west to east, but is generally level to the site boundaries.

As Members will be aware there have been previous applications for temporary classroom provision on the playing fields to the opposite side of the River Twrch to the east, and these classrooms will accommodate the teaching facilities for a temporary period during the demolition and construction works. In addition members will be aware that this proposal is part of a wider renovation and re-development proposal for this school site, and there are likely to be further planning applications for this site submitted later this year. This phased approach is necessary to ensure that the school can still operate during these works, and to minimise disruption to pupils and adjoining properties.

The applicant has provided a design and access statement, transport statement, bat survey, noise assessment, ground investigation report, and Breeam pre-assessment to support the planning application drawings.

### **Brief description of proposal:**

The development proposes the demolition of the existing teaching blocks within the application site, including a demountable building and the larger “craft block”, and their replacement by a new 2/3 storey teaching block..

The new teaching block provides in plan form a series of interlinked rectangular forms, creating internal atrium rising up through the building, bounded by circulation spaces to glazed roof sections providing natural light and ventilation to the core of the building.

The building measures a maximum of 72m by 52m, and provides facilities over two and three floors. The longer elevations run in a east west direction, with projections extending north and south at either end of the central core. The height of the building ranges between 13.6m to 15.3m in height, with a ridged roof. It provides approximately 5000 square metres of floor space, in comparison to the 3500 square metres that it will replace.



The southern elevation of the block provides a consistent three storey elevation with a uniform eaves height of 11m. This elevation faces towards the open playing field beyond, and provides glazing to all floors. The nearest properties lie approximately 45m away, the Maes Y Darren Sheltered Housing complex.

The northern elevation faces into the school site, and ranges from two to three storey in height. The eaves height ranges from 7.5m to 13.5m, and again glazing is provided to serve and classrooms and other facilities, together with a glazed gable providing light and ventilation to circulation areas beyond.

The shorter eastern elevation again faces into the school site, and towards Glan Yr Afon beyond. The elevation is three storey, with an eaves level of 11m, and has large areas of glazing.

The western elevation faces out towards the site access off Ynysydarren Road and towards the rear of those properties either side of this existing access. Again the building ranges from three storey to two storey, dropping in height towards the north, as it gets closer to the site boundary. The eaves level to the southern end is 11m, reducing to 7.3m at its northern extent. Glazing is again provided in this elevation, with a section of solid construction to the northern end, where it lies in closer proximity to the rear gardens of adjoining properties on Ynysydarren Road.

The exterior of the building will be finished in two types of facing brick, cream and blue. These are used in sections of the building for aesthetic reasons, but also to break up the elevations into sections. A metal standing seam roof is proposed, with glazing and louvres to ensure natural light and ventilation. The glazing frames will be powder coated aluminium.

Around the building, improved hard surfacing is proposed in the form of permeable SUDS (Sustainable urban drainage system) paving. A low wall and railing is also incorporated around the south east corner of the building. An additional 100 bicycle parking spaces will also be provided within the site.

### **Material Considerations:**

The materials considerations relevant to this application relate to land use and development plan policy, design and visual amenity, residential

amenity, environmental and ecological issues, and highway and pedestrian safety.

### **Policy Context:**

The site is located within defined settlement limits for the area, as set out within the Neath Port Talbot Unitary Development Plan. The application site also lies wholly within the existing boundaries of the school, and will be located on previously developed land. As such the principle of this form of development at this site is considered appropriate.

In relation to specific policies the following are relevant;

Policy GC1	New Buildings/ structures and changes of use.
Policy ENV16	Contaminated land.
Policy ENV17	Design.
Policy ENV26	External Lighting.
Policy CS2	Welsh Language.
Policy T1	Location, layout and accessibility of new proposals.

### **Visual Amenity:**

The proposed development has been designed to provide a modern teaching environment and up to date facilities to serve the pupils at this Welsh medium school, that currently serves the entire County Borough. As such the scale of the proposed building is somewhat dictated by the needs and demands at this site. However, the design of the exterior, and its massing have taken into consideration its setting within the boundaries of the school, and also to take into account the potential impacts of the development when viewed from outside of these boundaries.

The provision of an asymmetric ridged roof, and the large sections of glazing in both the roof and the elevations, together with the variety in the external materials is considered to break up the overall massing of the structure, and provides an appropriate addition to this site. As phase one of proposed future redevelopment, it also demonstrates a commitment to high quality design.

Subject to a suitably worded condition to provide details of the materials for approval prior to their use, it is considered that the proposed demolition of the old school buildings and their replacement by a modern, well-designed teaching block will contribute positively to the visual amenity of the site, and the wider area, and therefore it is considered that

the development would accord with the principles of good design set out in Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development plan.

### **Residential Amenity:**

The nearest residential properties are located along Ynysydarren Road, off which an access into the school currently exists. The properties themselves are located between 45m and 50m from the proposed building, and the long rear gardens extend towards the application site and lie within 8m - 12m of the building itself, some of which are separated from the building by an internal access lane.

Where the building is closest to the rear gardens of these properties it reduces in height, down to 2 storey, and the elevation at this end of the building is provided with no windows, thus reducing any potential for an overbearing impact or any potential loss of privacy.

Whilst it is accepted that the building will be highly visible to these properties, it is not considered that the overall scale and massing would significantly affect the amenity of these adjoining properties, due to the significant distance from the properties themselves, and also due to its orientation and massing. In addition, it is noted that the uses within the building along this more sensitive elevation are predominantly offices, communal areas, rather than classrooms.

The applicant has not provided any details of any external lighting requirements for the site. If any external lighting is required, these details would need to be submitted to and approved by the Planning Department to ensure that the scheme raises no amenity issues to adjoining property.

As such it is considered that the proposed development would not have an unacceptable impact upon the residential amenity of occupiers within the adjoining properties, and therefore would accord with Policies GC1 and ENV17 of the Neath Port Talbot Unitary Development Plan.

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

The proposals do not affect the existing parking provision on the site, nor do they affect access or egress to and from the school itself. The applicant is also proposing additional cycle parking to improve the potential for use of sustainable modes of transport.

Whilst members may be aware that further applications may be submitted for other developments at this site, and that these may include changes that do impact upon parking and access, these are not matters that can be considered under this application. This application is a redevelopment of an existing block that will serve the existing pupils at this site. The capacity will therefore remain unchanged. Future plans and phases may impact upon capacity, and the ages of pupils taught at this site, and these will be addressed if those proposals come forward. As will any impacts upon pick up and drop off facilities, access and parking.

The overall strategy by the Authority involves Sandfields comprehensive being turned into Welsh Medium South (c2018), so eventually there will be a reduction of pupils being bussed to this site, as that project comes on line. This is part of the councils overall school improvement strategy, but there is no increase in pupil numbers on the site under this proposal.

The Head of Engineering and Transport, Highway Section, offer no objection to the development. As such the proposals accord with Policy ENV17 and T1 of the Neath Port Talbot Unitary Development Plan.

### **Welsh Language**

Policy CS2 of the Neath Port Talbot Unitary Development Plan refers to the need for a linguistic impact assessment if proposals could have an impact upon the Welsh Language.

In this case the development will have a positive impact upon the Welsh language, as it provides improved teaching facilities and services for pupils at this Welsh medium school.

### **Environmental / Ecological issues**

#### Biodiversity

The applicant has provided a bat survey due to the proposed demolition works taking place. The survey concludes that there are no bats present, and that there are no mitigation measures required. The Biodiversity Section offer no objection, subject to a condition requiring the provision of artificial nesting sites.

In addition existing trees on site were lost during previous ground investigation works. A condition will be imposed requesting a landscape

scheme to be submitted, including replacement tree planting, where feasible.

### Land Contamination

The ground investigation report concludes that there are no significant issues with ground contamination. Both the Authority's Pollution Control Section, and NRW offer no objections, subject to standard conditions.

### Drainage

The applicant is to undertake a sustainable urban drainage system, and this has been considered to be acceptable by the Head of Engineering and Transport, Drainage Section. This scheme incorporates rainwater harvesting and soakaways.

### Sustainability

Whilst the requirement to achieve specific levels of BREEAM have now been removed from the planning requirements, the applicant still requires to achieve an 'Excellent' rating due to other funding requirements. The applicant has provided a pre-assessment for information as part of this application that shows that the development is proposed to achieve these required levels, and the achievement of high quality sustainable standards is positively welcomed.

### Noise and Amenity

The Environmental Health section has assessed the noise assessment submitted with the application, and considers it to be in accordance with Building Bulletin 93 in determining the acoustic conditions inside the school in accordance with the requirements of Approved Document E of the Building Regulations. Accordingly they have no comments to make on the content of this document.

They note from the Geotechnical engineering assessment that strip and pad foundations are proposed for this development. Even though no piling is proposed, they consider it prudent to impose a condition requiring the submission of a construction management plan as the proposed development is in close proximity to a highly sensitive receptor in the form of Maes Y Darren Sheltered Housing complex, as well as other residential receptors a similar distance away. Accordingly a condition is recommended requiring submission of such a Statement.

## **Conclusion:**

The demolition of dated school buildings and their replacement by a modern, well-designed and sustainable new teaching facility provides an acceptable addition to this site. The development, whilst of a significant scale, has been designed to reduce the impacts upon residential amenity to those properties adjoining the site, and whilst there will be impacts, it is not considered that these will be significant. The design of the development is considered to reflect the modern teaching requirements, have no adverse impact on its surroundings, and have been designed to achieve appropriate levels of sustainability in energy use demand and consumption. As such it is considered that the proposed development accords with Policies GC1, ENV16, ENV17, ENV26, CS2 and T1 of the Neath Port Talbot Unitary Development Plan.

**RECOMMENDATION:      Approval with Conditions**

## **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.

(2) Prior to any development of the superstructure of the building hereby approved, samples of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason

In the interests of visual amenity.

(3) Prior to any external lighting being installed on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include all external lighting and security lighting together with lux levels and light spillage plans. The scheme as approved shall be fully implemented in accordance with these approved details, and retained as such thereafter.

## Reason

In the interests of amenity.

(4) No development shall take place, including any works of demolition until a Construction Method Statement and all necessary pollution prevention measures for the demolition and construction phases of the development has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors, construction compounds and offices

- Loading and unloading of plant and materials

- Routes to be taken by delivery and Heavy Goods Vehicles to and from the site

- Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties.

- Storage of plant and materials used in constructing the development

- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

- Wheel washing facilities;

- Measures to control the emission of dust and dirt during demolition, construction and transportation;

- A scheme for recycling/disposing of waste resulting from demolition and construction works

- Traffic management that takes into consideration the timing of deliveries to the site and the adjacent school opening and closing times, and deliveries to existing commercial development;

- Demolition methodology for any buildings to be demolished as part of the phase of development;

- Details of surface water drainage arrangements to be installed to intercept and treat contaminated surface waters;

-Details of measures to ensure no polluting discharge from disturbed areas;

-Storage for all fuels, oils and chemicals;

-Identification of buried services, such as foul sewers, in order to ensure their protection;

-Details of emergency contacts, for example NRW Pollution Hotline 0800807060

Reason

In the interests of amenity, health and safety; protection of the environment and highway and pedestrian safety.

(5) The surface water drainage strategy as set out on Plan no. A1105-005 shall be fully implemented prior to the first use of the development hereby approved.

Reason

In the interests of amenity.

(6) The development shall be connected to the main sewer prior to its first use.

Reason

In the interests of amenity.

(7) Foul water and surface water discharges must be drained separately from the site.

Reason

To protect the integrity of the public sewerage system

(8) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.



(9) Prior to the commencement of work on site a remediation scheme 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 historical environment shall be prepared and submitted to and agreed 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.

(10) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition (Please insert the condition number requiring remediation to be carried out) 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 offsite receptors.

(11) 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.

(12) Unless otherwise agreed in writing, prior to the first use of the building hereby permitted, an artificial nesting site for birds shall be erected to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

In the interest of Biodiversity.

(13) Prior to the first use of the development hereby approved a scheme for the the additional cycle parking shall be submitted to and approved by the local Planning authority. This scheme shall be fully impemented on site in accordance with these approved details, and retained as such.

Reason

in the interests of clarity, and sustaianbility.

(14) Prior to the first use of the development hereby approved a scheme for landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees

or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

#### Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

#### REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 redevelopment of this teaching facility provides an acceptable addition to this site. The development, whilst of a significant scale, has been designed to reduce the impacts upon residential amenity to those properties adjoining the site, and whilst there will be impacts, it is not considered that these will be significant. The design of the development is considered to reflect the modern teaching requirements, and have been designed to achieve appropriate levels of sustainability in energy use demand and consumption. As such it is considered that the proposed development accords with Policies GC1, ENV16, ENV17, ENV26, CS2 and T1 of the Neath Port Talbot Unitary Development Plan.

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## SECTION B – MATTERS FOR INFORMATION

### APPEALS RECEIVED

#### a) **Planning Appeals**

**Appeal Ref:** A2015/0001                      **Planning Ref:** P2012/0638

**PINS Ref:** APP/Y6930/A/14/2226525

**Applicant:** REG Windpower

**Proposal:** Erection of 5 no. Wind turbines with a max. height to tip of 100m and associated works, access tracks, substation and ancillary equipment. (Amended application site boundary, Supplemental Environmental Information including additional information in relation to transport, mining, ecology, location of borrow pits and access tracks)

**Site Address:** Land at Mynydd Brombil, Brombil Farm, Margam

**Start Date:** 7 January 2015

NOTE: This is an appeal against non-determination of the above application, which is to be heard at a Public Inquiry scheduled to commence on Tuesday 12<sup>th</sup> May 2015 (for up to 6 days). A ‘stance’ report (identifying the stance the Council would have taken had it determined the application, and on which the appeal will be fought) is to be presented to Members at a Special Planning Committee on 17<sup>th</sup> February 2015.

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## SECTION B – MATTERS FOR INFORMATION

### 7. DELEGATED APPLICATIONS DETERMINED BETWEEN 7<sup>TH</sup> JANUARY 2015 AND 23<sup>RD</sup> JANUARY 2015

1	App No. P2013/0310	Type Outline
Proposal	Demolition of existing outbuildings and erection of 3 detached dwellings (outline) (Amended description, application form and illustrative layout plan and Archaeological Evaluation (rec 12-8-14))	
Location	The Rise, Glyncastle, Resolven, Neath SA11 4NW	
Decision	Approval with Conditions	
Ward	Resolven	

2	App No. P2014/0552	Type Householder
Proposal	Scooter store to front garden	
Location	12 Bryn Awel, Cimla, Neath SA11 1JF	
Decision	Approval with Conditions	
Ward	Neath South	

3	App No. P2014/0837	Type LawfulDev.Cert-Existing
Proposal	Detached Domestic Garage (Certificate of Lawful Development (Existing))	
Location	Coed Parc Court, Coed Parc Development Access Road, Cwmavon, Port Talbot SA12 9BZ	
Decision	Issue Lawful Dev.Cert.	
Ward	Bryn & Cwmavon	

4	App No. P2014/0852	Type Full Plans
Proposal	Detached dormer bungalow	
Location	10 Khartoum Terrace, Onllwyn Road, Onllwyn, Neath SA10 9HG	
Decision	Approval with Conditions	
Ward	Onllwyn	

5	App No. P2014/0899	Type Neigh.Auth/Nat.Park
Proposal	Consultation from Rhondda Cynon Taff CBC - Variation of condition 14 of appeal decision 2147385 of application 06/1842/10 relating to noise limits at Fforch Nest Wind Farm Development.	
Location	Fforch Nest Wind Farm, Glyn Ogwr Bridgend CF35 6EL	
Decision	No Objections	
Ward	Gwynfi	

6	App No. P2014/0937	Type Householder
Proposal	Demolition of existing single storey rear extension and construction of a single storey side and rear extension	
Location	32 Primrose Lane, Rhos Pontardawe, Swansea SA8 3ES	
Decision	Approval with Conditions	
Ward	Rhos	

7	App No. P2014/0995	Type Full Plans
Proposal	Construction of 3 detached buildings to provide B1 Business units with associated carparking/servicing and infrastructure.	
Location	Land At Cramic Way, Port Talbot SA13 1RU	
Decision	Approval with Conditions	
Ward	Margam	

8	App No. P2014/1003	Type Householder
Proposal	New boundary wall to part front, side and rear boundaries	
Location	1 Ryan Close, Court Herbert, Neath SA10 7JG	
Decision	Approval with Conditions	
Ward	Dyffryn	

9	App No. P2014/1018	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 17 (Coal Mining Report) of P2010/1148 (APP/Y6930/A/12/2181883) granted on 27/8/13 (geotechnical Interpretative Report (GIR-18705-14-226) Received 17-11-14	
Location	Mynydd Y Gelli, Near Abergwynfi, Port Talbot	
Decision	Approval with no Conditions	
Ward	Gwynfi	

10	App No. P2014/1023	Type Full Plans
Proposal	Variation of condition 2 of Planning Permission P2008/0684 (Approved on the 21/07/08) to alter the hours of operation to 0830 hours to 1900 hours Monday to Saturday, 0900 hours to 1900 hours Sundays and Bank Holidays.	
Location	Hand Car Wash Unit Former Stadium Service Station, Dynevor Place, Skewen, Neath SA10 6RG	
Decision	Approval with Conditions	
Ward	Coedffranc North	



11	App No. P2014/1040	Type Listed Building Consent
Proposal	Internally illuminated fascia sign, internally illuminated projecting sign, 2 non illuminated welcome signs, ATM surround and two no window vinyls (Application for Listed Building Consent)	
Location	35 Green Street, Neath SA11 1DB	
Decision	Approval with Conditions	
Ward	Neath North	

12	App No. P2014/1042	Type Vary Condition
Proposal	Variation of Conditions 7 and 8 of Planning Application P2012/00131 (Approved on the 16/03/12) to extend the period of time for submission of the Reserved Matters for a further three years.	
Location	44 Gwilym Road, Cwmllynfell, Cwm-Twrch Isaf SA9 2GN	
Decision	Approval with Conditions	
Ward	Cwmllynfell	

13	App No. P2014/1055	Type Full Plans
Proposal	Canopy roof to existing beer garden	
Location	Kitty O'Sheas, James Street, Pontardawe, Swansea SA8 4LR	
Decision	Approval with Conditions	
Ward	Pontardawe	

14	App No. P2014/1056	Type Householder
Proposal	Retention of engineering works including retaining wall, vehicular access plus means of enclosure.	
Location	281 Graig Road, Godre'r Graig, Swansea SA9 2NZ	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

15	App No. P2014/1079	Type Change of Use
Proposal	Change of Use of part of ground-floor from Offices (Class B1) to Care Home (Class C2).	
Location	Ty Cwmavon Cunard Row, Salem Road, Cwmavon, Port Talbot SA12 9ED	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

16	App No. P2014/1081	Type Householder
Proposal	Single storey side and rear extension.	
Location	13 Brookfield, Neath Abbey, Neath SA10 7EG	
Decision	Approval with Conditions	
Ward	Bryncoch South	

17	App No. P2014/1083	Type Householder
Proposal	Detached garage plus boundary wall and gates.	
Location	8 Bracken Road, Neath SA11 3DR	
Decision	Approval with Conditions	
Ward	Neath North	

18	App No. P2014/1084	Type Full Plans
Proposal	Retention of ATM to front elevation.	
Location	NISA Local, 22 Talbot Road, Port Talbot SA14 1DN	
Decision	Approval with no Conditions	
Ward	Port Talbot	

19	App No. P2014/1085	Type Householder
Proposal	Two storey rear extension incorporating raised ridge height, additional first floor side window to existing dwelling and new steps	
Location	1 School Road, Tonna, Neath SA11 3EJ	
Decision	Approval with Conditions	
Ward	Tonna	

20	App No. P2014/1088	Type Householder
Proposal	Single storey rear extension	
Location	8 Dunraven Street, Cwmgwrach, Neath SA11 5PB	
Decision	Approval with Conditions	
Ward	Blaengwrach	

21	App No. P2014/1093	Type Householder
Proposal	Demolition of existing single storey rear extension and garage. Construction of 3 storey rear extension (inc. basement)	
Location	16 Gnoll Road, Godre'r Graig, Swansea SA9 2PA	
Decision	Approval with Conditions	
Ward	Godre'rgrraig	

22	App No. P2014/1101	Type Vary Condition
Proposal	Removal of condition 7 (Footpath and streetlight details) of planning application P2005/0770 granted on 03/10/05.	
Location	Tuskar House, Forest Lodge Lane, Cwmavon, Port Talbot SA13 2RX	
Decision	Approval with Conditions	
Ward	Bryn & Cwmavon	

23	App No. P2014/1104	Type Householder
Proposal	Retention and completion of a single storey rear extension.	
Location	13 Church Close, Bryncoch, Neath SA10 7TF	
Decision	Approval with Conditions	
Ward	Bryncoch North	

24	App No. P2014/1106	Type Full Plans
Proposal	External alterations to rear elevation to provide entrance doorway to first floor flat, plus alteration and extension to existing ramp and railings to facilitate first floor access.	
Location	39 Walters Road, Neath SA11 2DW	
Decision	Approval with Conditions	
Ward	Neath East	

25	App No. P2014/1114	Type Change of Use
Proposal	Change of use from Community Hall to Storage of costumes and props (Use Class B8)	
Location	Dunstan Memorial Hall, Bethlehem Road, Skewen, Neath SA10 6AW	
Decision	Approval with Conditions	
Ward	Coedffranc Central	

26	App No. P2014/1118	Type Full Plans
Proposal	One detached dwelling	
Location	13 The Oaks, Cimla, Neath SA11 3RJ	
Decision	Approval with Conditions	
Ward	Cimla	

27	App No. P2014/1124	Type Discharge of Cond.
Proposal Details to be agreed in association with Condition 17 (Construction Method Statement) of Planning Permission P2014/0501 granted on 02/10/14.		
Location Western Avenue Playing Fields, Adjacent To Seaway Parade, Sandfields, Port Talbot		
Decision Approval with Conditions		
Ward Sandfields West		

28	App No. P2014/1126	Type Householder
Proposal Single storey rear extension plus steps to lower garden level.		
Location 219 Heol Y Gors, Cwmgors, Ammanford SA18 1RF		
Decision Approval with Conditions		
Ward Gwaun-Cae-Gurwen		

29	App No. P2014/1131	Type Non Material Amendment (S96A)
Proposal Non-Material Amendment to Planning Permission P2014/0314 - Alterations to Drainage Scheme.		
Location Plot 6B, Brunel Way, Baglan Energy Park, Briton Ferry		
Decision Approval with Conditions		
Ward Briton Ferry West		

30	App No. P2014/1148	Type Change of Use
Proposal Change of Use from day centre to residential dwelling.		
Location Cadoxton Special Needs Day Centre, 91 Bryn Catwg, Cadoxton, Neath SA10 8BH		
Decision Approval with Conditions		
Ward Cadoxton		

31	App No. P2014/1157	Type Householder
Proposal Retention of a section of side boundary fence forward of the front elevation of the dwelling		
Location 13 Cwm Farteg, Bryn, Port Talbot SA13 2SS		
Decision Approval with no Conditions		
Ward Bryn & Cwmavon		

32	App No. P2014/1160	Type Householder
Proposal	First floor side and two storey rear extension with accommodation within the roof space, roof lights to the front and rear existing roof slopes and new window in side gable elevation	
Location	68 Ascot Drive, Baglan, Port Talbot SA12 8YL	
Decision	Approval with Conditions	
Ward	Baglan	

33	App No. P2014/1163	Type Full Plans
Proposal	Detached split level dwelling with associated engineering and retaining works, plus car parking.	
Location	Plot 11 The Oaks, Cimla, Neath SA11 3RJ	
Decision	Approval with Conditions	
Ward	Cimla	

34	App No. P2014/1166	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 13 (National Grid connection details) of application P2013/1087 granted on 01/10/2014.	
Location	Tyle'r Fedwen Farm, Tyle'r Fedwen Farm Access Road, Cwmavon, Port Talbot SA12 9YA	
Decision	Approval with no Conditions	
Ward	Bryn & Cwmavon	

35	App No. P2014/1184	Type Discharge of Cond.
Proposal	Details in association with Condition 2 and 3 of Planning Permission P2014/0576 (Approved on the 21/11/2014) in respect of a landscaping scheme and a long term management plan.	
Location	Plots 31 & 32 Pearson Way, Neath SA11 2EJ	
Decision	Approval with no Conditions	
Ward	Neath East	

36	App No. P2014/1185	Type Screening Opinion
Proposal	Request for screening opinion in accordance with Regulation 5 of the EIA Regulations 1999 for hydro electric power generating station (capacity 130kW) including the construction of a 1 metre high weir incorporating an eel and fish pass and buried penstock pipeline for a length of 1.1km and construction of a power house incorporating a turbine	
Location	Craig Hendre Fawr, Glynneath, Neath	
Decision	EIA Not Required	
Ward	Glynneath	

37	App No. P2014/1186	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition No 5 (External Materials) of P2014/243 granted on 20/5/14	
Location	Port Talbot Parkway Railway Station, Cramic Way, Port Talbot SA13 1RU	
Decision	Approval with no Conditions	
Ward	Port Talbot	

38	App No. P2014/1190	Type Full Plans
Proposal	Retention of external doorway (emergency exit)	
Location	2-6 Heol Cae Gurwen, Gwaun Cae Gurwen, Ammanford SA18 1HB	
Decision	Approval with Conditions	
Ward	Gwaun-Cae-Gurwen	

39	App No. P2014/1191	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (Drainage Filtration System details) of application P2014/0585 granted on 15/10/14.	
Location	Unit 3, Kenfig Industrial Estate, Margam, Port Talbot SA13 2PE	
Decision	Approval with no Conditions	
Ward	Margam	

40	App No. P2014/1205	Type Non Material Amendment (S96A)
Proposal	Non-Material amendment for the removal of Conditions 5, 6 and 7 (Code for Sustainable Homes) of Planning Permission P2012/0922 (Approved on the 11/11/13)	
Location	Ty Maes Marchog, Main Road, Dyffryn Cellwen, Neath SA10 9HR	
Decision	Approval with no Conditions	
Ward	Onllwyn	

41	App No. P2014/1206	Type Non Material Amendment (S96A)
Proposal	Non-Material amendment application for alterations to the proposed roofing material and alteration to the window and door arrangements.	
Location	Park House, Park Lane, Margam, Port Talbot SA13 2TD	
Decision	Approval with no Conditions	
Ward	Margam	

42	App No. P2015/0004	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for a proposed single storey rear extension.	
Location	21 Park Drive, Lonlas, Neath SA10 6SF	
Decision	Issue Lawful Dev.Cert.	
Ward	Coedffranc North	

43	App No. P2015/0006	Type LawfulDev.Cert-Prop.
Proposal	Lawful development certificate for proposed alterations to roof and external appearance of existing single storey rear extension.	
Location	52 Lon Hir, Alltwen Pontardawe, Swansea SA8 3DE	
Decision	Not to Issue Lawful Dev.Cert.	
Ward	Alltwen	

44	App No. P2015/0012	Type Discharge of Cond.
Proposal	Details pursuant to the discharge of Condition 11 (Code for Sustainable Homes Final Certification) of Planning Permission P2011/0878 (Approved on the 28th September 2012)	
Location	Land opposite Siloam Chapel, Amman Road, Lower Brynamman, Ammanford SA18 1SW	
Decision	Approval with no Conditions	
Ward	Lower Brynamman	

45	App No. P2015/0013	Type LawfulDev.Cert-Prop.
Proposal	Certificate of Lawfulness (proposed) for a proposed single storey side extension	
Location	34 Morfa Glas, Glynneath, Neath SA11 5RP	
Decision	Issue Lawful Dev.Cert.	
Ward	Glynneath	

46	App No. P2015/0014	Type Discharge of Cond.
Proposal	Details to be agreed in association with condition 2 (external render details) of application P2014/0012 granted on 11/02/14	
Location	8 Forge Road, Port Talbot SA13 1NU	
Decision	Approval with no Conditions	
Ward	Port Talbot	

47	App No. P2015/0018	Type Discharge of Cond.
Proposal	Details to be agreed in association with Condition 7 (glazing details) of P2014/0070 granted on 8/7/14	
Location	Siloh Independent Chapel, Access To Brynberllan Cottages, Cwmgwrach, Neath	
Decision	Approval with no Conditions	
Ward	Blaengwrach	

48	App No. P2015/0021	Type Discharge of Cond.
Proposal	Details pursuant to condition 5 (Lighting) of planning permission P2006/0435 (Approved on the 06/06/06)	
Location	T Lewis Car Sales Amman Garage, Amman Road, Lower Brynamman, Ammanford	
Decision	Approval with no Conditions	
Ward	Lower Brynamman	

49	App No. P2015/0024	Type LawfulDev.Cert-Prop.
Proposal	Certificate of lawful development for single storey side extension (proposed)	
Location	42 Olive Branch Crescent, Briton Ferry, Neath SA11 2UG	
Decision	Issue Lawful Dev.Cert.	
Ward	Briton Ferry West	