

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2024/0301	<u>DATE:</u> 10.05.2024
PROPOSAL:	Demolition of Caewern House and construction of 36 no. affordable residential flats in five 3-storey blocks together with access, parking, footpaths, drainage, open space, landscaping and associated works including electric vehicle charging points, bin/cycle storage, pv solar arrays and air source heat pumps
LOCATION:	Caewern House, Dwr-Y-Felin Road, Caewern SA10 7RH
APPLICANT:	Mr Andrw Beale, Linc Cymru
TYPE:	Full Plans
WARD:	Bryncoch South

BACKGROUND

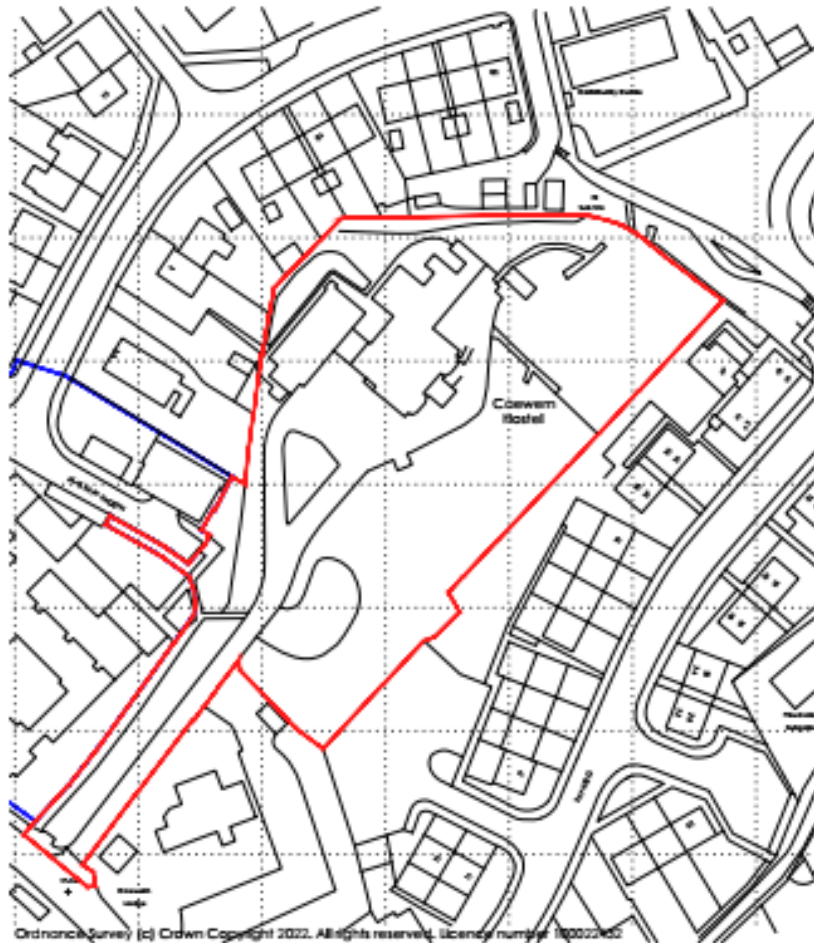
This application is being reported to Planning Committee having been called in by the local Ward Member for the following reasons:

1. Highway concerns on traffic on the junction leading out of the driveway increasing the volume of traffic given its proximity to the School, College and Care home.
2. Block A being an invasion of privacy to the houses and residents who will be overlooked.
3. Water mains are over capacitated.
4. No provision with Health and Safety regards with having to carry furniture and appliances up four flights of stairs, also if someone needs emergency treatment how would someone be transported from 4 flights of stairs with the lack of lifts.

SITE AND CONTEXT

The application site comprises a large detached property known as Caewern House within an area of approximately 0.7ha in size. The site is accessed via a privately owned single width lane off Dwr-Y-Felin Road which runs along the site's south-western boundary and is shared with an existing residential property known as Caewern Lodge that adjoins the application site to the south-east. There is an existing public right of way (ref.21/28/1) in the form of an existing footpath, running alongside this access, separated by a row of mature trees.

The application site rises in level from Dwr-Y-Felin in the south-west up to Heol Illtyd to the north-east, a level change of approximately 5m across the whole of the site. There is an existing public right of way (ref. 21/21/2) footpath to the north-east of the application site, which rises steeply from Twyn Teg at a lower level to the east, in a westerly direction up to Heol Illtyd at a higher level to the west. On the other side of this existing footpath is an existing 3-storey residential development known as Ty Twyn Teg.



The site is located within defined settlement limits and a predominantly residential area of Neath, close to Neath College, Dwr-Y-Felin Comprehensive School and a number of existing local facilities including a community centre and public playing fields. The site has mature trees to most of its boundaries and is largely undeveloped, save for a large 3 storey Victorian building (known as Caewern House) at its northern end, and which is sited close to the rear boundaries of the existing 2-storey residential properties on Heol Illtyd, who are at a much higher ground level relative to the application site.

There are existing 2-storey residential properties located on Twn Teg Road to the east and south-east which are at a much lower ground level relative to the application site. Adjoining the site to the south-west is an existing 3-storey care home facility and car parking area, built in circa.2015, with the existing public right of way running through its grounds and providing a pedestrian link between Dwr-Y-Felin Road and Heol Illtyd.



Caewern House itself dates from the late 19th Century and was last used as a care home, having previously been in the ownership of Neath Port Talbot Council. The original, 3-storey central section of the building has an attractive stone exterior with front gable features, however less sympathetic 2 storey 'wing' extensions, dating from the 1970s, have been added to either side of the original building. The application site has not been in use for over 10 years and the building itself has fallen into significant disrepair. The wider site was until recently very overgrown, however a number of trees and scrub have been cleared.



Photograph from 2018, modern extensions to left.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of Caewern House and the construction of 36 flats together with a new access, drainage, car parking and landscaping areas.

The application is accompanied by a suite of supporting technical reports, including:

- A Pre-Application Consultation ('PAC') Report
- Design & Access Statement
- Planning Statement
- Transport Statement
- Ecological Appraisal Report
- Bat Survey Report
- Green Infrastructure Statement
- Arboricultural Impact Assessment
- Tree Survey
- Landscape Strategy
- Drainage Strategy
- Preliminary Coal Mining Risk Assessment
- Geo-Environmental and Geotechnical Report

The proposed development includes widening the existing vehicular access off Dwr-Y-Felin Road to 5.5m to allow vehicles to pass in both directions and to construct 5 separate apartment blocks (numbered 1-5) built around a central shared access, parking courtyard and amenity space. It is also proposed to provide a new footpath link through the site to connect the new blocks with the existing footway link between Dwr-Y-Felin Road with Heol Illtyd.

Each block of flats is 3 storeys high and finished in brown facing brick on a dark grey semi-dressed stone course with stone detailing, dark grey upvc windows and doors, brown rainwater goods and a slate tiled roof. Each flat has its own self-contained accommodation comprising 1 or 2 bedrooms, a lounge, kitchen/dining area, bathroom or wetroom and a small external balcony area. Each of the blocks has its own air source heat pump ('ASHP') and a communal entrance/hallway.

Block 1 (Type A - 6 flats) is the closest to Dwr-Y-Felin Road and located towards the south-east of the site, close to the eastern site boundary with the rear gardens of the properties on Twn Teg Road.

Blocks 2 (Type B- 6 flats), 3 (Type C -12 flats) and 4 (Type B - 6 flats) are located north of Block 1 and proposed to be built on a plateau formed by the demolition of Caewern House, near to the site's north and western boundaries with the rear garden of the properties on Heol Illtyd.

Block 5 (Type D - 6 flats) is located in the north-eastern corner of the site, next to Block 4, and close to the site's eastern boundary with the rear gardens of the properties on Twn Teg Road.



The layout provides for 34 no. 1-bed units and 2 no. 2-bed units and 36 car parking spaces (including electric vehicle charging spaces) together with new bin and bike stores, communal clothes drying areas and external amenity space. A large communal area of open space is proposed along the south-eastern boundary of the site, between blocks 1 and 5, as this is where the land slopes from west to east. Each of the individual blocks also has its own private, secured area of amenity space to the rear that will be shared only by the occupiers of the individual block to which it relates.





NEGOTIATIONS

Pre-application planning advice has been given and extensive negotiations have been undertaken to improve the site layout, design, highways, active travel and tree/ecology considerations.

PLANNING HISTORY

The application site has the following relevant planning history:

- P2019/5680 Proposed refurbishment of existing building and erection of two new blocks to provide an extra care facility consisting of 36 self-contained apartments, staff facilities offices parking, access and associated works Returned to applicant 22.01.2020
- P2019/5423 Redevelopment of site from nursing home into assisted living residential development consisting of the conversion of the existing nursing home into 18 self-contained apartments with associated communal area, meeting room, reception and office; the construction of a two storey detached apartment block consisting of 6 self-contained units and the construction of a two storey training/therapy centre, parking associated works and widened if the existing access into the site. Returned to applicant 03.10.2019
- P2016/0649 Conversion of Caewern House (inc. demolition of existing extensions and outbuildings) to provide 8 No. 1 & 2 bed apartments. Construction of a

- | | | |
|--------------|---|--|
| | detached two storey block providing 7 No. 1 bed apartments, plus 1 No. 2 bed detached bungalow and single storey bins/buggies/cycles enclosure, associated drainage, landscaping and highway works. | Refused* 16.11.2018

*(because a S106 Agreement requiring a financial contribution towards the provision of open space was not entered into) |
| • P2015/0740 | Non-material amendment to Planning Permission P2013/1042 (For the erection of a 60 bed nursing home) to allow the extension of the bin store in order to facilitate an emergency generator and storage area, with associated changes to footpath and fencing. | Approved 11.08.2015 |
| • P2013/1042 | Demolition of existing building and erection of a new 60-bed care home with ancillary car parking and engineering operations. | Approved 05.03.2014 |
| • P2013/1147 | Proposed Demolition of former nursing home | Prior approval not required 22.01.2014 |

CONSULTATIONS

Highways: No objection subject to conditions.

Active Travel: It would be preferable to have a direct walking and cycling link through the site linking to Heol Illtyd.

Biodiversity: The replanting ratio still contradicts the recommendations of our tree surveyor and is in breach of PPW12, which states that all trees to be lost must be replaced on a 3:1 ratio, even Category U trees. We also strongly disagree with the claim that Category U trees are of limited ecological value; dead and dying trees, and standing dead wood, tend to have many features which offer opportunities and resources for a multitude of different species and are consequently of high ecological value. We recommend that the comments of our tree specialist are followed and that the planting ratio is appropriately accommodated on/immediately adjacent to the site, in line with PPW12. The applicant needs to show how the required tree planting ratio, as outlined by our tree surveyor, is to be accommodated on/or immediately adjacent to the site.

Tree Officer: A total of 24 trees and 4 groups of trees will have to be removed to accommodate this development. Due to the number of trees that require removal, a tree replanting scheme of adequate scale must be submitted. The 3 for 1 PPW on this site will equate to a total 70 replacement trees. These trees must be a minimum 'standard' size as specified in British Standards B33936-1:1992 Nursery stock - Part 1: Specification for trees and shrubs. All other remedial works to trees must be carried out in accordance with BS3998 2010 Tree work - Recommendations as stated in the Arboricultural Impact Assessment supplied by Treescene. Protective fencing must be erected prior to the onset of any site work as stated in British Standards BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. British Standards BS8545:2014 Trees: from nursery to independence in the landscape - Recommendation must also be followed.

Drainage: No objection. SAB approval required.

Contaminated Land: No objection. Please include standard contaminated land conditions LC01, LC03, LC04 and LC05.

EHO (noise): No objection subject to a condition to control noise from the proposed air source heat pumps plant rooms.

Housing Strategy: There are no objections to this scheme. The property mix aligns with our demand data and the scheme is in our Main Social Housing Grant ('SHG') Programme Development Plan ('PDP').

Estates: We are aware that part of the application affects the council's land and we are currently in negotiations with the applicant.

Children's Play Service: The development would be opposite the Twyn Teg/ Dwr Y Felin playing fields. These fields have been developed as a community meadow with playable features by the Biodiversity team and Neighbourhood services, so there is a facility for children to play in the vicinity for any children who may move to the area. If the development would allow for any section 106 funding or similar, then we could consider if a road crossing is needed, or if extra enhancements could be made to the meadow in collaboration with biodiversity– such as more playable features, or something like a cycle circuit around the perimeter.

Heritage Officer: In terms of preserving this historical building, we approached Cadw and asked them to consider listing the building, however Cadw investigated our request and declined to list it.

Designing Out Crime Officer: I am pleased with the site layout. The only comment I would make is for the parking bays P1-P7 to be overlooked by windows in apartment block 1. The perimeter walls/fencing and gates preventing access to the rear and sides of the apartment blocks must be robust, at least 1.8 metres high. Design advice given to achieve Secured by Design Gold Award.

Mining Remediation Authority: The site falls within a High Risk Coal Area and the application is accompanied by a Geo-Environmental and Geotechnical Assessment report that recommends for further risk mitigation and ground stabilisation. No objection subject to conditions. A separate Permit will be required on application.

NRW: No objection subject to a planning condition to control contamination and an informative reminding the applicants of the separate requirement for a European Protected Species Licence (bats).

Cadw: No comments.

DCWW: No objection subject to a condition to control surface water discharge.

Fire Authority: No objection, please refer to current standing advice and consider the need for adequate water supplies and vehicle access for firefighting purposes.

Heneb/GGAT: Requires archaeological mitigation.

REPRESENTATIONS

The Ward Members and Blaenhonddan Community Council were initially notified on 31 May 2024 and reconsulted on 2 October 2024.

The neighbouring properties were initially consulted on 3 June 2024 and reconsulted on 2 October 2024.

A site notice was also displayed on 5 June 2024 and again on 2 October 2024.

The application was also advertised in the press on 6 June 2024.

Prior to submitting this planning application, the applicants undertook pre-application public consultation ('PAC') with the community, including holding public meetings. This pre-dated the subsequent pre-application planning advice that was given by planning officers and the submission of this planning application.

In response to the submitted planning application, to date 51 individual representations have been received, in addition to a petition with 149 signatories, all objecting to the application, with the issues raised summarised as follows: -

- Blaenhonddan Community Council – (original plans) whilst Council is disappointed at the loss of the existing building, it accepts that redevelopment is necessary but hopes that amended proposals could be drafted which increased the quantity of sheltered accommodation, as this would place reduced pressures on highway infrastructure, local schools and other services. (amended plans) Council objects to this application.
- Dyffryn Clydach & Bryncoch Historical Society object to the demolition of this historic landmark building which should be kept and restored not lost forever
- Need for affordable homes should not be to the cost of local historical assets, the exterior at least should be preserved
- Overlooking and loss of privacy
- Inappropriate design appearance and materials
- Increased traffic generation and highway safety issues

- Existing road infrastructure cannot cope with more accommodation
- Unsuitable size layout and density of property
- Negative effect on the character and appearance of the local area
- Noise disturbance
- Dust and debris nuisance
- Light pollution
- Loss of trees
- Adverse impact on wildlife, particularly bats and birds
- Concerned about the clientele that would reside there
- Crime has risen in the area
- The area doesn't need more 1-bed flats, it needs more family houses
- Bungalows would be more appropriate to help house the older generation and those with disabilities
- This will have a negative effect on property prices and the local economy

REPORT

Relevant Planning Policies

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 Historic Environment (Wales) Act 2023 enhances the protection and sustainable management of the wider historic environment for the cultural, social, economic and environmental benefit of future generations.

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 Policy:

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

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

Policy 7 – Delivering Affordable Homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

Policy 13 – Supporting Digital Communications

Planning Policy Wales (Edition 12, February 2021) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 12 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

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

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

4.2.28 It is important that authorities have an appreciation of the demand for different types of affordable housing (i.e. intermediate and social rented) in relation to supply, so that they are well informed in negotiating the required appropriate mix of dwellings for new developments. To support policies and decisions on planning applications, planning authorities should refer to their LHMA to help determine the need for affordable housing.

6.1.8 It is the responsibility of all those with an interest in the planning system, including planning authorities, applicants, developers and communities, to appropriately care for the historic environment in their area. The protection, conservation and enhancement of historic assets is most effective when it is

considered at the earliest stage of plan preparation or when designing proposals new proposals.

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

6.4.12 Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost.

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

- Technical Advice Note 2: Planning and Affordable Housing (2006)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 10: Tree Preservation Orders (1997)
- Technical Advice Note 11: Noise (1997) and emerging revision thereto
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 16: Sport, recreation and Open Space (2016)
- Technical Advice Note 18: Transport (2007)
- Technical Advice Note 24: The Historic Environment (2017)

Local Planning Policy:

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 SP5** Development in the Coastal Corridor Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **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 TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application:

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Affordable Housing (October 2016)
- Biodiversity and Geodiversity (May 2018)
- Pollution (October 2016)
- Open Space & Greenspace (July 2017)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)
- The Historic Environment (April 2019) (incl. Schedule of Buildings of Local Importance)

All of the above SPG can be viewed on the Council's website.

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.

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 character and visual amenity of the area, the amenities of neighbouring residents, the impact on highway and pedestrian safety, the impact on trees and ecology, drainage and land contamination considerations.

Principle of Development

Strategic Policy SP3 Sustainable Communities states *“the delivery of Sustainable healthy and cohesive communities and the conservation of the countryside will be promoted”*, with Policy SC1 Settlement Limits 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 settlement limits (as defined in Policy SC1 of the LDP). As such, the principle of the development is generally acceptable providing the proposed development would comply with all other relevant planning policies, and there are no unacceptable impacts in terms of the matters identified above and which are considered in more detail below.

A number of third-party representations have been received, both at the PAC and planning application stages, objecting to the proposed demolition of Caewern House and the consequent loss of a local historic asset. However, given its current state of disrepair, Cadw declined a request to list the building, nor is it included in the Council’s own list of buildings of local historic importance, that would otherwise be afforded some protection by virtue of Adopted LDP Policy BE2.

The possibility of retaining the building, even in part, was challenged by planning officers at pre-application stage, and as a consequence, this has been fully explored by the applicant, with their method and viability evidence detailed in the Planning Statement and PAC Report that accompanies the current application. However, in response to the concerns raised, the design iteration of the scheme from its inception to the current proposals now seeks to reflect some of the features and materials found in the original Caewern House building and a new ‘interpretation’ board is included as a feature of interest within the proposed site layout, which will document the historic interest of the application site/building.

The applicant has obtained funding for this ‘*What Once Stood*’ project from the National Lottery and this interpretation can be secured by imposing a suitably worded planning conditions, including the reuse of stone from the existing building. In light of the available evidence, the principle of demolishing the existing building, despite its local historical significance, is accepted. It is also noted that consent for this demolition has been given in the past, as outlined in the site’s planning history, above.

Impact on Character and Visual Amenity

The application site is located amongst a high density of existing residential developments on all sides, both 2-storey and 3-storey in size and of varying designs from post-war to early 21st Century. There is no uniformity of house types or materials, although there is a prevalence of brick and/or render. Being enclosed by mature trees on all site boundaries, the application site is only really viewed within the wider locality from distance. In this regard, the scale and siting of the proposed development is important, to ensure it fits comfortably into the topography, which is significantly sloping such that the roofscapes can be seen from a wide area.



Plas Bryn Rhosyn Residential Care Home on Dwr y Felin Rd.



Twyn Teg street south of site, culminating in Twyn Teg House - flats



Typical examples of houses along Heol Illtyd and Heol y felin.

The existing mature landscaped grounds of Caewern House has been a key consideration in the development of the proposed design and layout. The current design layout has been configured around existing mature trees and existing level restrictions, with only trees along the access proposed to be removed (this is considered in more detail in subsequent sections of this report). Additionally, the site plan includes retaining a sizable amount of shared amenity greenspace surrounding the proposed apartment blocks along with new hard and soft landscaping. Orientation of the proposed buildings and their internal living spaces southwards means they will also benefit from passive solar gain.

The proposed design of the blocks themselves, seek to reflect some of the design features of the original Caewern House development, particularly with regard to materials, siting, height, form and gable features, as well as important vistas on approach into the application site. This is considered to be an acceptable design approach to take, having regard to the importance of local distinctiveness and positive place-making principles. Some of the original stone from Caewern House will be repurposed within the site to provide a secure means of enclosure and interpretation feature close to the proposed new pedestrian link opposite proposed Block 1.

The majority of the proposed development (Blocks 2-4) are located at the northern end of the site, on a plateau and close to the footprint of the existing Caewern House, but sited further away from the northern and western boundaries with Heol

Illtyd. In contrast, Blocks 1 and 5 are proposed to be built on currently undeveloped areas and bring the proposed built form much closer to the rear of the properties located in Twn Teg to the east.

The proposed height of Block 1 has been reduced to mitigate its visual impact but it will still be a very prominent feature, particularly when viewed from the existing public right of way and the rear gardens of Twn Teg. However, there is an intervening area of public open space between the rear garden boundaries and the application site boundary which, when considered in combination with the proposed additional tree planting to fill in existing gaps along the site boundary, is considered to be acceptable.

Block 5 is much closer to the rear boundaries of Twn Teg as the public open space is much narrower at this end of the site. However, this will be viewed primarily from the existing public right of way to the north of the site and will be screened by existing and proposed boundary trees. On the northern side of this right of way is an existing 3-storey development therefore the immediate site context is such that the proposed 3-storey development can be accommodated in this corner of the application site without detriment to the wider character and appearance of the local area.

A number of third-party objections have referred to the development having an unsuitable layout and density, there being too many flats proposed for the site. However, in order to make the best and most efficient use of land, Adopted LDP Policy BE1 requires new residential development in the Coastal Corridor Strategy Area to have a minimum density of 35 dwellings per hectare ('dph'). The current proposal for 36 units equates to a density of over 50dph, which is consistent with both LDP Policy BE1 and more recent advice given in Future Wales Policy 2 and the supporting text thereto.

It is considered that, subject to the imposition of suitably worded planning conditions, the development would not adversely impact upon the character and appearance of the area, and the proposal is considered to comply with LDP Policy BE1 criteria in this regard.

Impact on Residential Amenity

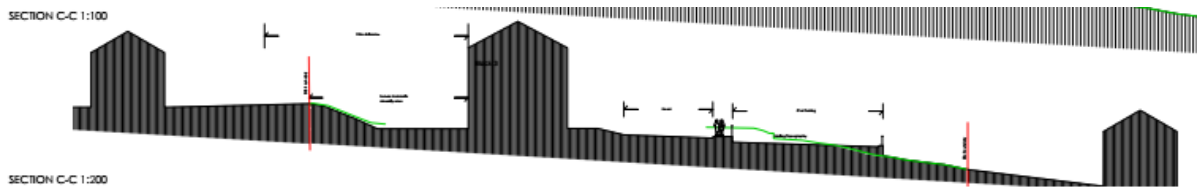
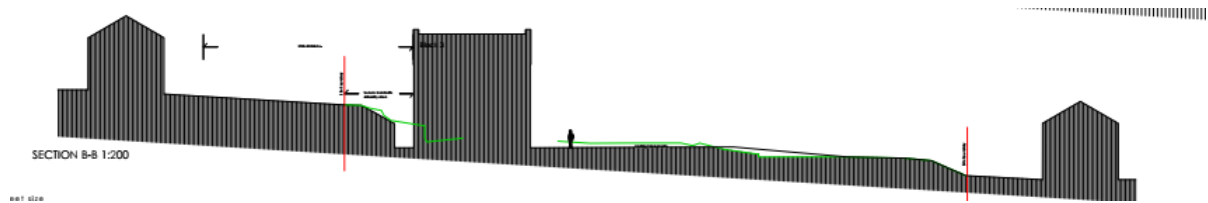
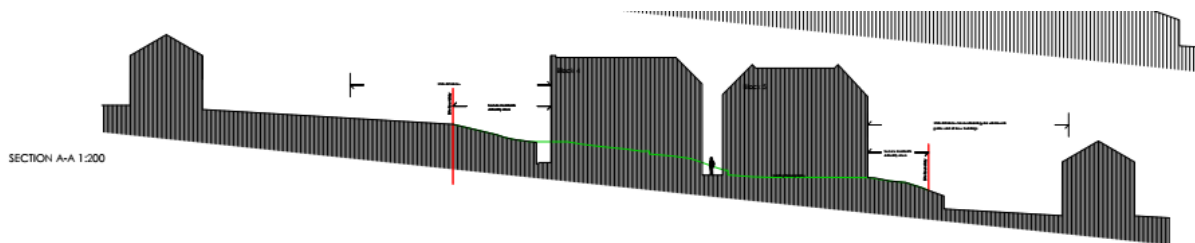
The proposed development is considered to provide a satisfactory standard of accommodation for future occupiers, including an appropriate amount of external amenity space and provision for clothes drying, bin and cycle storage as well as a car parking space for each unit. Each block overlooks a communal area at the front and has a more private amenity area, overlooked only by the residents of the block to which it relates, to the rear. Each unit has its own small balcony area for additional amenity space.

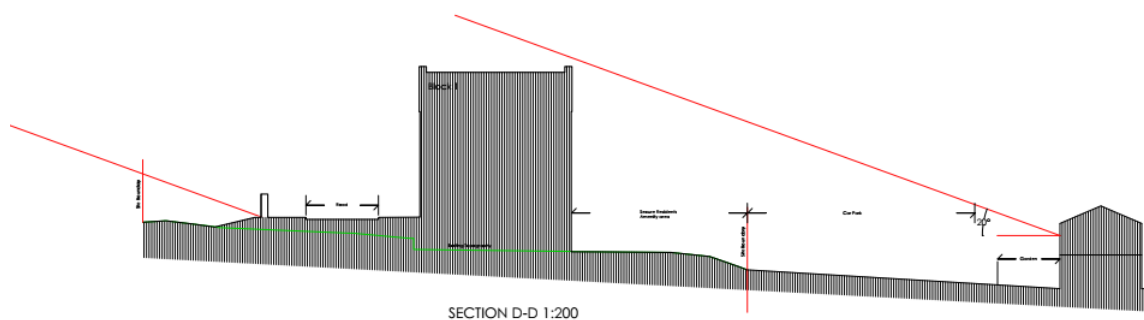
The application site is surrounded on all sides by existing residential developments, however the separation distances between buildings, site topography and mature trees along all boundaries, means that the direct impact on neighbouring properties is limited. The proposed blocks 2-4 are sited further away from the rear of the properties in Heol Illtyd than the existing 3-storey Caewern House and given that Heol Illtyd is at a much higher ground level, it is only really the roofscape that will be visible from their rear-facing windows and garden areas. The proposed new

buildings will not therefore have any significant additional impact upon the amount of existing natural light and outlook that the rear of these neighbouring properties currently enjoy. Proposed mature tree planting to the north and western boundaries will also limit any overlooking.

In contrast to Heol Illtyd, the existing residential properties on Twyn Teg are at a much lower ground level and whilst blocks 2-4 have a similar impact on these properties as the existing 3-storey Caewern House development, proposed blocks 1 and 5 are on undeveloped areas and are much closer to the rear boundaries of Twyn Teg than currently exists on site.

There are no adopted planning policies for privacy distances for entirely new build developments, however the Council's Adopted SPG on Design identifies a minimum privacy distance of 21 metres between habitable room windows, which is aligned with generally accepted best-practice. Where there are level changes between opposing windows the SPG advocates an increase in separation distances between habitable room windows of 2m for every 1m of elevation variation.





In this regard, proposed block 1 has been comprehensively redesigned to relocate habitable rooms and associated balconies to the front and side of the block. As a result the only windows on the eastern (rear elevation) are now secondary windows/windows serving non-habitable rooms and therefore can be obscurely glazed. Block 1 would be some 40 metres from the rear façade of the nearest property on Twyn Teg, and circa 35m from the garden boundary, which is in excess of the minimum privacy distances set out in the Adopted SPG. Whilst there would be a variation in window heights between Block 1 and the properties on Twyn Teg, it is considered that the significant off-set between the Twyn Teg properties and Block 1 as a result of the intervening public open space, would more than compensate for this. Furthermore, there is significant existing tree cover within the site between the proposed block and existing residents which would not only be retained, but bolstered with additional tree and landscape planting as part of the development proposals.

There are no adopted planning policies for measuring light or outlook to assess whether a proposed new development would have an ‘over-bearing’ impact, however the BRE publication *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* provides a series of techniques for assessing the extent to which any development provides adequate daylight and sunlight to daytime habitable rooms for future occupiers and neighbouring buildings. It identifies that “*a significant building or structure will be obstructing reasonable light to a relevant window if it breaks a line projecting up from the centre of the relevant window 25 degrees from the horizontal (66).*” The amendments to proposed block 1 and site-section drawings indicate that this relationship is now satisfactory, and will be enhanced with additional mature tree planting to fill existing boundary gaps.

The intervening public open space narrows to such a degree that proposed block 5 will be much closer to the rear boundaries of Twyn Teg and the difference in levels here is such that the new 3-storey development will be significantly higher than the existing 2-storey properties. However, this end of Twyn Teg is already ‘enclosed’ to a certain degree by the existing 3-storey development known as Ty Twyn Teg to the north of the site, and again the proposed planting of mature trees along the boundary is considered to mitigate this impact to a satisfactory level. Unlike proposed block 1, proposed block 5 has its side elevation nearest to the boundary which significantly reduces the extent of massing and potential for overlooking or an overbearing impact on the existing properties.

The Council’s EHO has requested the submission of a further noise report before any air source heat pumps are installed, however in principle does not object to the

proposals on noise, odour or air quality grounds. Given the high density of development in this area, there will likely be some short-term noise and disturbance to neighbouring properties during the construction stage, however any such issues can be addressed by requiring submission of a Construction and Environmental Management Plan (CEMP). This will also be necessary in order to manage traffic and ensure that existing rights of way are not obstructed at any time.

Therefore it is considered that, subject to the imposition of suitably worded planning conditions, the development would not adversely impact upon neighbours' residential amenity and the proposal is considered to comply with LDP Policy BE1 criteria in this regard.

Parking and Access Requirements and Impact on Highway and Pedestrian Safety

The existing vehicular access serving the application site will be replaced with a newly constructed road located slightly north of its present location. The carriageway would sit slightly lower than the existing public right of way that runs along the western boundary of the site and adjoining the existing care-home development. The proposed carriageway has been designed to be 5.5m wide, which is suitable for two large vehicles to pass and includes an improved junction radii of 6-metres which will help to control vehicle speeds on entry and egress.

It is proposed to deliberately narrow the carriageway width to 3.8m for a length of 10m within a central section of the development itself, in order to slow vehicle speeds and encourage and give priority to pedestrians. There is a difference of opinion between the Council's Highways and Active Travel Officers regarding the formality of the proposed pedestrian crossing points, however the finer details of this can be secured by condition and/or controlled via a separate S278 highways application as the applicant intends to construct the new access to a standard that is suitable for adoption by the Local Highway Authority.

Since September 2023, Dwr-Y-Felin Road has been subject to a 20mph speed limit and the proposed new access has visibility splays of 2.4m x 25m in both directions which is considered to be acceptable for the current road conditions. There is an existing bus-stop on Dwr-Y-Felin Road which supports frequent bus services to the Town Centres of both Neath and Pontardawe. The existing shelter will need to be repositioned in order to maintain visibility splays, however this can be secured as part of a separate S278 highways application as it forms part of the adopted public highway.

As part of the proposals, a new footpath is proposed to be provided from the main development area to connect onto the existing footway network, enabling pedestrians to access existing bus stops and services located on Dwr-Y-Felin Road to the south, and the existing residential community to the north via Heol-Illyd. A more direct pedestrian link through the entire site was rejected for 'designing out crime' reasons, however the proposal does provide for an acceptable amount of connectivity to the existing rights of way network for both pedestrians and cyclists.

The alterations to the existing access will increase the natural light and surveillance of the existing right of way and will encourage greater use, particularly after dark. Cycle parking has been provided within the site layout to the standards required, and this can be secured by imposing a suitably worded planning condition. The

application site is well located in terms of proximity and connectivity to the Council's existing Active Travel Route Network.

The Adopted Parking Standards SPG requires the provision of 1 car parking space per bedroom and 1 visitor space for every 5 units. Therefore, for a proposed development of 36 units (2 of which are 2-bed units), this equates to a requirement for 45 car parking spaces, which includes 7 visitor spaces. A submitted sustainability assessment of the site calculates an acceptable reduction of 2 spaces to the normal standard, which reduces the maximum requirement to 43 spaces.

The proposed site layout shows only 36 car parking spaces which is still below the required standard. However, this does equate to 1 parking space for every unit and the proposed new carriageway width of 5.5m means it will be able to accommodate the 7 visitor parking spaces on one side without causing obstruction. Given the site's proposed pedestrian connectivity and proximity to local facilities and an existing bus-stop, this technical parking shortfall is not considered to be to a degree that would be harmful to highway or pedestrian safety. Previous site layout iterations included additional car parking spaces, however these were considered to be to the detriment of both pedestrian priority and the amount of open space, which are also essential design components for the health and future well-being of residents of the development. Sufficient land exists within the application site to increase the amount of car parking provision should this be required in the future, however the proposed parking provision as reflected in the latest layout is considered to be an acceptable balance, helping to avoid a dominance of parking. This is in accordance with the planning policy requirements (as set out in PPW 12) to achieve good design, placemaking and reduce reliance on the private car.

It is concluded that the application site demonstrates a high degree of sustainability with regard to access to and availability of non-car modes of travel. Furthermore, and notwithstanding the significant number of third-party objections received with regard to traffic and parking, the surrounding highway network is capable of accommodating the demand generated by the development without detriment to highway or pedestrian safety. The Council's Highways Officer raises no objection to the application, subject to the imposition of suitably worded planning conditions.

Trees/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 *"planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity"*. This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The application is accompanied by a number of technical supporting reports, including a Preliminary Ecological Appraisal, a Bat Survey and Tree Survey. These conclude that the tree lines are likely to support bat foraging and commuting and the existing buildings have bat roost potential. Buddleja, rhododendron, Himalayan

honeysuckle, montbretia, cotoneaster and bamboo are also present within the gardens.

The main issues of concern are the loss of a number of mature trees – mainly in order to facilitate a satisfactory means of vehicular access into the site – and the potential impact on Common pipistrelle and Soprano pipistrelle bats which the survey has revealed are utilising Caewern House as a summer daytime roost. Therefore the proposed demolition of the existing building will also require a separate licence to be granted from Natural Resources Wales ('NRW').

The presence of bats is a material consideration in respect of the demolition of the original building having regard to the nature and extent of derogation tests that need to be satisfied before any planning permission and/or licence for development that results in disturbance to a EPS can be granted. In this regard it should be noted that:

- The principle of the derogation of a bat roost in order to facilitate a site's redevelopment to meet a local affordable housing need is considered to constitute an *'imperative reason of overriding interest'* for the purposes of the first test.
- The detailed viability information provided above clearly evidences that no alternative to the derogation of the roost exists in this instance, as no option for the retention of the building containing the roost would be commercially viable. Indeed, the building has now been vacant for a period of in excess of 10 years and has significantly deteriorated in this time. Ultimately, therefore, unless the redevelopment of the site can be secured the roost will eventually be lost as the building continues to deteriorate. This addresses the second test.
- NRW have confirmed in their response that, subject to the identified mitigation being implemented, they are satisfied that development would not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, and so the third test would also be satisfied.

NRW have raised no objection to the application.

With regard to tree removal, it is accepted that the existing access off Dwr-Y-Felin Road is sub-standard in terms of its width and visibility at the junction. Therefore the mature trees that are located alongside this access would realistically have to be removed if any development is to come forward on this application site. A site that has fallen into disrepair, and resulted in complaints regarding antisocial behaviour in the past. The applicants propose to plant replacement trees along the perimeter of the application site, plugging existing gaps to provide a contiguous canopy cover and screening to the existing residential properties that border the site on most of its boundaries. These trees would be native species and would be managed and maintained as part of the development proposals. This is considered to be an acceptable approach, however the development cannot physically achieve a sufficient quantity of replacement tree planting on site to mitigate for those trees that will need to be removed, having regard to the 1:3 replanting ratio required by PPW12. The applicant's view is that category "U" trees, of poor health should not

be counted towards the replacement ratio. The Authority disagrees with this view as PPW12 does not differentiate between the different classes. The applicant is however retaining those higher quality trees around the perimeter of the site, and limiting removal to those of lower value as much as possible.

The applicant has submitted a Green Infrastructure Statement and detailed Landscape Strategy, and it is considered that with the additional tree planting together with the other mitigation measures set out below, including wildlife friendly planting and biodiversity measures within the SABS drainage features within the site, together with providing an appropriate balance between the need for placemaking, car parking and access. That whilst the ratio of 1:3 cannot physically be provided, without impacting upon the long term health and management of the site, that the proposals in this case are acceptable. Providing quality of planting rather than just numbers of trees. Whilst this will not result in a 1:3 replacement in this case, the site cannot physically accommodate more, without detrimentally affecting the long-term viability of the trees and amenity. The development must therefore be considered as a whole, taking into considering the merits of the replacement native planting to provide screening, areas for open space and SAB's that add to the place-making for the site, and the further measures set out below for bats and birds. Overall it is considered that notwithstanding the policy of 1:3 replacement planting it is considered that the overall scheme is acceptable in this case.



With regard to other ecological considerations, all recommendations of the submitted PEA and Bat Survey Reports are accommodated within the development in order to deliver both mitigation and appropriate ecological enhancement, including:

- 4 no. bat boxes will be located on appropriate trees within the site.
- 12 no. bat boxes will be installed into the gable ends of the proposed buildings.
- 4 no. bird boxes will be located on appropriate trees within the site.
- 6 no. bird boxes will be located in the gable ends of the proposed buildings.
- Vegetation clearance will be undertaken outside of bird nesting season.
- Invasive non-native species will be treated and removed using approved techniques.
- Other biodiversity enhancements including hedgehog fencing and the planting of native pollinating species will also be incorporated.

It is considered that the above mitigation and enhancement measures can be secured via the imposition of suitably worded planning conditions.

Flood risk / Drainage

The application site is not located within an area of known risk of flooding.

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

The site is located within a High Risk Coal Area, and records indicate that the site lies within an area of recorded shallow coal mining and a coal seam of workable thickness infers to outcrop to the south of the site that may also have been historically worked beneath the southern part of the site at shallow depths. These coal mining features could affect public safety and surface stability for the proposed development.

In addition, there is a recorded mine entry within 20m of the southern site boundary however based on the information that the Mining Remediation Authority hold for this mine entry, they consider that this is unlikely to impact on this site.

The application is accompanied by both a Phase One Coal Mining Risk Assessment Report and a Geotechnical and Geo-environmental Assessment Report. These reports have been reviewed by NRW, the Coal Authority and the Council's Land Contamination Officer.

The submitted reports have been informed by an extensive range of information, including the results of previous site investigations and ground stabilisation works within the site and surrounding area, together with site investigations carried out within the site in the form of five rotary percussive open-hole drillholes (BH01 to oBH05) drilled to a maximum depth of 31.5m depth. Borehole logs and a plan to illustrate where the boreholes were drilled are appended to the Report. These works were carried out under the terms and condition of a Coal Authority Permit: 22074.

Section 7.2.1 informs that based on the results and an analysis of the findings of the intrusive site investigation works, evidence of shallow coal mine workings were encountered. Therefore, recommendations have been made that in order to mitigate the risk, additional ground stabilisation works (drilling and grouting) are required and this can be secured by imposing a suitably worded planning condition. A new Permit for this will also be required from the Mining Remediation Authority prior to commencement of the works.

Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. Section 4.5.2 informs that gas monitoring has taken place and a more comprehensive assessment of gas risks will be presented in the gas addendum report on the completion of monitoring. The Council's EHO therefore recommends that standard land contamination conditions are attached to any planning permission, in order to secure the additional works that recommended in the submitted technical reports.

NRW have reviewed the reports and assume that gross contamination is not present therefore subject to a standard 'unforeseen contamination' condition and some advisory notes on grouting and pollution control, raise no objection to the proposals.

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".

Policy I1 (Infrastructure Requirements) then states that "In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

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, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new residential developments of 3 or more units will be required to contribute to affordable housing provision within the Port Talbot, Neath and Pontardawe spatial areas. The application site lies within the Neath spatial area, where a 25% affordable housing provision is required.

It is understood that the proposed development is Social Housing Grant Funded and that it is intended that the applicant, Linc (now part of the Pobl Group), will deliver the scheme. As such, it is likely that the scheme will constitute 100% affordable housing provision. Notwithstanding this, however, to comply with local planning policy it is necessary to secure the required minimum 25% affordable contribution in the event the development were to be sold on the open market in future.

Education

The Planning Obligations SPG sets out education contribution requirements for all proposed developments of 10 or more 2 and 2+bed residential units of accommodation. In this case, the development is predominantly for 1-bed units with only 2 of the propose 36 flat having 2 bedrooms. Accordingly, there is no requirement for a contribution towards education.

Public Open Space / Children's Play Facilities

Policy OS1 states where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

Having regard to the Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls in all areas except sport pitches and informal space. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency. The following shortfalls and required contributions have been identified as being necessary:

LDP Policy OS1 Characterisation	On site requirement (sqm)	Financial Equivalent (£)
Outdoor Sport - Pitch	948	0 (no deficiency)
Outdoor Sport – Non pitch	371	37,080
Designated Play Space*	206	1,710
Informal Space	453	0 (no deficiency)
Allotments	157	1,728
Total	2,135	40,518

[*NB the Children’s Play contribution is only in respect of the proposed 2 bed units]

Accordingly in order to mitigate the effects of the proposed development exacerbating existing open space shortfalls, a financial obligation of **£40,518** would need to be secured via a Section 106 legal agreement towards provision of suitable off-site provision.

Off-site highway improvement

The walking routes from the application site to Dwr-Y-Felin Road, bus stops and playing fields would benefit from a road safety audit and new infrastructure to allow future occupiers to access these existing local facilities safely (new tactile crossing points etc.). These could be subject to a separate S278 application and/or secured as part of the Council’s land ownership negotiations with the applicant. However these off-site improvements are not considered to be necessary to make the application acceptable in planning terms and therefore it is not considered appropriate to require them in any S106 Agreement.

Other Matters

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:

- As is evident from the number of third-party objections received, a predominance of 1-bed units of residential accommodation can lead to fears of possible criminal or antisocial activities from future occupiers. This often raise fears amongst neighbours or wider local communities which, although sometimes based on ignorance or prejudice rather than fact, can find their way into grounds for refusal. However any ‘harm’ to residential amenity is often based on perception rather than evidence of problems that actually occur. With appropriate management, the proposed development of 1-bed units would not give rise to any more harm to the community than any other high density residential development.

- The Council's Housing Strategy Officer has confirmed that there is a high demand for 1-bed units in this locality and that this scheme forms part of their Programme Development Plan and is subject to Social Housing Grant funding from the Council.
- The local infrastructure (highways, schools etc.) can accommodate the demand from this additional development, there is no need to reduce the number of units or change the accommodation to bungalows to satisfy demand.
- De-valuation of a private property is not a material planning consideration.
- Caewern House is not listed, however, historic Ordnance Survey (OS) mapping, dated 1888-1915, shows the building present, giving a construction date between 1848 and 1888. GGAT considers that whilst there are no known archaeological assets within the application site area, the building itself is of historical and cultural significance within the local area and so a historic building survey (Level 2) should be undertaken as a record, prior to its demolition. This can be secured by imposing a suitably worded planning condition.
- Dwr Cymru Welsh Water raise no issue with respect of water supply. Connections, and any upgrade works necessary are matters dealt with outside of planning. Whilst Building Control deal with matters of water efficiency.
- Matters in relation to emergency access and accessibility raised are dealt with by building control, and management issues. There is no mandatory requirement for lifts and residents who live in flat development, make necessary arrangements for deliveries and are aware of the restrictions of access to their property. These issues lie outside of planning control. The vertical circulation between storeys of buildings containing flats is controlled by Building Regulations. The Building Regulations suggest that the most suitable means of access for disabled people from one storey to another is a passenger lift, but it is not specified that a lift **must** be provided. It is possible to satisfy the requirements of the Building Regulations if stairs are designed to meet the requirements of ambulant disabled persons.

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 visual amenity and character of the area, residential amenity, highway and pedestrian safety, ecology, drainage or land contamination considerations. Accordingly, the proposed development is in accordance with Policies AH1, EN6, EN7, EN8, OS1, TR2 and BE1 of the Adopted 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: To grant planning permission subject to the following conditions and upon the signing of a Section 106 Agreement with the following Heads of Terms:

- The payment of £40,518 towards the provision of off-site public open space and play facilities within the ward of Bryncoch South to accord with LDP Policy OS1;
- To secure the required affordable housing contribution of a minimum of 25% should the residential units be sold on the open market to accord with LDP Policy AH1; and

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:

2609-00(03)100 Site Location Plan
2609 00(03)110 Rev.O - Proposed Site Plan
Planning Statement
Design and Access Statement
PAC Report
Illustrative Perspectives 1-10
IG2022 Bat Survey Report
Ecological Appraisal Report (November 2022)
Landscape Strategy
TC22110 Green Infrastructure Statement v6 (December 2024)
Arboricultural Impact Assessment
Tree Survey
Tree Constraints Plan
Tree Protection Plan
2609-502-D - Foul Drainage Strategy
2609-555-B - Refuse Vehicle Swept Path Assessment
2609-500-G - SuDS Strategy Plan
2609 00(03)111 - Proposed Site Plan Path Widths
2609-505-E - Engineering Levels Plan
2609-530-B - Adoption Plan
2609-600-A - Road Longitudinal Sections

Transport Statement 22-379-20 Rev. 04 (20/12/24) and Appendices
Preliminary Coal Mining Risk Assessment Doc. Ref.6346h.2616 Rev 0
(October 2016)

Geo-Environmental and Geotechnical Assessment Report Reference
ESP.7828b.3558

2609-00(03)410 Proposed Site Sections A and B
2609-00(03)411 Proposed Site Sections C and D
2609-00(03)412 Proposed Site Sections E and F
2609-00(03)302 Rev E - Building A - Rear and Side Elevation
2609-00(03)301 Rev H - Building A - Front and Side Elevation
2609-00(03)203 - Building A - Second Floor Plan
2609-00(03)202 - Building A - First Floor Plan
2609-00(03)201 - Building A - Lower and Ground Floor Plan
2609-00(03)303 Building B - Front and Side Elevations
2609-00(03)304 Building B - Rear and Side Elevations
2609-00(03)204 Building B - Ground and First Floor Plans
2609-00(03)205 Building B - Second Floor Plan
2609-00(03)305 Building C - Front Elevation
2609-00(03)306 Building C - Side Elevations
2609-00(03)307 Building C - Rear Elevation
2609-00(03)206 Building C - Ground Floor Plan
2609-00(03)207 Building C - First Floor Plan
2609-00(03)208 Building C - Second Floor Plan
2609-00(03)308 Building D - Front and Side Elevations
2609-00(03)309 Building D - Rear and Side Elevations
2609-00(03)209 Building D - Ground and First Floor Plans
2609-00(03)210 Building D - Second Floor Plan

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you must do the following: -
 - a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 4 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 6 No development shall commence until the remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as identified within Section 7.2.1 of the Geo-Environmental and Geotechnical Assessment Report (ESP. 7 828b3558, August 2021) have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The remedial works shall be carried out in accordance with authoritative UK guidance.

Reason:

To ensure that the assessment of the risk from past coal mining activity is satisfactory, and to ensure compliance with Policies SP16 and EN8 of the Adopted Neath Port Talbot Local Development Plan.

- 7 No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the flats/buildings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. 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.

- 8 No development, including any site clearance, shall commence until a Demolition and Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - Code of practice for noise and vibration control on construction and open sites. The approved CEMP shall be adhered to throughout the demolition and construction phases and 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: details of the construction programme including timetable; details of site clearance; 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;
- e. Traffic Management: details of site deliveries including routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings and school, there shall be 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; details for the loading and unloading of plant and materials; details for the parking of vehicles of site operatives and visitors; scheme for the erection of temporary/semi-temporary signage warning drivers of the presence of children and speed restrictions; Measures to prevent stacking of vehicles onto the public highway; The frequency and size of vehicles used to transport the waste material arising from the demolition 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, EN8 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 9 Prior to any works commencing on site, including demolition and site clearance, Road Safety Audit Stages 1 and 2 must be undertaken and the results used to inform the following details which must also be submitted to and approved in writing by the Local Planning Authority prior to any works commencing:

a. full construction details for the construction of the buildouts within the access road which shall include the minimum clear width of 3.8m, the direction of traffic that has priority and the kerb positioning;

b. full kerbing layout for the scheme showing any dropped kerbs for vehicle cross overs or pedestrian access;

c. additional details for the proposed new footpath link, including gradients not in excess of 1 in 12, and how this will tie in to the existing footpath;

d. all the appropriate CAD drawings to be able to check the swept path analysis for the refuse vehicle and the junction;

e. full construction details for the off-street highway improvements to the existing access point; and

f. full construction details for the new access road into the development which includes the carriageway and footways and including the following:

1. Longitudinal sections showing a gradient of not more than 1 in 12 or less than 1 in 150;
2. Cross sections every 20 metres, and/or where any culvert outfalls, headwalls are located;
3. Highway Drainage (including gullies, gully leaders, manholes, pipe sizes and gradients);
4. Highway Construction details;
5. A schematic street lighting design;
6. Highway Retaining Walls (if any), along with full structural and design calculations; and
7. A Traffic Regulation Order Scheme for the new access road and Dwr-Y-Felin Road.

Thereafter the development shall only proceed in accordance with the approved details, which shall be implemented in their entirety prior to the first beneficial occupation of any of the units.

Reason:

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

- 10 Prior to work commencing on site, full details of the proposed refuse/recycling collection arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and where requested details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implement on site prior to the first beneficial use of the hereby approved development.

Reason:

In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with Policy TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 11 No development shall take place, nor any demolition works or site clearance, until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been first submitted to and approved in writing by the Local Planning Authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact.

- 12 No development shall take place, nor any demolition works or site clearance, until a scheme of proposed interpretation, including a public display board or similar feature of interest, detailing the 'What Once Stood' history of Caewern House, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the first beneficial occupation of the development and thereafter retained as part of the development in perpetuity.

Reason:

As the building is of architectural and cultural significance, a scheme of interpretation is required to mitigate loss of historic features.

- 13 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on the plans hereby approved. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:

- a) a suitably scaled plan, showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
- b) and in relation to every tree identified a schedule listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
 - any proposed pruning, felling or other work;
- c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
 - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
 - areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 14 Prior to the commencement of development, a detailed scheme and method statement for the treatment and disposal of soils affected by any invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be in accordance with current best practice. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason:

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

- 15 No development shall commence until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all open space and landscaped areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the open space and landscaping maintained in accordance with the approved details.

Reason:

In the interests of maintaining a suitable scheme of open space and landscaping to protect the visual and residential 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 Adopted Neath Port Talbot Local Development Plan.

- 16 Prior to the commencement of development, an external lighting scheme for the site (including lux contour and mitigation to prevent light spillage onto bat flight lines and tree habitats) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include any lighting proposed within the public open space and a schematic street lighting scheme. Lighting shall avoid conflict with all proposed bat mitigation and enhancement measures and shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats. The lighting scheme shall be fully implemented prior to the beneficial use of the development.

Reason:

In the interests of residential amenity and to ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2017 are adequately protected, and to ensure compliance with Policies SP15, SP16, EN6, EN8 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 17 The development shall be carried out strictly in accordance with the proposed Landscape Strategy and Green Infrastructure Statement hereby approved. For the avoidance of doubt, all landscaping proposals for the development should align with the planting provision as required and approved pursuant to the separate SAB application for the development.

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 Adopted Neath Port Talbot Local Development Plan.

- 18 The development shall be carried out strictly in accordance with the recommendations contained in Sections 4 and 5 of the Bat Survey Report and Section 5 of the Preliminary Ecological Appraisal hereby approved. For the avoidance of doubt these recommendations include a requirement that an EPS derogation licence be obtained from Natural Resources Wales and a further bat scoping survey (of Caewern House and any trees to be removed) is undertaken prior to the commencement of development. A copy of the updated bat scoping survey report must be submitted to the Local Planning Authority prior to commencement of development.

Reason:

In the interest of biodiversity, to maintain and mitigate against the loss of any foraging habitats, 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.

- 19 Prior to the first beneficial occupation of the development, biodiversity mitigation and enhancement measures shall be implemented in accordance with Sections 4 and 5 of the Bat Survey Report and Section 5 of the Preliminary Ecological Appraisal hereby approved. For the avoidance of doubt these require:

- 4 no. bat boxes to be located on appropriate trees within the site;
- 12 no. bat boxes to be located into the gable ends of each of the proposed buildings;
- 4 no. bird boxes to be located on appropriate trees within the site;
- 6 no. bird boxes to be located into the gable ends of each of the proposed buildings;
- any vegetation clearance to be undertaken outside of bird nesting season;
- any invasive non-native species to be treated and removed using approved techniques; and
- any fencing to have hedgehog-friendly gaps.

These measures shall be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity, to maintain and mitigate against the loss of any foraging habitats, 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.

- 20 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial occupation of any of the flats and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 21 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 and to ensure the development complies with Policy EN8 of the Adopted Neath Port Talbot Local Development Plan.

- 22 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with conditions 5 and 6 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Adopted Neath Port Talbot Local Development Plan.

- 23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 24 Prior to installation of any external heating or ventilation plant, to include air source heat pumps, a noise impact assessment must be submitted to and approved in writing by the Local Planning Authority.

The noise rating level emitted from external heating and ventilation plant shall not be greater than 5dB below the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with 'BS 4142:2014 Method for rating and assessing industrial and commercial sound'.

Prior to first operation of the approved heating and ventilation plant, including air source heat pumps, where necessary mitigation measures shall be installed and verified in accordance with the recommendations of the approved Noise Impact Assessment demonstrating compliance with the target noise rating level and shall be maintained thereafter.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 of the Adopted Neath Port Talbot Local Development Plan.

- 25 Notwithstanding any other details which may be given in the plans hereby approved, prior to their installation or erection, a scheme indicating the positions, height, design, materials and type of boundary treatment(s) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall accord with the requirements of condition 26 of this permission and the approved boundary treatments shall be completed, as approved, prior the first beneficial occupation of the flats and retained as such thereafter.

Reason:

In the interest of visual amenity and highway and pedestrian safety and to ensure compliance with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 26 The development shall include a feature wall, re-using the original stone from the existing building to be demolished, and this wall could also form part of the proposed interpretation details as required by condition 12 of this permission. The approved details shall be implemented on site prior to the beneficial occupation of the last block of flats and thereafter retained as part of the development in perpetuity.

Reason:

In the interests of the Circular Economy and as the building is of architectural and cultural significance.

- 27 The development shall not be occupied until the clothes drying, bin storage and secure cycle parking facilities have been provided on site in accordance with the plans hereby approved and made available for use as such. These facilities shall thereafter be retained for use as such in perpetuity.

Reason:

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

- 28 Prior to the first beneficial occupation of the development hereby permitted, the junction and visibility splays in both directions, as shown on drawing 20-111 within the Transport Statement Issue 04 dated 20/12/2024 hereby approved, shall be provided on site, and shall thereafter be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason:

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

- 29 The car parking spaces as shown on the approved plans, including a minimum of 4 Electric Vehicle Charging spaces, shall be provided prior to the first beneficial occupation of the development hereby permitted, and shall thereafter

be used solely for the benefit of the occupants of the residential accommodation of which it forms part and their visitors and for no other purpose and permanently retained as such. Unless otherwise first agreed in writing, each parking space shall be surfaced in a porous material, or provision made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the site, to a maximum gradient of 1 in 9, with no surface water allowed to flow out onto the public highway.

Reason:

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

- 30 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 having been approved.

Reason:

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

- 31 Prior to the beneficial occupation of the first block of flats, the access road carriageway and footways shall be made up to at least binder course and prior to the beneficial occupation of the last block of flats, the access road carriageway and footways shall be completed up to and including surface course level.

Reason:

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

- 32 Prior to their use in the construction of the development hereby permitted, details and where requested samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Adopted Neath Port Talbot Local Development Plan.

- 33 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 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 the intrusive

site investigations 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 is satisfactory, and to ensure compliance with Policies SP16 and EN8 of the Adopted Neath Port Talbot Local Development Plan.

- 34 Notwithstanding any other details that may be given in the plans hereby approved, before any unit in Block 1 (Building A) is brought into beneficial use, all apertures in the rear (eastern) elevation of Block 1 (excluding the lower ground floor area), including any doors, windows or balconies, shall be fitted with obscured glazing, details of which shall first be submitted to and approved in writing by the Local Planning Authority prior to installation and any part of the aperture that is less than 1.8m above the finished floor level of the room in which it is installed shall be fixed shut and non-opening. The apertures shall be permanently retained in that condition thereafter.

Reason:

In the interest of the amenities of the adjoining properties, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 35 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), unless expressly granted by condition 25 of this permission, no further fences, gates or walls or other means of enclosure shall be erected around the perimeter of the site or within or around the curtilage of any individual block of flats without the prior, express planning permission of the Local Planning Authority.

Reason:

In order to safeguard the visual amenity of the area and highway safety by enabling the Local Planning Authority to consider whether planning permission should be granted for such enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1, TR2 and SC1 of the Neath Port Talbot Local Development Plan.