

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2023/0101	<u>DATE:</u> 13 August 2024
PROPOSAL:	Erection of a freestanding drive-thru/restaurant, car parking, landscaping and associated works, including Customer Order Displays (COD) and play frame
LOCATION:	Tesco Car Park, Gwyn's Pl, Alltwen, Pontardawe SA8 3AZ
APPLICANT:	McDonald's Restaurants Ltd
TYPE:	Full Plans
WARD:	Alltwen

BACKGROUND

At the meeting of the Planning Committee held on 23 July 2024, consideration of this planning application was deferred for a Members' Site Visit. That Site Visit was undertaken on 5 August 2024. The planning officer presented the plans and explained features on the site as a fact finding exercise for those Members present.

This application is reported to Planning Committee at the request of the local Ward Member. Responses from the local community have been mixed – roughly half and half for/against the proposed development - and high in the number of individual representations received. In these circumstances, the local Ward Member considers the application should be determined by Members of the Planning Committee rather than by Officers' delegated powers. The Ward Member's land-use planning comments are set out below in the relevant section of this report.

Since the last Planning Committee was held on 23 July 2024, the following further information has been received:

- A copy of an online petition signed by 82 people (at time of writing) objecting to the principle of the development due to its impact on local businesses, employment, traffic, pollution and litter.
- A traffic speed survey of cars entering the car park, undertaken by the applicants in order to inform the pedestrian visibility requirements at the crossing point to comply with Active Travel Guidance (pursuant to suggested planning condition number 5).

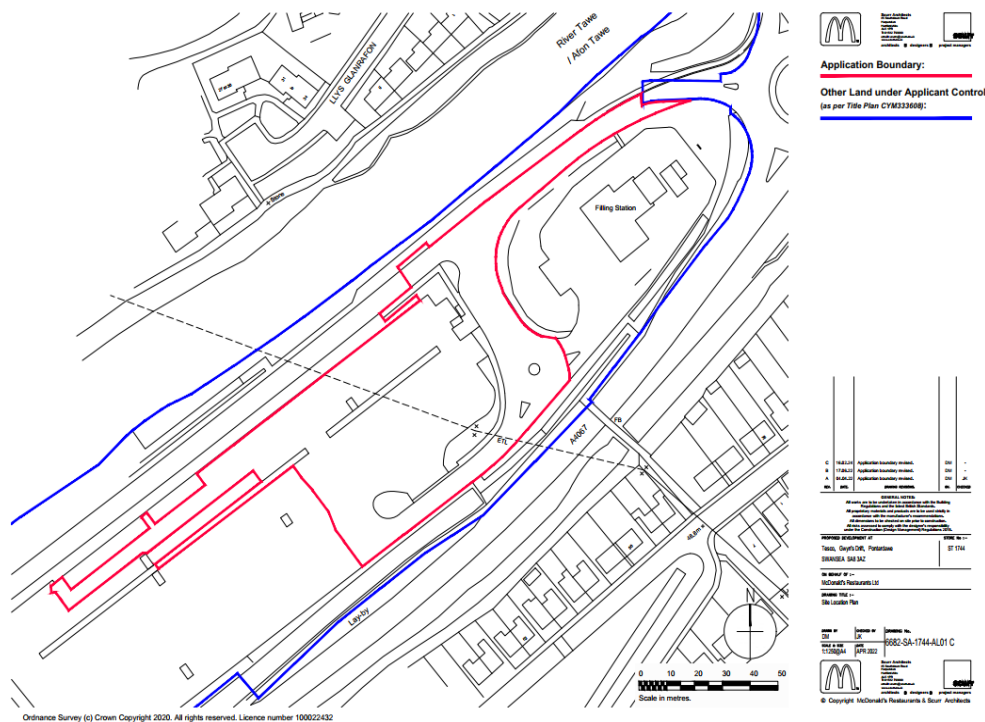
SITE AND CONTEXT

The application site comprises part of the car park serving the existing Tesco Pontardawe store. Access to the application site is obtained via a spur on a roundabout on the main A4067 which also serves the Tesco store with its separate, free-standing petrol filling station. The application site is located at the north-eastern end of the car park, furthest away from the Tesco store and closest to the petrol filling station.

The site is bounded along its southern side by the A4067. There is an elevated pedestrian footbridge over the A4067 which connects the site to the larger residential areas of Alltwen.

The site is bounded along its northern edge by Tesco's delivery/service road and the River Tawe. There is a pedestrian footbridge over the river which connects the site to Cwmtawe Community and relocated Godre'r Graig Primary Schools as well as Cwmtawe Comprehensive School, Pontardawe Leisure Centre, Pontardawe Football Club and Ynysderw Retail Park. Pontardawe Town Centre is directly to the north, approximately half a mile away.

EXISTING SITE LOCATION PLAN:



DESCRIPTION OF DEVELOPMENT

The proposed development comprises of a modern freestanding single storey McDonald's restaurant with drive-thru, car parking, landscaping and associated works, including customer order displays (COD) and a play frame. Provision is made for takeaway customers, both from the counter and from the drive-thru lane. The restaurant has a Gross Internal Area of 350sqm of which 78sqm is for indoor dining. An external play area is located on the external patio area, with facilities for younger customers to climb and explore. The specification of the play structure, which is broadly similar to the one at McDonald's drive-thru on the M4/A465 junction at Skewen, has been included as part of the supporting documentation.

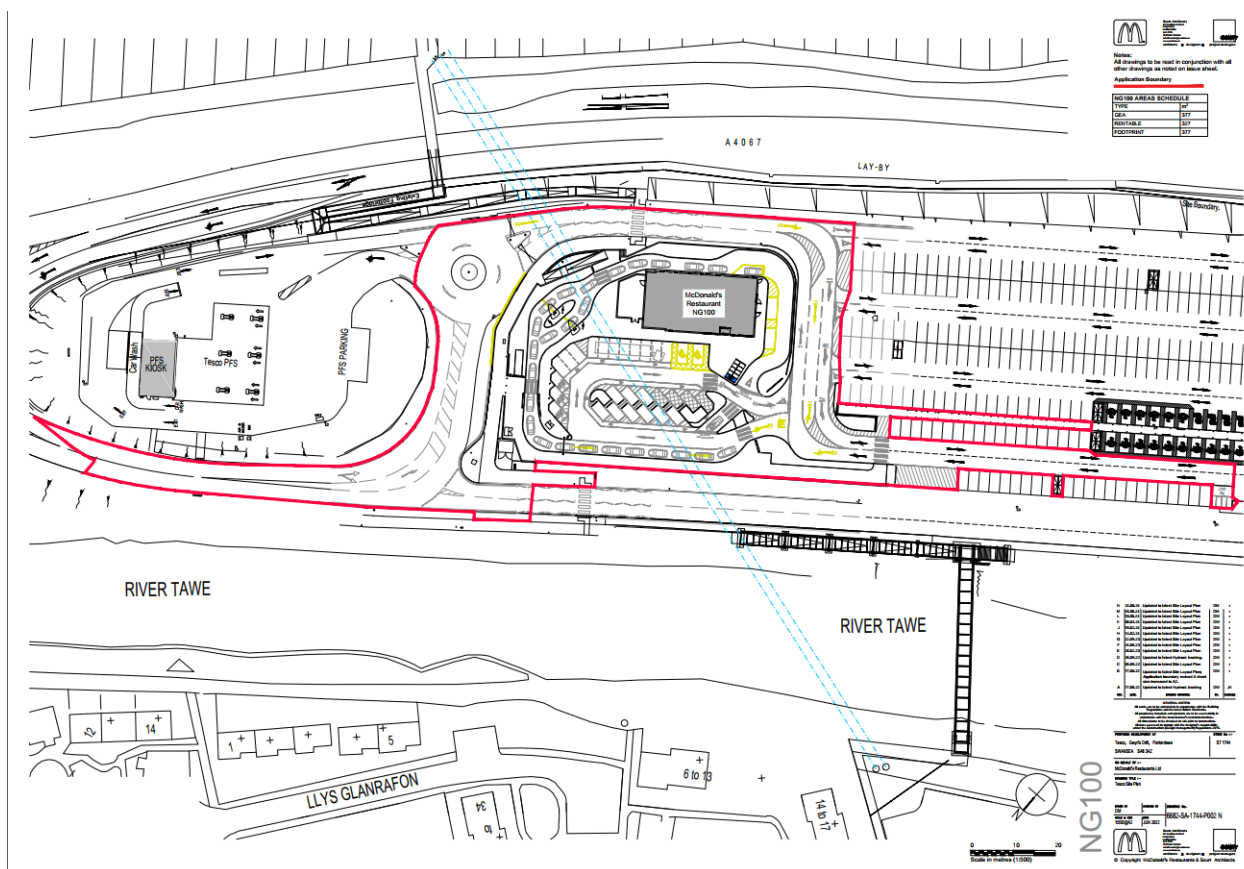
The proposal includes the provision of 31 car parking spaces, including 2 accessible bays, 3 electric vehicle charging bays, and both covered and uncovered cycle stands to provide 13 cycle spaces including an accessible space for adapted bicycles.

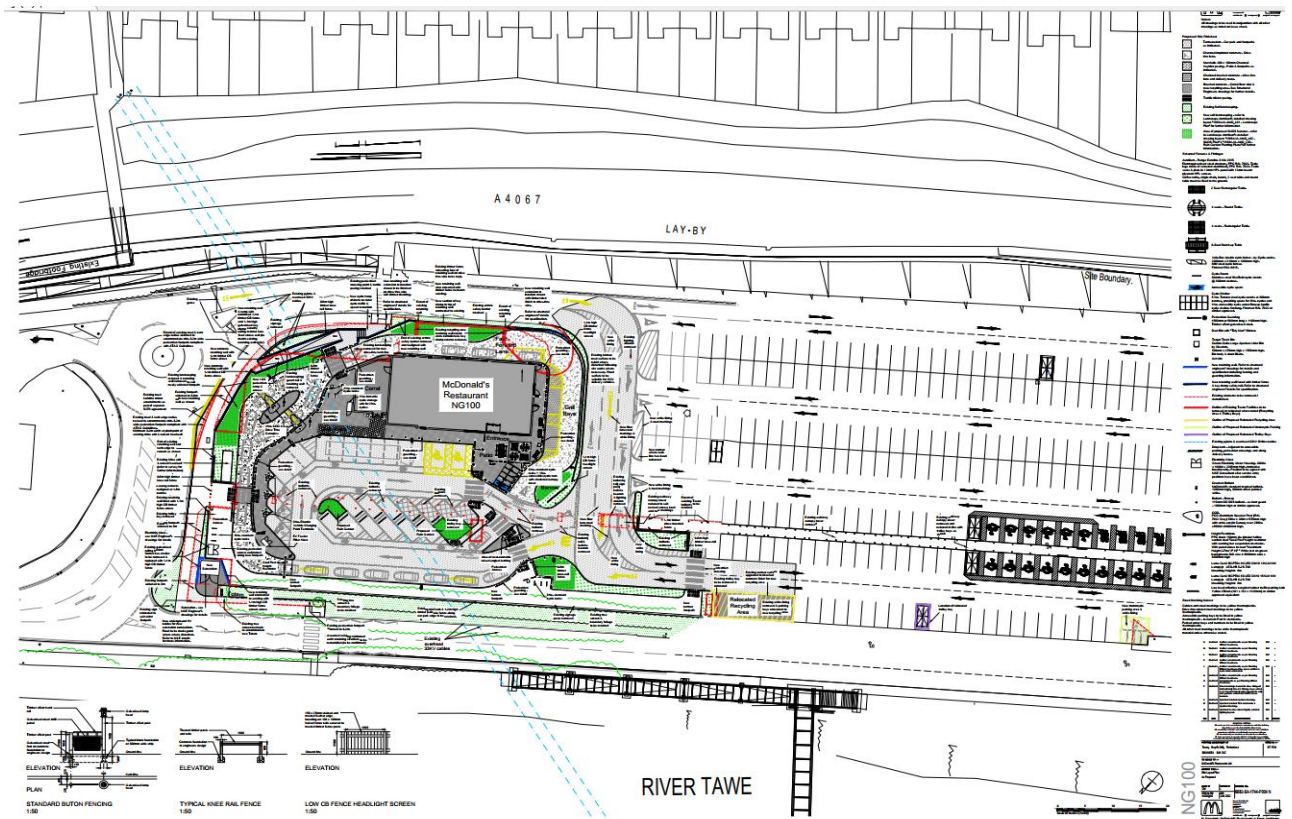
The application is accompanied by a suite of drawings/plans and supporting technical reports, including:

- Planning/Supporting Statement
- Noise Assessment
- Odour Control Assessment
- Flood Consequences Assessment
- Transport Assessment
- Travel Plan
- Landscape Plan
- Biodiversity Enhancement Plan
- Drainage Strategy
- Engineering Strategy
- Phase 1 Ground Conditions Desk Study (including Coal Mining Report)
- Phase 2 Ground Investigation Report
- Construction Environmental Management Plan
- Lighting Design & Schedule
- [Traffic] Model Development & Forecasting Report
- Local [Traffic] Model Validation Report
- Technical Design Transport Note
- Delivery & Servicing Management Plan

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#).

PROPOSED SITE LAYOUT PLANS:





NEGOTIATIONS

Negotiations have been undertaken to improve traffic, highway safety and active travel provision as well as biodiversity enhancement/soft landscaping proposals.

PLANNING HISTORY

The application site has the following relevant planning history:

- P2023/0107 Insertion of new internally illuminated acrylic 'McDonald's' logo panel to existing 7m high Tesco totem petrol sign Approved 24.04.2023

- P2023/0106 Various site signage including 4 no. freestanding internally illuminated digital menu board signs, 2 no. 'McDonald's' banner unit signs, 1 no. internally illuminated 'Play Land' sign and 27 no. individual 'dot' signs to assist with patron circulation, including pedestrian

Approved 24.04.2023

crossing, speed limit and similar directional/warning signs

- P2023/0105 Installation of 6 no. internally illuminated 'M' and 'McDonald's' fascia signs, 3 no. internally illuminated booth lettering signs and 1 no. internally illuminated pay booth screen to new drive-thru restaurant Approved 24.04.2023
- P2023/0104 Proposed 8m tall freestanding composite aluminium totem sign with internally illuminated McDonald's logo panels Withdrawn 24.04.2023
- P2012/0518 Erection of 44 illuminated and non-illuminated signs to store, car park and petrol filling station. Approved 21 June 2012
- P2004/0789 Re-orientation of petrol filling station and omission of Class A3 restaurant (P2003/0825) Approved 20 July 2004
- P2000/1394 A1 retail, A1 food store retail, A3 fast food Restaurant and take-away, petrol filling station and kiosk, public house and garden centre Approved 24 February 2003

CONSULTATIONS

Highways: No objection subject to conditions.

Active Travel: No Objection, however, Visibility at existing crossings due to vegetative growth remains a concern that can be dealt with by condition.

Drainage: No objection. SAB approval is required.

Biodiversity: No objection subject to a condition requiring the ecological enhancement to be delivered as set out in the submitted plans.

Forward Planning/LDP Policy: It is considered that LDP Policy R3 is not applicable in this case as the proposal is not for retail development as such. However, Future Wales Policy 6 is relevant since it specifically refers to *commercial* development as well as retail. Policy 6 states that *significant* new commercial...facilities must be located within town and city centres. The proposed restaurant is considered to be large enough (in the context of Pontardawe and the Swansea Valley) to be considered *significant*. However, the policy goes on to say a sequential approach must be used to inform the identification of the best location for these developments, presumably accepting the possibility of them being acceptable outside town centres.

Although the applicants' planning statement lacks detail about the sequential approach, it seems reasonable to accept that there is no sequentially preferable location for the proposal within the Pontardawe area. Although the Parc Ynysderw retail park is significantly nearer (contrary to what the planning statement says) it probably still would not qualify as edge of centre, and there do not appear to be any suitable sites there for the proposal.

Estates: A third party request has been made to assess Glanrhyd Industrial Estate as an alternative site location. We have put the site forward as an employment site as part of the LDP and it is not without its challenges. It is also further away from Pontardawe Town Centre than the application site.

Land Contamination: No objection.

Environmental Health: I have examined the documents submitted with this application in relation to noise and odour. They seem to be comprehensive and appear to mitigate the potential adverse effects of locating this type of business here. If the specifications of these mitigation measures resolve the potential issues, as stated, I do not see these as grounds for refusal. I recommend that the operating hours are kept in line with the quiet night-time hours of 23.00 to 07.00hrs to prevent any unnecessary disturbance from loitering vehicles, gathering groups, or loud car stereos and engine/exhaust systems, during those hours.

Public Rights of Way: No PRoWs are affected.

Designing Out Crime Officer: Consideration should be given to CCTV, security, signage and lighting.

DCWW: No objection subject to a condition preventing surface water/land drainage connecting to the public sewerage system.

Natural Resources Wales: No objection subject to the imposition of an unexpected contamination condition

The Coal Authority: Part of the site lies within a High Risk Coal Area. Records indicate that three mine entries are recorded within or within influencing distance of the site. No objection subject to imposition of a condition requiring the results of any

intrusive site investigation work to be signed as safe by a suitably competent persons.

REPRESENTATIONS

The local Ward Member and Cilybebyll Community Council were notified on 13 February 2023 (original plans), 26 October 2023 (amended plans) and 10 April 2024 (minor revisions).

Ward Member comments: Whilst the creation of jobs is to be welcomed in the area, I question the appropriateness of the proposed location in terms of health, wellbeing, safeguarding, transport & highways.

Our food environment has developed in a way which prioritises convenience over health, with a focus on easy, quick foods that will often be energy dense and high in fat and/or sugar and are perceived as more affordable. Alongside this we are increasingly less active as a nation due to our daily work and travel patterns. These combine to tip the energy balance towards unhealthy weight, making overweight and obesity the biggest public health challenge that we face. My points of concern are listed below:

- Should planning permission be granted to build a fast food restaurant & take-away at this site, it would appear to be counteractive to the goals of improving children's health, set by the Welsh Government and contrary to the aim of working 'in partnership' with other agencies. A Health Impact Assessment should be completed before decision.
- The proposed site is unable to cope with the projected increased vehicular traffic that would result through building at this site.
- Traffic & air pollution levels should be monitored & available for scrutiny before considering the placement of an outdoor play area before decision.
- Safeguarding and protecting children and adults is a high priority for Neath Port Talbot Council. Issues surrounding contextual safeguarding should be explored through joint collaboration with South Wales Police, with emphasis on their experience at other fast food restaurants within NPT CBC.
- A community impact assessment should be completed, with consideration given to the potential impact on existing local food outlets & disruption to local residents, before decision.

Cilybebyll Community Council comments: Although some Members did not have anything against a McDonalds coming to the area and would welcome the creation of jobs for local people, it was felt by the majority of Members that the site of the proposed McDonalds was not suitable. Reasons being:

- The site would be too close to Cwmtawe Community School and Godre'r Graig Primary temporary accommodation.
- The site would interfere with safe routes to school for children walking from Alltwen, due to it being placed directly on the route at Tesco car park.
- There would be a huge impact on traffic. The roundabout near Tesco is already jammed at various points throughout the day – a McDonalds at the site would only exacerbate this.

- There are already plenty of fast-food options in Pontardawe. Some felt there would be no need for more of these in the town and suggested alternative areas such as Glanrhyd Industrial Estate.
- The fact that children would be passing McDonalds on the way to and from school could have an impact on child obesity. This would be in conflict with Welsh Government advice on this.

Pontardawe Town Council comments: The Special Planning Committee of the Pontardawe Town Council voted against the development due to the following concerns:

- Despite the Pandemic and unlike many Town Centres, Pontardawe is continuing to thrive, due to regeneration projects and continual partnerships between the unitary authority, Town Council, Arts Centre, third sector, Chamber of Commerce, the community and has a resilient high street with mixed use retailers.
- Both the Welsh Government and Neath Port Talbot Council are trying to promote and encourage sustainability within Town Centres. A drive through and out of town restaurant is in direct opposition to this goal. The location at 'Gwyn's drift' will not compliment the local economy as there would be a potential loss of footfall and possibly jobs in the Town Centre due to impact of the restaurant, which would be close, but not within the Town Centre, where there are already a number of food vendors. We believe that Tesco Pontardawe was denied Planning for the creation of a Café in Gwyn's drift during previous applications due to the impact on the Town Centre economy.
- Drive-through restaurants are part of a culture we are trying to move away from. Urban development that prioritises cars is inconsistent with both the Welsh and UK government goals to improve wellbeing, food systems and public health. We should Instead, look at wider pavements, segregated bicycle paths and widespread public transport – where we can reduce our reliance on cars and fast food –this represents the healthy urban future that experts suggest we should try to create.
- In a previous Wales Obesity consultation, a ban on the sale of energy drinks to under 16s and clamping down on the availability of hot food takeaways near schools have been proposed as solutions to rising obesity in Wales. In 2013, the then Chief Medical officer for Wales said that banning applications for fast food outlets near schools should be considered to tackle increasing childhood obesity.
- No Health Impact assessment has been carried out to determine the effect of a fast food restaurant and drive through on the young people of Pontardawe. Also, a restaurant purporting to support walking and cycling via Active travel should not include a drive through.
- The outlet is scheduled for 24/7 opening which will create late night noise and light pollution for residences in Alltwen and lower Pontardawe. A 24/7 restaurant and drive through will create a hub for anti-social behaviour and

vehicular crime, which the local neighbourhood Police service are ill-equipped to handle

- As the restaurant site is also adjacent to the Tawe and there is a strong likelihood of plastic and other litter finding its way into the river which will damage local wildlife and the local ecosystem. Fast food outlets also encourage seagulls and rats due to excessive litter issues.

As the proposed development falls within Cilybebyll and not Pontardawe:

- Cilybebyll/ Alltwen is defined as a small local centre and not a Town. Developments should therefore comply with those suitable for a small local centre.
- Of note in the LDP (amongst other points) is point 3.0.14, which states: *'Within settlement limits, most types of development will be acceptable in principle subject to compliance with all relevant policy and subject to it being proportionate in scale and form to the role and function of the settlement. For example, larger scale proposals, such as developments of more than a few dwellings or uses that will attract or accommodate significant numbers of people are only likely to be acceptable in larger centres or towns where there are adequate facilities and transport infrastructure.'*
- The proposed development is also within 400m of more than one school and on the designated safe school walking route from Alltwen. If the new English medium school is agreed this will increase the number of schools within unacceptably close proximity to the restaurant. Throughout the UK over the past decade, multiple planning applications for McDonalds restaurants have been declined by councils. Importantly and repeatedly, planning permission was often declined due to public health concerns where sites were to be located near to schools and colleges.
- The proposed development will reduce the number of parking spaces in the Tesco Car Park substantially
- There is already significant congestion in that area which is likely to increase at the site. This will impact on the traffic flow on the A4067 not only into Pontardawe, but on the main trunk road to Ystalyfera and beyond
- The additional congestion on the A4067 could have a knock-on effect in Trebanos as motorists try to find alternative routes
- Pontardawe Place/Community plan wishes to encourage visitors to Pontardawe from outside the area by publicising its 'Market Town' feel (Small independent shops, village festivals, History and Heritage etc.) a drive-through in this location is too close to the Town Centre and will create a very unattractive entrance to the Town

- For those who wish to visit a drive through McDonalds restaurant, there is already a McDonalds drive through restaurant approximately 6 miles from the proposed site in Morriston
- The counter argument that there would be jobs created does not outweigh the negatives as the jobs are low calibre with only 30 full time positions, and the balance as part time. Even if those part time jobs would provide employment for young people, this would likely be negated by job losses in other establishments within the Town Centre and surrounding area due to additional competition and loss of footfall - There has been no impact assessment carried out to determine the effect on local businesses

Neighbouring properties were consulted on 14 February 2023 (original plans) and 27 October 2023 (amended plans).

A site notice was also displayed on 14 February 2023 (original plans) and 27 October 2023 (amended plans).

In response, to date **149 no. representations** have been received (77 objecting, 72 supporting), with the issues raised summarised as follows: -

OBJECT

- Detrimental effect on existing town centre businesses
- Many years ago when the planning permission was submitted for the Tesco store, the store was not granted a cafe area for customers, to stop potential customers being taken away from local independent businesses
- There is already an excessive number of eat-in and take-away restaurants in Pontardawe, including multiple chip shops, Chinese restaurants, Indian Restaurants, Kebab houses etc. we don't need any more fast food
- Evidence that out of town centres have already destroyed city/town centres such as Swansea and Neath can be seen in the number of empty shops
- The close proximity of Cwmtawe Comprehensive School will only serve to take advantage of these young impressionable people by enticing them to McDonald's on their way to/from school. McDonald's food has little nutritional value and is packed with fat and additives which will only worsen childhood obesity in our community
- Should be rejected on the grounds of health and well-being of the population and in particular the children of NPT
- The increase in traffic would cause congestion, particularly at school times
- The location is already a very busy supermarket next to the A4067 bypass which carries a significant volume of traffic at all hours of the day. There are frequently tailbacks along the bypass queuing into and out of Tesco .The current roundabout would struggle to cope with anymore volume
- The pedestrian route from Tesco does not follow the obvious desire-line directly to the store
- Pedestrians approaching the zebra crossing from the proposed McDonalds site are currently obscured by the Vehicle Restraint system (VRS) that is in place so that vehicles leaving the car park are unable to see them. With an increase in pedestrians the likelihood of a collision on the crossing will increase.

- It should also be noted that the crossing is poorly maintained and the belisha beacons do not work.
- Near misses are not reflected in accident data but from my experience a person has to be very careful using this crossing as vehicles frequently fail to stop. The applicant may state that there are no recorded accidents at this crossing and no action is required to improve the visibility. However, with the opening of a McDonalds restaurant it should be expected that there will be a significant increase in users of the crossing the likelihood of an accident will increase unless improvements to the visibility of the crossing are made.
- The application will reduce the number of supermarket car parking places
- Despair at the amount of McDonalds litter and the nearest store is 6 miles away, a local store will make litter worse and be detrimental to the environment
- My Green Valley - an environmental and litter picking organisation in the Swansea Valley - has 220 volunteers who already clean up McDonalds litter from popular spots such as Gellionnen mountain, River Tawe and the Swansea Canal, so it doesn't take much imagination to envisage how this problem will increase and expand. McDonalds employ a litter picker to clean a radius of 150 metres around the branch - very generally speaking, this would just about cover the Tesco car park. If you are taking your food to-go, you're not even likely to open it within that radius, let alone dispose of the packaging within that radius.
- It will bring an increase in antisocial behaviour, it will become a hangout place for rowdy groups, which will cause noise pollution and aggravation in a residential area
- Increase air pollution with a drive through option as it encourages cars to sit idling rather than people parking their vehicles and going into a store
- The air pollution/smell that will be produced by the fryers (despite any filters that are used, the smell still escapes). Those individuals living on nearby Lon Tan Yr Allt already deal with the pollution and smell from the proximity of traffic on the A4067 passing by their homes. The odour and aroma of grease will be an additional burden to bear
- Cause extra light pollution which has a negative impact on wildlife and people living in the vicinity
- This proposal will increase pollution in the river Tawe, posing a detrimental risk to the river and all the species who exist within its waters, some of which are protected and classed as 'at risk'
- Drainage concerns, this area is notorious for poor sewage system as it is already over populated
- Better to use the undeveloped Glanrhyd site up the road to install it there where it will cause little disruption and might draw further developments

SUPPORT

- Fantastic idea, it will give an opportunity for jobs for younger people and those who can't drive
- It will reduce the need of local residents to travel by car to the nearest alternative which is approx. 10 mile round trip repeated many times is a lot of unnecessary mileage when it is the council's policy to reduce car use

- It will encourage more business to the area in the form of delivery company's which will further reduce the use of private cars locally
- I have 3 kids and don't drive, to treat them to a McDonalds, I've got to catch 2 buses just to get to one, so having one nearby would be amazing
- The play area proposed will help many families as there is no soft play area in the village or neighbouring villages and towns
- It will attract visitors from the upper Swansea valley who then in turn will visit our local shops
- I heard complaints regarding litter but I put this onus back on individuals - they should use the bins provided
- If planning permission is approved, the council should impose a condition that some energy reduction measures are installed
- McDonalds is known to help communities and sponsor local sport teams and this could be a great help to our local football and rugby clubs

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

National Planning Policies

Future Wales: The National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

Future Wales sets out where Welsh Government wants the nation to be in 20 years' time by identifying 11 Outcomes which it says can be achieved if the planning system is focused on the long-term and provides quality development in the right places for the right reasons. The 11 Outcomes are inter-related and inter-dependent, and will improve places and well-being across Wales. The 11 Outcomes are: 'A Wales where people live.....'

1and work in connected, inclusive and healthy places;

- 2in vibrant rural places with access to homes, jobs and services;
- 3in distinctive regions that tackle health and socio-economic inequality through sustainable growth;
- 4in places with a thriving Welsh Language;
- 5and work in towns and cities which are a focus and springboard for sustainable growth;
- 6in places where prosperity, innovation and culture are promoted;
- 7in places where travel is sustainable;
- 8 In places with world-class digital infrastructure;
- 9 In places that sustainably manage their natural resources and reduce pollution;
- 10 ...in places with biodiverse, resilient and connected ecosystems; and
- 11 ...in places which are decarbonised and climate-resilient.'

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 6 – Town Centre First

Policy 8 - Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

Policy 13 - Supporting Digital Communications

[Planning Policy Wales \(Edition 12, February 2024\)](#)

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places

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

The following is of particular relevance in the assessment of this planning application:

4.3.18 The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first

preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.

4.3.19 If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

4.3.20 Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.

4.3.21 The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as laundrettes and theatres.

4.3.26 All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment.

4.3.27 For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.

PPW 12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 4: Retail and Commercial Development
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 11: Noise
- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk
- Technical Advice Note 18: Transport
- Technical Advice Note 20: Planning and the Welsh Language
- Technical Advice Note 21: Waste
- Technical Advice Note 23: Economic Development

The Placemaking Charter, of which Neath Port Talbot Council are a signatory sets out the following principles:

People and community

The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public realm

Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

The proposed development will need to address all of the above placemaking principles and the objectives for good design. How your proposals address all of these principles will be required as part of any Planning statement/ design and access statement submitted with your application. Your application will be assessed against these principles as they are key to ensuring that development positively contributes towards building sustainable places that support active and healthy lives.

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP10** Open Space
- **Policy SP11** Employment Growth
- **Policy SP12** Retail
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage
- **Policy SP22** Welsh Language

Topic Based Policies:

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy OS1** Open Space Provision
- **Policy EC4** Protection of Existing Employment Uses
- **Policy EC5** Employment Uses in the Valleys
- **Policy R3** Out of Centre Retail Proposals
- **Policy TO4** Walking and Cycling Routes
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy WL1** Development in Language Sensitive Areas

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace \(July 2017\)](#)
- [Renewable and Low Carbon Energy \(July 2017\)](#)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Biodiversity and Geodiversity \(May 2018\)](#)

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

The proposed development is not located within a zone of influence for any Special Area of Conservation (SAC), Candidate Special Area of Conservation (CSAC) or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 is not required.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the amenity of the area, environmental risk factors, the impact on highway and pedestrian safety, biodiversity, economic development, Welsh Language and any other material considerations that have been identified through the statutory publicity/consultation exercise.

Principle of Development

Settlement Limit

Strategic LDP Policy SP3 states that *'The delivery of sustainable healthy and cohesive communities and the conservation of the countryside will be promoted'*.

The identification of a settlement hierarchy is used to provide a balanced approach to managing growth, directing development to areas reflecting the attributes contained within that community and their ability to accommodate growth. As well as assessing the role and function of each settlement, the LDP has assessed the capacity of land within those settlements to accommodate development. The settlement limits identified in the Local Plan provide clarity of where development should be directed, with LDP Policy SC1 stating that *'Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.'*

The application site is located within Alltwen/Pontardawe settlement limits and sustainable new development is therefore acceptable in principle, subject to other development plan policies and detailed development management considerations.

Town Centre First and Sequential Approach

Since the current LDP was adopted in 2016, Welsh Government has published Future Wales: The National Plan 20240 and PPW12, both of which clearly set out the Welsh Government's commitment to a 'town centre first' principle with regard to locating new retail and leisure developments. National planning policy clearly states that significant uses affected by FW Policy 6, should apply the sequential test to demonstrate that the proposal cannot be accommodated in a town or city centre or a retail/commercial centre identified by the LPA. According to Welsh Government's FAQs (which has been produced to assist interpretation of Future Wales) there is no definition of 'significant' in Future Wales and it is for the Local Planning Authority to determine this, based on their knowledge of their local area.

Being a development of over 350m² gross floorspace, it is considered that the application proposals for a new restaurant/take-away are significant within the context of the local area, with LDP Policy R3 only accepting out of centre proposals of 200m² or less within the Valleys Strategy Area where a more flexible approach to out of centre proposals is taken.

However, PPW 12 goes on to explain that whilst it is a first preference to locate new development within an existing retail and commercial centre [in accordance with FW Policy 6], that is not to say that edge of centre or out of centre locations cannot be brought forward. Developers are required to demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using a sequential approach with the added stipulation that any edge-of-centre or out-of-centre sites must be:

- accessible by a choice of public and private modes of travel; and
- not be of a scale, type or location that is likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community.

To this end, the application is accompanied by a Planning/Supporting Statement that sets out the developer's rationale for selecting the application site, which, for the purpose of application of the sequential approach, is defined as being an out of centre location. The application site is 0.3ha in size which includes the drive-thru as well as the restaurant/store itself. The developers have assessed the potential for a 0.3ha site within Pontardawe Town Centre and found no sites large enough. They have also assessed the potential for a 0.3ha site on an edge of Town Centre and found that the only available edge of centre sites of this size are already allocated for other uses within the adopted LDP. There are other out of centre sites available that could accommodate a development of this size, however the whole premise of the sequential approach is to direct development into or close to existing centres and accordingly it makes little sense to 'rank' out of centre locations in terms of their effect on the vitality and viability of existing centres. Provided they are accessible by a choice of modes of travel and not of a scale, type or location that would undermine those centres, each out of centre location is afforded similar weight in the sequential approach.

It is important to consider relevant case law relating to the sequential approach. In 2006, the courts held that it is not for the applicant to reduce or segregate their proposal so that it could be made to fit elsewhere stating: *'The question is whether the alternative town centre site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit into the alternative site'* [Lidl UK GmbH v Scottish Ministers (2006)]

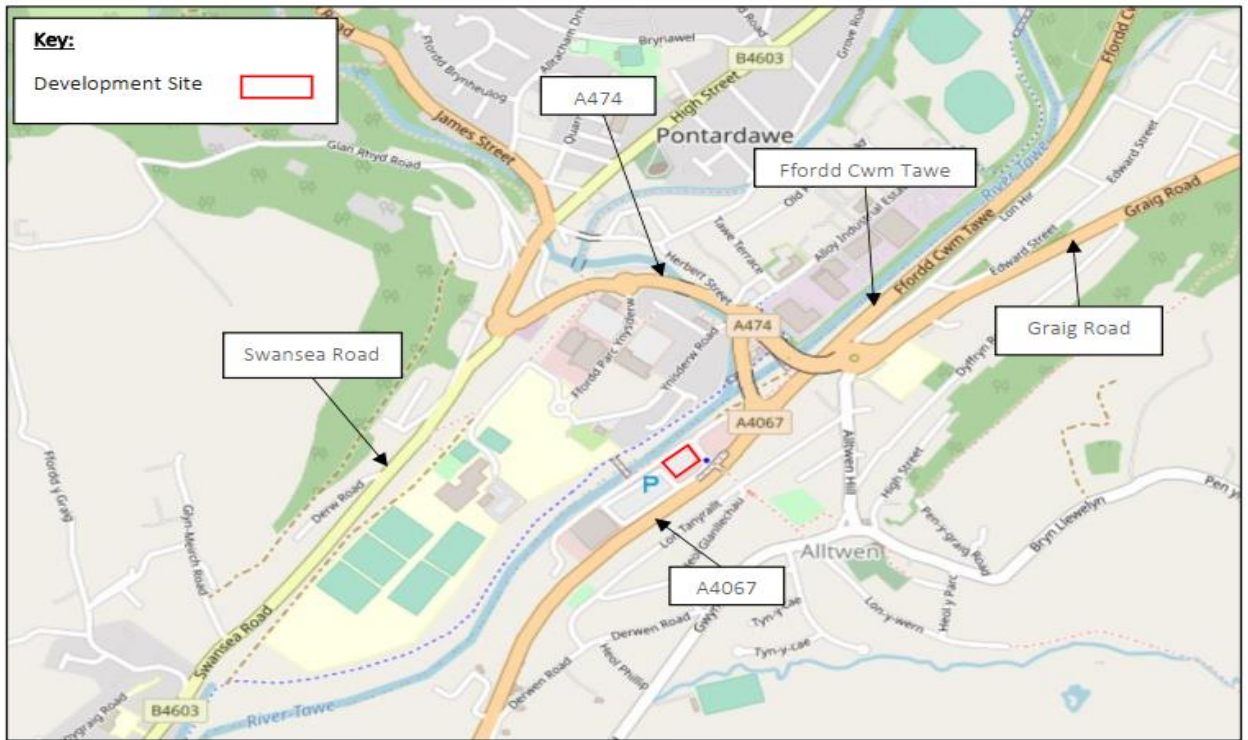
It is therefore not for the applicant to adapt their proposal to fit a site, rather to consider other sites that are of a suitable size that accommodates the proposal. In 2012, the courts confirmed that directing applicants to smaller town centre sites is inappropriate, with the suitability being directed at the developers proposal, not some alternative scheme: *'To refuse an out-of-centre planning consent on the grounds that an admittedly smaller site is available within the town may be to take an entirely inappropriate business decision on behalf of the developer'* [Tesco Stores Ltd v Dundee City Council (2012)]

Subsequent appeals have referenced the Dundee case, confirming that it is for the proposed development as a whole to be considered (not an alternative form of that development), when looking at alternative sequential locations. In light of this, the proposal needs to be considered in context as a whole and cannot be segregated into smaller components even if, for example, a premise of 350m² was available within or at the edge of Pontardawe Town Centre to accommodate a restaurant/take-away element. The proposal is for a drive-thru restaurant and the elements of eating in or driving thru cannot be segregated for the purposes of the sequential approach as to do so would constitute '*an inappropriate business decision on behalf of the developer*' as per the Dundee case above.

Retail/Economic Impact Assessment

A number of third party comments have objected to the application on the basis it would undermine existing restaurant and take-away businesses that are located within Pontardawe Town Centre by taking custom away and thereby undermining the vitality and viability of the Town Centre itself. PPW12 only requires a retail impact assessment for developments in excess of 2500m² and advises that, for smaller site allocations, planning authorities will need to determine whether an assessment is necessary. Given that the drive-thru is an integral component of the development and there are no other sequentially preferable sites within the town centre that are large enough to accommodate the development, it is not considered that a retail impact assessment is necessary or justified, particularly given that the application has made positive improvements to facilitate access by pedestrians and cyclists, with the application site being well served by existing pedestrian infrastructure connecting the site to the town centre and wider surroundings. Given its location between the existing Tesco store and petrol filling station, it is considered that the development has a high probability of attracting linked trips rather than being solely a new destination in its own right, and with good pedestrian/cycle path links is likely to be frequented by users already using those routes/connections, including to/from the town centre itself. Being circa. 350m² in size it is not considered that the development is of a scale or type that would undermine the vibrancy and attractiveness of Pontardawe Town Centre and the existing and proposed pedestrian connectivity in this location facilitates linked trips between them. Noting the responses provided, there is potential for this to retain spend within the local area, as presently there is no similar use within walking/ cycling distance.

SITE LOCATION RELATIVE TO PONTARDAWE TOWN CENTRE:



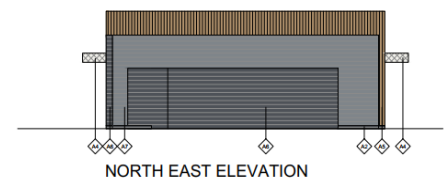
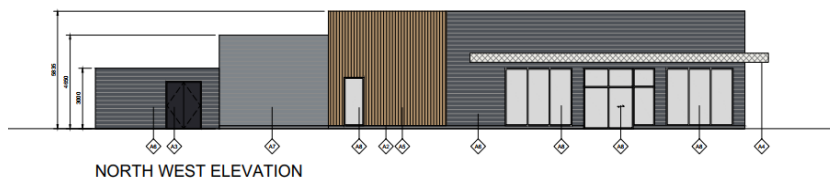
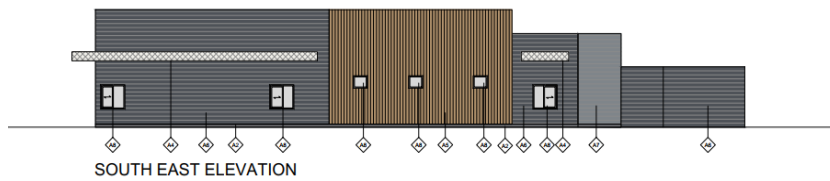
Impact on the Amenity of the Area

Visual Amenity

The application site forms part of a quasi-retail park with modern, functional buildings designed for retail use. The proposed development is of modular construction, modern and mass-produced in its design and typical of other drive-thru developments. It does not, therefore, create an independent or distinct sense of 'place', however it is considered to be entirely appropriate for the existing site context. The application is accompanied by a detailed lighting plan and strategy and the development will be viewed within the context of an existing supermarket and 24 hour petrol filling station which, with its existing illumination and paraphernalia, is considered to be able to accommodate the proposals without detriment to the visual amenity of the wider area. The application is therefore considered to be in compliance with LDP Policy BE1 in this regard.

PROPOSED ELEVATION PLANS:





Noise/Odour

The application is accompanied by a detailed Noise Assessment and Odour Assessment. The Council's Environmental Health Officer has reviewed both reports and advised that they are comprehensive and will mitigate the potential adverse effects of locating this type of business in this location. The Environmental Health Officer advises that, based on the specification provided in the technical reports, there are no grounds for refusal of the application with regard to noise or odour. However the EHO also recommends that that the operating hours are kept in line with the quiet night-time hours of 23.00 to 07.00hrs to prevent any unnecessary disturbance from loitering vehicles, gathering groups, or loud car stereos and engine/exhaust systems, during those hours. To prevent people congregating in/outside the commercial unit itself, it is recommended that the restaurant be closed 23.00-07.00 hours however given that the neighbouring petrol filling station operates 24 hours a day (and the Tesco store itself has no opening hour restrictions) it is not considered reasonable or necessary to prevent access to the drive-thru element during these hours. This can be secured by a suitably worded planning condition.

Subject to this requirement, the development is considered to be in accordance with LDP Policy EN8 and Pollution SPG.

Litter

The courts have held that the dropping of litter may be a material consideration in determining a planning application, even though there is other legislation available to control the problem. In practice, litter is rarely the only objection considered in relation to take-away proposals and in practice appeal inspectors will routinely take the question on board in their overall reasoning. It is often concluded on the facts of the case that there would be no significant litter problem as a result of the proposed use, or that any adverse amenity effect can be mitigated by a condition requiring the provision of litter bins and/or an agreement relating to regular external litter collection by an appellant company. The submitted application proposes both of these

solutions and therefore subject to conditions to control litter in this way, it is not considered that the development would adversely impact upon the amenity of the area in this regard.

McDonalds is beginning to take steps to label its purchases so that the source of any discarded materials can be identified. Ultimately there are other, separate powers under the Environmental Protection Act to manage littering.

Environmental Risk Factors

Flood Risk

The proposal is for less vulnerable development (a form of retail). NRW's Flood Risk Map confirms the majority of the site to be within Zone A of the Development Advice Map (DAM) with a section of the existing supermarket access road within Zone C2. The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls entirely into Flood Zone 2 Rivers. The submitted FCA demonstrates that the development remains flood free in the 1% Annual Exceedance Probability (AEP), 1% plus climate change (cc) AEP and the 0.1% AEP event. The proposed development is outside of the floodplain and as such it is not considered to increase flood risk elsewhere. The risk of flooding to the existing access road is not made any worse as a consequence of the proposed development and accordingly there is no conflict with TAN 15 in this regard. NRW raise no objection to the application on flood-risk grounds.

Drainage

DCWW confirm that the public sewerage system is capable of accommodating the foul discharge flows from the development. The combined system is not capable of accommodating additional surface water discharge, however the proposed layout makes provision for disposal of this via a Sustainable Drainage ('SuDs') system which will require separate approval from the SAB authority. Subject to a condition to maintain the integrity of the combined public system, there is no objection to the proposal on drainage grounds.

Contaminated Land/Past Coal Mining

The planning application is accompanied by a Phase 1 Ground Conditions Desk Study Report which identifies key geo-environmental and geotechnical risk to the proposed development, including former industrial and coal mining activities and historical, geological and coal mining information from previous technical reports prepared for the development of the existing Tesco Store. The main risk to the proposed development is from three recorded coal mine entries (adits) and consideration as to whether these have been treated during the construction of the A4067, Tesco Superstore and car park. The planning application is also accompanied by a Phase 2 Ground Investigation Report however no intrusive investigation works for the mine adits have been undertaken. It is noted that the proposed site layout identifies a 3m stand off from the approximate line of the mine adit, of which the applicant has considered as part of the layout of this development. Further intrusive site investigations will need to be designed and undertaken by a

competent person to ensure that these are appropriate to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. Permission for this is required from the Coal Authority Permit and Licensing Team. Subject to a condition requiring sign-off from a competent persons, no objection to the application is raised on the grounds of contamination, mining or other underground risk and the development is considered to be in accordance with LDP Policy EN8 and Pollution SPG in this regard.

Impact on Highway and Pedestrian Safety

Traffic/Congestion

A significant number of third party objections have been received to the application on traffic/congestion grounds and the original submission contained insufficient evidence for the Council's Highways Officer to conclude that there would not be an adverse impact on the surrounding highway network, particularly the roundabout on the A4067/A474 junction.

The existing highway network around the application site was originally designed to cater for the traffic associated with the Tesco supermarket with a full car park. The existing Tesco car park (410 spaces) has historically been underused and is never occupied to its full capacity. This means that there is some spare highways capacity to accommodate the new restaurant development. In addition, a significant proportion of vehicular visits to the restaurant would be linked to existing trips (e.g. picking up some food on the way back from an existing shopping trip or need to refuel) and so would already be utilising the highway network and not be additional trips on the network.

Traditional highways modelling is based on mathematical relationships between highway geometry, traffic flow, and capacity derived from large scale surveys of existing junctions. They are not designed to replicate closely spaced junctions and more complex layouts. As a result, more detailed modelling was requested which represents individual vehicles and the behaviour of their drivers. The model also includes a certain element of random variation to represent daily fluctuations in traffic movements and are run repeatedly to obtain statistically valid results in terms of journey times and queue lengths.

The modelling that has been undertaken covers the whole area from the roundabout outside the Tesco car park, the A4067 roundabout and A474 roundabout. Modelling was carried out for the morning and evening peaks, as well as a Saturday lunch time peak.

Journey Times

Average journey times were gathered for a total of 20 routes through the model area. They were compared with and without the McDonalds visitors. The following increases were observed:

AM Peak: 0 to 13 seconds depending on route, with an average increase of 5 seconds.

PM Peak: 0 to 4 seconds across all routes, with an average increase of 1 seconds

Saturday Midday Peak: 0 to 9 seconds across all routes, with an average increase of 3 seconds.

The highest increase in journey time was observed to occur in the morning peak, travelling from the A4067 (S) to A474 (W) (i.e. through both main roundabouts). This saw an increase from 1 minute 44 seconds to 1 minute 57 seconds - a 13 second increase. These increases in journey times are considered to be minor and unlikely to be noticed by most road users.

Queue Lengths

Average maximum queue lengths (in metres) were recorded for the all junction approaches. As above, they were compared with and without the McDonalds visitors. The following increases were observed:

AM Peak: 0 to 9 metres depending on approach, with an average increase of 1.9 metres

AM Peak: 0 to 3 metres depending on approach, with an average increase of 0.8 metres

AM Peak: 0 to 3 metres depending on approach, with an average increase of 0.9 metres

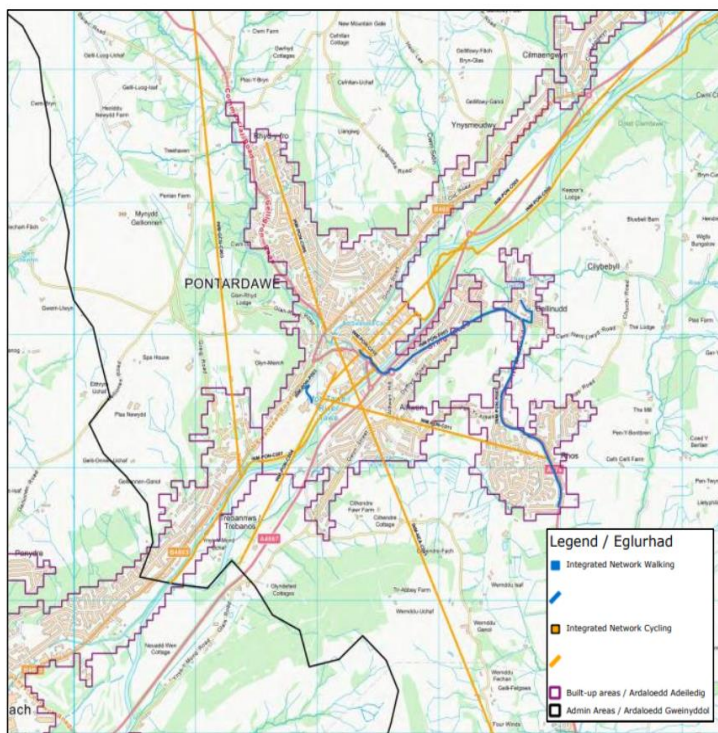
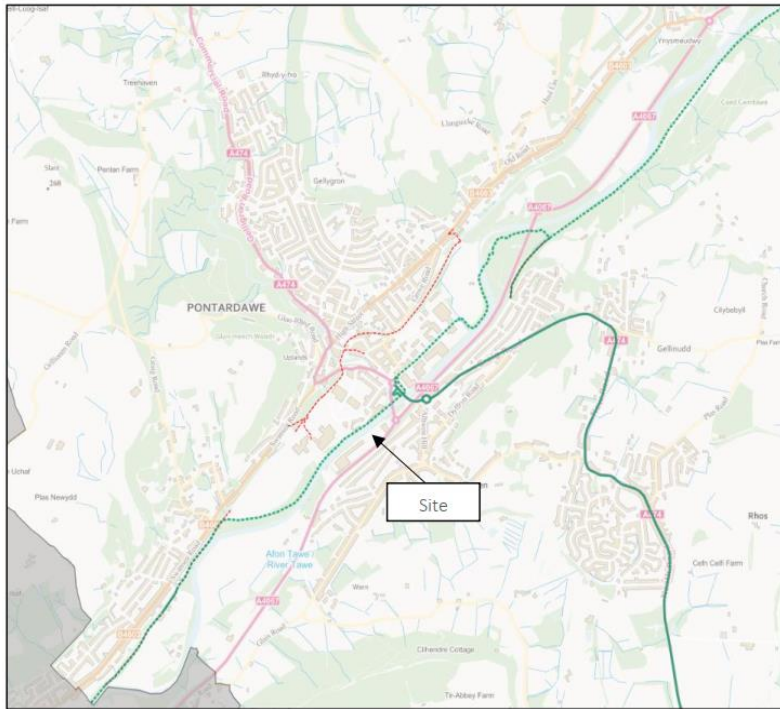
These average increases are all less than one car in length, and considered unlikely to be noticeable to most road users. The largest increase in queue length observed was on the A4067 south (9 metres), which is equivalent to less than 2 car lengths. Again, this is considered to be minor and unlikely to be noticed by most road users.

In summary, the additional modelling work identified that the impact of the development would be minimal and that there would be no significant adverse effects on the operation of the local highway network. The Councils' Highways Officer has retracted their recommendation for refusal and raise no objection to the application, subject to a number of conditions.

Parking and Active Travel

The proposed site layout has been updated and amended following extensive discussions with NPT officers in order to ensure that it complies with parking standards and Active Travel Guidance in terms of accessibility and provision for active travel, both pedestrian and cyclist. This includes a full review of path widths, crossing provision, cycle storage and accessible parking layout, electric vehicle charging space, ramp widths and gradients. The revised layout is considered to meet the appropriate guidance and is now considered to be acceptable, subject to a condition to control the vegetative growth that is impeding visibility at the existing pedestrian crossing point.

SITE LOCATION RELATIVE TO ACTIVE TRAVEL INTEGRATED NETWORK MAP:



Deliveries

All refuse collection and most deliveries will take place from within the restaurant car park, with spaces cordoned off as required for the vehicle (up to a 10m rigid). Larger vehicles may be required on a less-frequent basis (including articulated lorries) which would deliver mainly when the store is closed to customers. When these visit, they can use the redundant bus layby directly outside the site. This is set out in the submitted Service Management Plan and will require an amended Traffic Regulation Order ('TRO'). The Council's Highways Officer raises no objection to this proposed arrangement.

Accordingly the development is considered to have an acceptable impact on highway and pedestrian safety and complies with LDP Policy TR2 in this regard.

Biodiversity / Ecology

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

Planning Policy Wales (PPW) 12 sets out that the quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

The site is considered to have limited ecological benefit, given it forms an existing car park. A detailed ecological enhancement plan has been provided which aligns with the proposed landscape plan, which shows significant enhancement to on-site biodiversity. A separate Green Infrastructure Plan has not been requested, given that the application was submitted some 12 months prior to the introduction of the new policy and has already demonstrated biodiversity net gain, with the proposals providing for new soft landscaping features, including a rain garden and wildflower planting. The proposal is considered to accord with the requirements of Future Wales Policy 9 in this regard. The Council's Ecologist raises no objection to the application/proposals subject to delivery of the ecological enhancement measures as stipulated.

Economic Development/Welsh Language

According to information submitted with the application's supporting statement, McDonald's contributed £5.95 million to the economy in Neath Port Talbot. Of this total, 85% is associated with the value of the meals sold in restaurants and the remaining 15% is the value of expenditure with suppliers and driven by the multiplier effect of employees in their company-owned and franchised restaurants, and employees supported by the supply chain, spending their wages in the local economy. Since 2017, McDonald's has supported 440 jobs across Neath Port Talbot; 379 in their restaurants and 61 in the supply chain and in the wider economy.

The proposed restaurant is expected to employ more than 120 full and part time staff, which McDonald's seeks to recruit from the local area. A significant number of third party representations received are in support of the application for this reason.

From a land-use planning perspective, TAN 23 states (in its opening statement at para.1.1.1) that *'in determining planning applications, local planning authorities need to bear in mind that traditional business use classes B1-B8, only account for part of the activity in the economy. It is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations'*. It goes on to state (at para.2.1.2) that *'where economic development would cause environmental or social harm which cannot be fully mitigated, careful consideration*

of the economic benefits will be necessary. There will of course be occasions when social and environmental considerations will outweigh economic benefit. The decision in each case will depend on the specific circumstances and the planning authority's priorities.'

This implies that economic benefit alone should not be a determining factor in land-use planning decisions and it is essential that the local planning authority carefully considers the social and environmental considerations of the development (as outline in preceding paragraphs of this report) as well as any economic benefit.

The proposed McDonalds development benefits from advertisement consent for new bi-lingual signage on/around the restaurant and drive-thru. It is further considered that the proposed development offers the opportunity for retention and enhancement of local employment opportunities, which in turn will help retain local Welsh speakers in the area, thereby supporting and sustaining the economic and social viability of local facilities and services, including Welsh language and culture. It is therefore considered that the proposed development will not adversely impact upon the linguistic character of the Pontardawe community.

Other Material Considerations

Responses to matters raised in representations not covered in the report on the main issues.

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

Proximity to Schools

- A number of other Local Planning Authorities have planning policies in their development plan which seek to prevent the introduction of fast-food outlets within 400m of any school or college. The reason(s) include not wanting to encourage children to easily frequent such establishments and/or as part of a wider anti-obesity strategy. These planning policies have had varying degrees of success at appeal, being considered on an individual case-by-case basis and depending upon the evidence presented. Neath Port Talbot CBC does not have such a development plan policy and therefore it would not be in accordance with the LDP to refuse the application on this basis.

Anti-social Behaviour

- A concern has been raised relating to antisocial behaviour associated with youths congregating using the new McDonalds store as a meeting point and catalyst for antisocial behaviour, particularly late at night. It is clear from a review of planning appeal decisions that over the years that there has been disparity of approach to the materiality of this form of consideration. Some planning inspectors define land use planning considerations very tightly and refuse to be drawn into any extended hypothesising about whether others would break the law should a use be permitted. Others afford the fear of anti-social behaviour/criminality as a legitimate material consideration when assessing land-use planning applications for new establishments, including take-away food premises. However, as described above, this can be mitigated by limiting restaurant trading hours for customers to between 07:00 and 23:00

daily, as well as more pro-active measures as set out in the proposed business' site management and delivery plan, including use of CCTV and appropriate training for managers.

Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that "Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable".

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, no planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenity of the area, highway and pedestrian safety and biodiversity considerations. Accordingly, the proposed development is in accordance with Policies SC1, EN8, TR2, BE1 and WL1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Recommendation - Approved

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

List of Approved Plans

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

6682-SA-1744-AL01C Site Location Plan
PNT-HYD-XX-XX-DR-C-1200 - Existing Site Plan P01
6682-SA-1744-AL03B Site Layout Plan - As Existing
6682-SA-1744-P002N Block Plan (NG100)
6682-SA-1744-P004N Site Layout Plan - As Proposed (NG100)
18634-VL-MCD- L01G - Landscape Plan
18634-VL-MCD- L02G - Landscape Plan
18634-VL-MCD- L03G - Landscape Plan
6682-SA-1744-P005B Building Elevations and Section (NG100)
6682-SA-1744-P006B GA and Roof Plan (NG100)
Delivery and servicing management plan
15297-HYD-XX-XX-RP-TP-0001-P04-S4
Technical Design Transport Note:15297-HYD-XX-XX-RP-TP-1004_P01
6682-SA-1744-SK30 Site Layout Plan showing Comparable Pedestrian Travel Distances as Proposed
15297-HYD-XX-XX-M2-TP-0303 Large Refuse Vehicle Entry
15297-HYD-XX-XX-M2-TP-0304 Large Refuse Vehicle Exit
15297-HYD-XX-XX-M2-TP-0307 Car Park Tracking
Transport Note 15297-HYD-XX-XX-RP-TP-1002 (25 September 2023)
Model Development and Forecasting Report
15297-HYD-XX-XX-RP-TP-8002_P01 (25 September 2023)
15297-HYD-XX-XX-RP-TP-3002-P01 Model Scoping Report
15297-HYD-XX-XX-DR-TP-0003-P02 Pedestrian Visibility Splays
Supporting Statement v3 - Sept 2023
D-534355 - Lighting Design & Schedule
Biodiversity Enhancement Plan
Flood Consequences Assessment
Construction Environmental Management Plan
Phase 1 Ground Conditions Desk Study
Phase 2 Ground Investigation Report
Odour Control Assessment
Noise Assessment
Travel Plan
PNT-HYD-XX-XX-DR-C-2100 - Proposed Engineering Strategy
PNT-HYD-XX-XX-DR-C-2200 - Proposed Drainage Strategy
Drainage Strategy Report
Goal Post and McDigit COD Canopy
Standard Patio Area Supporting Specifications
E11-003 Play Frame

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Notwithstanding the submitted CEMP document, no development shall commence (including any site clearance), until an amended Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction phases. The CEMP shall provide for:
 - a. Construction methods: details of the extent and phasing of development; details for the storage and management of plant and materials used in constructing the development;
 - b. Drainage: Details of drainage measures during construction phases to ensure that the drainage of any adjoining land, and land downstream is not interrupted or otherwise adversely affected by the development;
 - c. General Site Management:
 - i. details of the construction programme including timetable
 - ii. details of site clearance
 - iii. details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - d. Control of Nuisances: Wheel washing facilities and measures to control light spill onto the public highway;
 - e. Traffic Management:
 - i. details of site deliveries including routes of vehicles, plus delivery and construction times, taking into account the proximity of the safe routes to school; no deliveries in excess of 3.5 tonnes shall access or leave the site via any route during the hours of 8am to 9.30am and 2.30pm to 4pm during school term times
 - ii. details for the loading and unloading of plant and materials; details for the parking of vehicles of site operatives and visitors
 - iii. scheme for the erection of temporary/semi-temporary signage
 - iv. the frequency and size of vehicles used to transport the waste material arising from the construction works;
 - f. Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties; and
 - g. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, the CEMP must also be signed by the responsible person.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 4 Prior to the commencement of any works on site, a temporary traffic management plan shall be submitted to and approved in writing by the Local Planning Authority detailing the temporary traffic arrangements within the site

during the construction phase of the development. This shall include details and measures on how traffic trips for both pedestrian and vehicles will be managed through the site during the course of construction. The approved temporary traffic management plan shall be adhered to during the course of construction.

Reason:

In the interest of highway and pedestrian safety, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 5 Prior to commencement of any works, a traffic speed survey shall be undertaken to establish the visibility requirements in accordance with drawing no. 15297-HYD-XX-XX-DR-TP-0003-P02 Pedestrian Visibility Splays hereby approved and the vegetation obstructing the existing pedestrian crossing point at the site entrance from the footbridge at Tan Yr Allt shall be cut back to ensure full compliance with the approved plan and Table 9.2 of the Active Travel Act Guidance and thereafter maintained as such.

Reason:

In the interest of highway and pedestrian safety, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 6 Prior to the first beneficial use of the new commercial unit, the highway improvement works as annotated on the approved drawings titled 'Site Layout Plan As Proposed' drawing No: 6682-SA-1744-P0004 Rev N and 'Site Feasibility Layout' drawing no: 6682-SA-1744-SK32 Rev E, and which includes the widening of the footways shall be completed in its entirety and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

- 7 Prior to the first beneficial use of the new commercial unit all highway directional signage, lining and markings and alterations to the existing retail store car parking layout shall be implemented in its entirety in accordance with the drawing titled 'Tesco Site Plan' Drawing No: 6682-SA-1744-P002 Rev N hereby approved and retained as such thereafter.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 8 Unless a variation is otherwise first agreed in writing by the Local Planning Authority, the development shall be carried out strictly in full compliance with the Delivery & Servicing Management Plan 15197-HYD-XX-XX-RP-TP-0001 dated 5th April 2024 hereby approved in perpetuity.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 9 Prior to first beneficial use of the new commercial unit, the internal car parking scheme shall be completed in accordance with the layout shown on drawing titled 'Site Layout Plan As Proposed' drawing No: 6682-SA-1744-P0004 Rev N and retained free and open for such use thereafter.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 10 All works to be constructed on the public highway shall be subject to Road safety Audits, stages 1 to 4 in accordance with GG 119 of the Design Manual for Roads and Bridges. Each stage of the Road safety Audit shall be submitted for approval in writing by the Local Planning Authority. All issues highlighted at each stage, being addressed to the written approval of the Local Planning Authority within 3 months of that stage of that Road safety Audit has been approved.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 11 The development shall not be brought into beneficial use until the facilities for the secure parking and storage of cycles have been provided in accordance with the approved plans, such facilities shall thereafter be retained as approved at all times.

Reason:

To encourage active travel, in the interests of highway safety and to ensure the development complies with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan

- 12 The development shall not be brought into beneficial use until litter/recycling bins have been provided around the application site in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority, and which shall include arrangements for emptying and disposal. The litter/recycling bins and emptying/disposal arrangements shall thereafter be retained as approved in perpetuity.

Reason:

In the interests of amenity and to ensure the development complies with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 13 The development shall not be brought into beneficial use until the proposed ecological enhancements have been provided on the site in accordance with the 'Biodiversity Enhancement Plan' and plans hereby approved. These shall be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

- 14 Prior to the first beneficial use of the commercial unit hereby approved, a landscaping management plan, including management responsibilities and maintenance schedules for all landscaped areas, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter in perpetuity.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 15 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 16 No part of the development shall be brought into beneficial use until gigabit capable broadband infrastructure from the site boundary to the new commercial unit hereby permitted has been provided on site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 17 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable from past coal mining activity for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of any intrusive site investigations that may have been required and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To ensure that the assessment of the risk from past coal mining activity to the future users of the land, neighbouring land, controlled waters, property and ecological systems is satisfactory, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 18 If, during the course of the development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

- 19 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

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

Regulatory Conditions

- 20 The restaurant dining area shall not be open, and customers are not permitted inside the building premises, outside the business trading hours of 07:00-23:00 Monday to Sunday.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan

Informatives:

1 Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the

differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:

- (i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.
- (ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.
- (iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that only certain contractors are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section. Therefore to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (FAO Mr T Davies Telephone No. 01639 686392 or e-mail t.davies2@npt.gov.uk) to agree the specification, enter the necessary agreement and arrange onsite inspection of your works.

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

3 Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

4 Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

5 The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication 'Sewers for Adoption'- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections. The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

6 Natural Resources Wales advise that during the construction phase, the developer should take every precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to 'Guidance for Pollution Prevention 5: Works and maintenance in or near water', and Pollution Prevention Guidelines 6: Working at construction and demolition sites', which are both available on the NetRegs website.

7 Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Land Drainage Authority. No ground water shall ever be discharged into the proposed drainage scheme. Furthermore, there must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Land Drainage Authority.

8 The developer's attention is drawn to the following 'secured by design' advice:

CCTV and lighting

Signs must be prominently sited advertising the fact that CCTV cameras are operating if CCTV is installed. All parking bays should be protected by CCTV. All parking bays should be lit during the hours of darkness, by effective lighting that meets the British Standard 5489. Lighting should be situated in elevated positions to prevent vandalism and it should be protected in vandal proof housings. Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces, obscure signage, lighting, or CCTV, or provide a potential climbing aid onto the building.

Building security

The building should be constructed of materials that are resistant to attack. The first two metres of the external walls should be brickwork or materials of a similar strength. The design of the building must take into account the need to prevent features that aid scaling or climbing, and hidden areas must be designed out.

All external doors and internal doors protecting rooms where valuable property or information is stored, should as a minimum level of security, where possible, meet Secured by Design (SBD) standards e.g., PAS 24 2022, LPS 1175 SR2 or equivalent, or be manufactured to meet these standards. Ideally, they would be third party certificated.

Consideration should be given to providing additional security to external doors by installing shutters or grilles that again meet SBD standards, if the premises are not open 24 hours per day, 365 days of the year.

Glass in door panels or adjacent to door panels should be laminated the glass.

Fire doors must not have external door furniture fitted and meet SBD standards. They must also be alarmed. Doors that are described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance.

Doors must be protected against ram raiding.

All external windows and roof lights should where possible meet SBD standards, e.g., LPS 1175 SR2, PAS 24 2022 or equivalent, or be manufactured to meet these standards. Ideally, they would be third party tested and certificated.

Consideration should be given to providing additional window security to vulnerable windows by installing shutters or grilles that again meet SBD standards, if the premises are not open 24 hours per day, 365 days of the year.

All glass in external windows should be laminated - at least 6.8 millimetres thick.

Consideration should be given to providing an alarm system linked to a central monitoring station. All rooms where there is valuable equipment or information stored should be alarmed and any alarm wires should be protected.

Panic buttons linked to the alarm system should be installed at appropriate locations for use when staff are under attack or are threatened by members of the public.

Further detailed information can be found on the Secured by Design website: www.securedbydesign.com

9 The development is located in an area at risk of flooding. Guidance on development and flood risk can be found on NRW's website. NRW recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

10 The developer is advised that this decision does not include consent for the displaying of any advertisements, and separate Advertisement Consent is required for the proposed 'Totem' that is indicated on the site layout plan as well as any directional signage or other signage that is not on the building.