

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

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

<b><u>APPLICATION NO:</u> P2016/0657</b>	<b><u>DATE:</u> 27/07/2016</b>
<b>PROPOSAL:</b>	Demolition of former school buildings with exception of Station Road frontage building which will retain its front elevation and the construction of 1 commercial unit (Use Class A1/A3) with a ground floor front extension and 12 flats (Block E); construction of a three storey block to create 1 commercial unit with 5 flats, with solar panels on roof (Block B); 3 storey block of 6 flats (Block A); a two storey block of 4 flats (Block C); a two storey block of 2 flats (Block D) and erection of 18 semi detached houses and two detached houses and associated access, car parking and landscaping works. (Development Totals: 2 commercial units; 29 flats and 20 houses.)
<b>LOCATION:</b>	Former Glanafan Comprehensive School, Station Road, Port Talbot SA13 1LZ
<b>APPLICANT:</b>	Mr Gareth Davies - Coastal Housing Group
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Port Talbot

### **SITE AND CONTEXT**

The application site is located on Station Road within the main shopping frontage of Port Talbot Town Centre. The site fronts onto Station Road, which is predominantly pedestrianised from the corner of Ty Draw Place which flanks the southern boundary of the site towards the north of the site. A mix of retail and business uses line the street frontage parallel to the front elevation of the main former school building the front façade of which will be retained. The eastern and northern boundaries back onto an access lane, which serves the rear gardens of the terraced properties of Ty Draw Street and Forge Road respectively. Vehicular access to the site is currently via Ty Draw Place.

The site is within roughly 400 metres of the main bus station and railway station.

The site is relatively flat and measures 0.8 hectares, and was formerly occupied by Glan Afan Comprehensive School which consists of a series

of blocks connected by the site boundary wall and a series of school yards within the grounds.

The site is located within the settlement boundary and is allocated as a mixed use regeneration site within the adopted Local Development Plan.

## DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the demolition of most buildings and the redevelopment of the former school site. It is proposed to retain only the front Victorian façade of the main school building fronting Station Road and to construct a two storey building together with a glazed front extension to comprise a mixed commercial and residential development including 1 No ground floor commercial unit and 12 flats.

An additional three storey building (Block B) is proposed next to the Station Road frontage, incorporating a 54.8 square metre commercial unit and a flat to the rear on the ground floor and a further 4 flats above.

Within the middle section of the site adjacent to the north-western (Block A) and south-western (Block C) boundaries of the site there are two further blocks of apartments proposed. Block A would incorporate 6 flats over three floors while Block C would incorporate 4 flats over two floors. Between the two blocks 4 semi-detached houses and 2 detached houses are proposed fronting a central parking court.

Adjacent to the south-eastern boundary and fronting Ty Draw Place a further two storey block of flats (Block D) is proposed comprising 2 flats. Adjacent to this and parallel to the eastern boundary of the site are 14 semi-detached houses each of which would have private amenity space.

Areas of communal amenity/open space are proposed within the overall layout along with drying areas, refuse enclosures, cycle parking and a caretaker store. A total of 39 car parking spaces are proposed to serve the development.

The development forms part of a wider regeneration initiative by the council within Port Talbot and is supported among other things by the Welsh Government's Vibrant and Viable Places Programme.

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

## NEGOTIATIONS

Following submission of proposals to amend Block E which included demolition of all of the building with the exception of the front façade, the applicant was advised that the rear elevation would benefit from a feature to terminate the vista from the short avenue of houses together with the introduction of further features to the side elevations. Concerns were also expressed in respect of the proposed expanse of flat roof. The Applicant revised the scheme to address the concerns regarding the proposed rear elevation and has submitted further details to justify the rationale for the roof design of this block. In addition to the submission of these amendments negotiations have taken place to secure planning obligations in the form of a financial contribution towards public open space. Extensive discussions have also taken place with regard to flooding which resulted in additional information being submitted to support the redevelopment of this site.

## PLANNING HISTORY

The application site has no relevant planning history

## CONSULTATIONS

**Arboricultural Officer:** No objection.

**Natural Resources Wales:** Raises significant concerns.

**The Head of Engineering and Transport (Drainage):** No objection.

**The Head of Engineering and Transport (Highways):** No objection subject to the imposition of conditions.

**Biodiversity Officer:** No objections subject to the imposition of conditions.

**Contaminated Land Officer** – No objection subject to the imposition of conditions.

**Wales and West Utilities** – No adverse comments.

**Air Quality:** No objection subject to the imposition of conditions.

**Environmental Health Officer (Noise):** No objection subject to the imposition of conditions

**Glamorgan Gwent Archaeological Trust:** No objection subject to the imposition of conditions.

**Welsh Water:** No objection, subject to conditions.

**Housing:** No objections.

## REPRESENTATIONS

The neighbouring properties were consulted on 29<sup>th</sup> July, 15<sup>th</sup> November 2016 and 14<sup>th</sup> December 2016.

A site notice was displayed on 1<sup>st</sup> August and 16<sup>th</sup> November 2016 and the application was also advertised in the press on 16<sup>th</sup> November 2016.

In response a number of representations have been received, which are summarised below: -

**Stephen Kinnock** (Member of Parliament for Aberavon) submitted a letter and email advising that on the whole he is supportive of the scheme for providing affordable housing in the town centre, preserving the original building and providing more opportunities for local retail businesses. He also offered comments on behalf of a local resident and businesses, including specific requests for details about the scheme, in relation to the design of boundary treatments, position of access, bollard locations etc. It also raises the following matters

- What impact will the residential units have on the sewerage system and what mitigating steps are being taken to minimise those?
- What impact will the residential units have on parking and will there be residential parking?
- Where is the refuse and recycling going to be collected from these new residential properties?
- Why isn't there any park or facilities for children included in the plan?
- The retention of the front boundary wall will be a missed opportunity and will restrict the viability of the retail units which will be hidden behind this wall. Businesses facing the school would like to see this area more open to the new retail units.
- Concerns regarding storage and collection of waste.

- Store deliveries and loading need to be controlled to ensure public safety in the pedestrianised zone.

There have also been 9 letters of objection which can be summarised as follows: -

- Overlooking from Block D.
- The existing wall along the rear access lane serving Ty Draw Street is not raised.
- The existing wall along the Station Road frontage should be removed to provide a more attractive and useable space.
- Success of the proposed commercial units will require the removal of the wall so that the units integrate with the rest of Station Road,
- The commercial units do not have a delivery area located at the rear of the premises and existing shop owners have been instructed by the Council to have deliveries via the loading area to the rear of their premises and not via the pedestrianised area.
- Deliveries through the pedestrianised area would cause traffic problems and be a hazard to shoppers.
- The proposed A1/A3 use of the units should not be the same as existing uses in the town centre but should be available to a number of uses.
- No area on the proposed plan allows for the storage and collection of trade waste.

#### National Planning Policy:

- [Planning Policy Wales](#) (Edition 9, 2016)

The following [Technical Advice Notes](#) are also of relevance:-

- Technical Advice Note 2: Planning and Affordable Housing (2006)
- Technical Advice Note 5: Nature Conservation and Planning (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 15: Development and Flood Risk (2004)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)

## Local Planning Policies

The 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 SP6** Development in the Valleys Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP11** Employment Growth
- **Policy SP12** Retail
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

### Topic based Policy

- **Policy SC1** Settlement limits
- **Policy SC2** Protection of Existing Community Facilities
- **Policy I1** Infrastructure Requirements
- **Policy CCRS1** Coastal Corridor Regeneration Schemes
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy R1** Retail Allocations
- **Policy R2** Proposals Within Retail Centres
- **Policy EN8** Pollution and Land Stability
- **Policy EN9** Developments in the Central Port Talbot Area
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

- **Policy BE2** Buildings of Local Importance

*Supplementary Planning Guidance:*

The following SPG were approved in October 2016 and are of relevance to this application: -

- [Planning Obligations](#)
- [Affordable Housing](#)
- [Pollution](#)
- [Parking Standards](#)

### EIA and 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 SAC, 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 2010 is not required.

### Material Considerations:

Having regard to the above, the main issues to consider in this application relate to the principle of mixed residential and commercial development having regard to national policy guidance and prevailing development plan policies as well as the impact upon the character and appearance of the surrounding area; the residential amenity of the occupiers of adjacent properties; highway and pedestrian safety; the effect upon biodiversity; drainage; flooding; pollution and archaeology together with other issues raised by consultees.

### Principle of Development

The application site lies within the settlement limit of Port Talbot as defined by Policy SC1 of the adopted LDP. Planning Policy Wales states there is a preference for the development of brownfield sites and particularly favours development of previously developed sites in built up areas as it promotes sustainability objectives such as the beneficial use

of under used land, the accessibility of public transport modes and facilitation of regeneration in urban areas.

The principle of development is established by virtue of the site's allocation as a mixed use regeneration site (Policy CCRS1/2) within the adopted Local Development Plan. This includes both retail and residential uses as required by Policies H1 and R1.

Having regard to its allocation in the Local Development Plan, the principle of this mixed use development at the site has therefore already been accepted by the Council. The following sections of the report therefore assess the specific impacts arising from the development.

### Density

Policy BE1 (8a) of the adopted Local Development Plan states that '*normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area*' will be required.

This site falls within the Coastal Strategy Area where a minimum of 35 dwellings will be required. The site is approximately 0.8 hectares in size and 49 residential units are proposed, thereby complying with this Policy.

### Impact on Visual Amenity

As detailed above, the principle of developing the site for a mixed use regeneration scheme has been established with the housing allocation under Policy H1 and the retail allocation under Policy R1 of the Local Development Plan. As a consequence of such allocations the wider contextual character issues with regards to the use of this brownfield site have been considered. It is therefore considered that the specific issues relating to the detailed development proposal are most relevant to the determination of the application.

When considering the visual nature of this application it should be considered within the context of the existing residential and commercial development which is situated adjacent to the site. As the site is located between a retail area to the front and a residential area to the rear, the proposal comprises buildings which have a variation in scale and height with a combination of two storey houses and three storey mixed use blocks. Apartment blocks have been sited along the boundaries of the site that front the street and where they sit next to or opposite from taller



buildings. The retention of the façade to the attractive Victorian school building ensures that the historical reference for the site is retained with an open, light and transparent entrance proposed to front the high street, through a single storey glazed extension. The building will be of a two storey design and incorporates flat and pitched roofs. The rationale behind the introduction of a flat roof is so that the existing steep roof pitch is maintained and thus avoiding a very high ridge height.

The appearance and materials used will be consistent throughout the development but will be applied to reflect the scale of the building. The predominant material will be brick together with the addition of two modern rain screen materials, with a condition recommended relating to approval of sample materials.

The proposed layout in terms of the row of semi detached dwellings located to the rear mirrors the existing terraced housing in Ty Draw Street. A central parking court enclosed with trees and hedge planting leads to an area of communal gardens, for residential Blocks B and E. The permeability of the scheme is maintained by a series of pathways which dissect this area.

The hard surface materials for roads and pavements comprise a mixture of macadam as the main road surface, block pavers to the crossing area and car park access and setts to the private areas around each dwelling. Boundaries will utilise existing walls that will be refurbished and supplemented with similar where appropriate. Internal boundaries consist a mixture of walls and fences.

It is therefore considered that the layout, scale, density and use of sympathetic materials for the proposed development would result in the creation of an appropriate form of development which would respect and enhance the character of the area.

### Impact on Residential Amenity

#### *Impacts within the development*

It is considered that the proposed layout ensures a satisfactory level of privacy and private amenity will be provided for future occupiers. In terms of potential overlooking, although there are a number of side facing windows proposed on the various house types and blocks, the applicant has been mindful that these are either non habitable or secondary windows. As a consequence it is considered that to ensure privacy is maintained appropriately worded conditions can be imposed to ensure

that these windows are obscurely glazed and that permitted development rights are removed to control the future installation of any windows which are not authorised by this consent.

In terms of potential overbearing and overshadowing impacts, the development has been designed to allow an acceptable distance between the units to ensure that the proposal will have no unacceptable impacts upon future residents. It is therefore considered that the proposed scheme would safeguard the residential amenities of future occupiers.

### *Impacts on existing properties*

In respect of any impacts on residential amenity for existing residents to the eastern side beyond the access lane are the rear gardens of the terraced properties in Tydraw Street. The proposed rear and side elevations of the nearest dwellings are set approximately a minimum distance of 18.5 metres to the rear elevations of these properties. Also it is noted that the property known as No 1A stands to the rear of these houses at the junction of the access lanes which serve Forge Road and Ty Draw Street and is approximately 12 metres from the nearest part of the development. There are no habitable room windows directly overlooking the development site. Furthermore, there is an existing wall which denotes this boundary and is proposed to be retained as part of the development. Whilst it is acknowledged that the separation distance between existing and proposed habitable room windows falls short of the Authority's accepted privacy standard of 21 metres, it is clear that the site is located within a densely built up area of predominantly terraced properties where the separation distances are less than 21 metres. It should also be noted that there is an intervening lane between the existing and proposed dwellings which further reinforces the separation between the properties. As a consequence it is considered that a sufficient distance has been provided to ensure that the development will have no unacceptable impacts on the amenity of residents to warrant a refusal on these grounds.

In respect of the residential properties in Tydraw Place, the separation distance of 18.5 metres is considered to be sufficient to ensure there is no unacceptable overlooking, overshadowing or overbearing impacts.

An apartment block known as Penderyn House stands at the junction of Ty Draw Place and Station Road with a separation distance of some 16 metres to the nearest part of the development which is the side elevation

of Block C. There are two windows proposed on the side elevation of this block at both ground and first floor each serving an open plan kitchen and living area. Therefore, to ensure that there are no issues of overlooking as the existing apartment block has habitable room windows which overlook the application site it is considered that an appropriately worded condition is attached to the consent requiring these windows to be obscurely glazed. Subject to the imposition of such a condition it is considered that the proposed development will not result in unacceptable overlooking, overshadowing or overbearing impacts upon the amenity of residents within this adjacent property. In respect of No 56 Station Road which is attached to the existing apartment block and located approximately 10 metres south of the side elevation of Block E and 20 metres from the side elevation of Block C it is considered that this separation distance will ensure that there are no unacceptable overbearing or overshadowing issues. With regards to overlooking non habitable room windows serving proposed bathrooms are to be located in the side elevation of Block E, subject to a suitably worded condition being attached to the consent ensuring that these windows are obscurely glazed in perpetuity there would be no unacceptable overlooking issues.

To the north of the site are the properties in Forge Road. Due to a minimum separation distance of some 22 metres together with the orientation of the proposed buildings it is considered that the proposal would have no unacceptable overbearing, overshadowing or overlooking on these properties. The flank elevation which has no habitable room windows of No 58 Station Road also partially denotes this boundary and its rear elevation along with that of Nos 60, 62 and 64 stand some 10 metres west of the proposed rear elevation of Block A which proposes only non habitable room windows. As a consequence there would be no unacceptable overlooking issues or overbearing or overshadowing impacts.

In respect of potential noise and disturbance from the development it is acknowledged that there will be additional traffic generated from the development. Furthermore it is accepted that during demolition works and construction there will be a level of noise and disturbance created, albeit this would be transient in nature (with appropriate controls through condition). Therefore, it is considered that there would not be a significant impact on residential amenity to warrant a refusal of the application on these grounds.

## Parking and Access Requirements and Impact on Highway Safety

The application is supported by a Transport Statement which details that the development will generate only around 20% of the existing people trip generating potential of the existing use of the site and around 37% of the existing vehicle trip generating potential. As a consequence, the proposal will significantly reduce demand on the surrounding transport network and provide an overall benefit in this regard.

This is a view endorsed by The Head of Engineering and Transport (Highways) who has considered vehicular traffic associated with the development during demolition, construction and subsequent occupation of the site and has concluded that the impact of the proposed development can be accommodated within the existing highway network and that the proposed development will not significantly worsen the free flow of traffic to warrant refusal of the application on these grounds.

In terms of parking, 39 car parking spaces are proposed to serve only the residential element of this proposal and include either court yard or kerbside parking. The adopted Parking Standards SPG encapsulates the CSS Wales Parking Standards 2014 and states that residential developments outside Zone 1 locations (city centres) will require 1 space per bedroom and 1 space per visitor car parking space per 5 units. Therefore a total of 83 spaces would be required together with 10 spaces for visitors. Where sites score sufficient sustainability points less provision is required. In respect of the proposed retail element, the requirement is 1 commercial space and 1 space per 60 sq m for the non-operational standard.

The Guidance offers a flexible approach to the number of car parking spaces in cases where there is clear evidence that the levels of car ownership will be lower than normal. As the development will be provided by a Registered Social Landlord (RSL) it is expected that the levels of car ownership will be less. This together with the sites sustainable location being accessible to cyclists and pedestrians located within the pedestrianised area and its proximity to the Bus and Train Station means that the proposed parking provision would be sufficient and the inability to fully meet the Standards would not be grounds to refuse the application. It should also be noted, as stated earlier, that the vehicular trips generated by the proposed development and as such the associated parking is less than that required for the current use of the site.

Having regard to the above, it is concluded that the development would represent an acceptable form of development in a sustainable location which would have no unacceptable impact on either highway or pedestrian safety.

### Biodiversity / Ecology

Technical Advice Note 5: Nature Conservation and Planning states that:

Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and adverse impacts.

But development can also present significant opportunities to enhance wildlife habitats and enjoyment and understanding of the natural heritage. The planning system needs to be watchful of the cumulative effects of a series of small, perhaps occasional, apparently insignificant losses from the natural world, which can combine to seriously deplete the natural heritage, including essential hydrological and ecological system; small scale opportunities for habitat creation and enhancement can be significant and can build into major contributions over time.

In addition, it states that the development control process is a critical stage in delivering the protection and enhancement of nature conservation by PPW. The following can help to achieve these objectives:

- Adopting the five point approach to decision-making- information, avoidance, mitigation, compensation and new benefits;
- Ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;
- Securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;
- Carrying out effective enforcement;
- Identifying ways to build nature conservation into the design of the development.

TAN 5 confirms that through the use of conditions, the delivery of a number of positive benefits to biodiversity beyond those of simply avoiding adverse effects as possible, including:

- The submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition;
- The maintenance of landscape planting for a five year period, or longer, where the need for this can be justified;
- Habitat enhancement;
- The restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement.

As part of the application the Authority's Biodiversity Officer has considered the submitted Ecological Report and Bat Method Statement and has offered no adverse comments and recommends a number of conditions concerned with the following aspects:

Bird nesting – The proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations (amended 2012). A scheme showing nesting boxes can be conditioned.

Trees- The biodiversity section have recommended that each tree to be removed will be replaced with two native trees of local provenance. The Local Authority's Arboriculturist has no objection to the proposal.

Bats – The submitted information concludes that the buildings were found to have very limited potential to support roosting bats and there was no evidence of their occupation. The Biodiversity Officer confirms that providing all works are undertaken in accordance with the Bat Roost Method Statement no unacceptable impact on this protected species would occur.

It is therefore considered that the proposed development would not have any unacceptable impact in relation to ecology and biodiversity.

### Flooding

The proposed site lies within Zone C1 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15 Development and Flood Risk (July 2004). TAN 15 advises that in Zone

C1 (Areas of the floodplain which are developed and served by significant infrastructure, including flood defences) development can take place subject to application of the justification test, including acceptability of consequences.

TAN 15 further advises that new development should only be permitted within Zone C1 “if determined by the local planning to be justified in that location,” noting that for development to be justified it needs to be demonstrated that:

- i. Its location is necessary to assist a local authority regeneration initiative or strategy, or contribute to key employment objectives, necessary to sustain an existing settlement; **AND**
- ii. The site meets the definition of previously developed land (i.e it is not a greenfield site) and concurs with the aims of Planning Policy Wales (i.e. presumption in favour of sustainable development); **AND**
- iii. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained within Sections 5 and 7 and appendix 1 of the TAN found to be acceptable.

The proposed development complies with the first test, insofar as the redevelopment of the site comprises an integral part of the Authority’s Vibrant and Viable Places (VVP) programme which seeks to regenerate Port Talbot, as well as being allocated for a mixed use regeneration scheme by the adopted LDP (Policies CCRS1/2, H1/16 – and R1/2 refer).

As redevelopment of an existing site it would also concur with the objectives of re-use of previously-developed land (test ii), such that the critical issue to examine comprises whether or not the potential consequences of a flooding event have been considered and found to be acceptable.

The application has been accompanied by a detailed Flood Consequences Assessment (FCA). Following a review of the existing NRW flood model, significant updates and improvements have been undertaken in consultation with NRW to ensure the model was suitable for site specific assessment. During the fluvial 1% Annual Exceedance Probability (AEP) plus climate change event the proposed development is largely flood free, with only partial flooding of Block B, where maximum depths of 250mm are reported. The proposed development changes flood levels across the site for the fluvial 0.1% AEP event by allowing

flood water to pass across the site with less obstruction. The deepest flooding is predicted along Station Road, causing flooding up to 950mm in the commercial unit and 420mm in the residential unit proposed within Block B. The maximum flood depth predicted in all other buildings during the 1% AEP event is 250mm. As the front façade of Block E is to be retained the proposed finished floor level will be retained at its current level (10.24m AOD). The commercial element of Block B will match the existing streetscape with a level of 9.5m AOD, although the residential element within the rear part of block B will be sited 0.9 metres above the floor level of the commercial unit. All remaining blocks within the development site will have a finished floor level set 200mm above the existing ground level.

It is acknowledged that the flooding of the commercial unit in Block B does not satisfy the guidance contained within TAN 15 in that it is not flood free in the 1% AEP plus climate change event, and it floods by more than 600mm in the 0.1 % AEP. However, further increases in the finished floor level would impact on the ability to provide disabled access to the unit and would create a unit which would be out of keeping with the streetscene.

NRW acknowledges that the proposed development has a similar footprint as the existing buildings on the site and that the FCA identifies that the proposal increases the flood risk to third parties. Such detriment occurs only in the 0.1 % AEP. The proposed development changes the flood risk to third party land within a radius of approximately 350m of the site. The change is both a reduction of flood risk (circa 100mm) and an increase in flood risk (circa 100mm). The Applicant has provided further information in response to NRW's comments to demonstrate the extent of the increase in flood risk with much of the change arising from the clearance of the site, which would not require planning permission (only prior approval). It is evident that there will be no impact upon third party property in the 1 in 100 year (0.1% AEP) event plus climate change. However nine properties have been identified as potentially being affected by the proposal in a 1 in a 1000 year flood event (1% AEP). As stated earlier these properties would be affected following the demolition of the school buildings. The impact following the construction of the proposed development would be as follows during a 1 in a 1000 year event (1% AEP):



Property	Depth of water following demolition (m)	Depth of water following redevelopment of the site (m)	Change in depth in metres
A	0.06	0.06	0
B	0.05	0.08	0.03
C	0.00	0.01	0.01
D	0.08	0.09	0.01
E	0.11	0.14	0.03
F	0.07	0.09	0.02
G	0.03	0.05	0.02
H	0.01	0.05	0.04
I	0.00	0.02	0.02

As is evident from the above table, the water levels will rise a maximum of 4 cm (in relation to one property) following the redevelopment of the site when compared to the levels following the demolition of the buildings on site. These increases are very minor and whilst it is regrettable that the proposed development marginally increases flood risk to third parties, contrary to the guidance contained within TAN15, it is considered that on balance the predicted depths are negligible and would not warrant refusal of the application on these grounds. It should also be noted that the Council has commissioned a Strategic Flood Consequences Assessment for Port Talbot which will also include strategic mitigation measures. The objective is to protect existing properties which are currently at risk from flooding in addition to enabling the delivery of further development within Port Talbot to secure the council's regeneration aspirations for the area. As a result the marginal increases projected should not occur in the future.

NRW also highlighted within their response that the proposed development shows significant flood flow velocities within Block B which is in excess of TAN 15 recommendations. There is no change in velocities or hazard across the site in 1% AEP plus climate change event, however there is a small change during the most extreme 0.1% AEP event. The applicant advises that the model reports that there are no velocities greater than 2m/s and only very isolated instances of velocities greater than 1m/s. Therefore, whilst there are changes across the site such changes are similar to the baseline. Velocities within residential buildings are low (<0.3m/s) and in relation to Block B the modelling predicts a maximum velocity of 1.7m/s although in reality this is unlikely to happen as flood water would need to enter the building through the front entrance facing Station Road. As a consequence, whilst NRW has

highlighted the issue, it is considered that the velocities do not significantly change between pre- and post- development stage. Noting that the development site as a whole is classified as 'highly vulnerable development', NRW states that the proposal does not meet the requirements of TAN 15 and as a consequence they raise 'significant concerns' in respect of the development. However it must also be noted that the school which currently occupies the site (albeit the school has now closed) is also considered a highly vulnerable development under TAN 15.

TAN 15 advises that NRW "will advise the planning authority on the consequences of flooding for the type and nature of the proposal and this should enable the planning authority to arrive at a judgement on the acceptability of flooding consequences. Where development is allowed, developers must put plans/measures in place to manage those consequences. Such measures must be capable of being implemented at the appropriate stage as part of the development and, where necessary, long term maintenance must be provided for."

Subject to the application of the justification test (TAN 15 section 6), including acceptability of consequences (section 7 appendix 1), TAN 15 notes acceptability criteria including that occupiers should be made aware of flood risk; that escape/evacuation routes present; effective flood warning provided; flood emergency plans and procedures; and no increase in flooding elsewhere.

If a development proposal in C1 meets the above tests, TAN 15 advises that "the justification will be in the knowledge that those developments will flood and will need to be planned for accordingly".

Having regard to such advice, and the clear benefits of the development for the regeneration of Port Talbot under the VVP programme and the provision of affordable housing, it is considered that the minor changes to the flood levels together with the minor changes to velocity as a consequence of the proposed development would be acceptable. In reaching these conclusions it is material that the developer is fully aware of the potential for flooding and put forward mitigation measures which include all buildings other than Block B raised to a threshold of 200mm above surrounding ground levels to reduce the potential for localised surface water flooding. Flood resilience measures will be applied to the commercial unit in Block B and an Emergency Flood Warning Plan issued to all residents. Accordingly, subject to the imposition of suitably

worded conditions it is considered that the risks of flooding can be managed to an extent that the development would be acceptable.

### Drainage

As part of the application a drainage strategy has been submitted which has been assessed by both the Head of Engineering and Transport (Drainage) and Welsh Water who have both raised no objection to the proposal subject to the imposition of conditions.

### Contaminated Land

The Land Contamination Officer has raised no objections subject to the imposition of conditions in respect of a remediation strategy, submission of verification report and unexpected contamination.

### Pollution (Air and Noise)

In terms of air quality, due to the site's location near residential properties and the potential for dust during both demolition and construction, the Pollution Control Officer has suggested that conditions are imposed requiring the submission of a dust impact statement and dust management plan to ensure that the amenities of residents are safeguarded.

In terms of noise the Authority's Environmental Health Officer has stated that due to the sites location there is significant potential for noise disturbance to surrounding residential and commercial premises. As a consequence, it is suggested that a demolition method statement be provided. This should include details on the selection and use of plant, the proposed methods of demolition chosen in order to minimise noise, information on how the re-enforced concrete structures on site are to be demolished, together with a plan showing the location of areas on site where crushing and screening operations will take place. For the same reasons, it is further suggested that the construction phase of the development should also be subject to a construction method statement.

In terms of the proposed A1/A3 uses, noise and odours from the operation of such uses has the potential to impact upon the new and existing commercial and residential properties on/or surrounding the application site and a number of conditions are suggested to protect the locality.

Having regard to the above, it is considered that the impacts of the development can be satisfactorily mitigated against.

### Archaeology

The supporting information in the form of a desk based assessment has been considered by Glamorgan Gwent Archaeological Trust (GGAT) who advises that there is an archaeological restraint on the site and it is necessary to mitigate the impact on the archaeological resource and that appropriate work is undertaken to lessen this impact. GGAT therefore recommends the imposition of a condition ensuring that an appropriate programme of historic building recording and analysis is undertaken and secured.

### Waste

Policy W3 – Waste Management in Development – requires proposals for new built development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. The development, however does not exceed the threshold of 50 dwellings where a Site Waste Management Plan is required to be produced.

### 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 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> 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 this case, the proposal relates to a planning application for the development of 49 residential units.

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 housing developments will be required to contribute to affordable housing provision. Within the Port Talbot / Neath spatial area, a 25% affordable housing target is sought.

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The applicant is a RSL and has indicated that 39 of the 49 residential units proposed, qualify for Social Housing Grant. Funding to deliver the remaining 10 units has been secured through the Welsh Housing Partnership. Therefore, it is proposed that all of the residential units within this development will be affordable housing. In order to satisfy the requirements of Policy AH1 it is necessary to ensure that 25% of the units remain affordable in the long term. It is considered that the

imposition of a condition would be the appropriate mechanism for securing future compliance with this policy.

### *Education*

The response from the education department advises that there are unfilled places in all relevant schools and as such no developer contributions would be required.

### *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. 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 a deficiency.

The below table, details the requirements provided and what needs to be secured:

<b>49 Units</b>	<b>Open space requirement (sq. m)</b>	<b>Open space 'On-site' Provision (sq. m)</b>	<b>Open space 'Off-site' Financial Contribution</b>
OUTDOOR SPORT PITCH	1290	0	£13,916
OUTDOOR SPORT-NON PITCH	505	0	£50,470
CHILDREN'S PLAY	183	0	£27,360
INFORMAL SPACE	617	121	£2,480
ALLOTMENTS	213	0	£2,352
<b>TOTALS</b>			<b>£96,578</b>

The submitted plan provides for a small area of informal space to the rear of Block B, however the area is considered unsuitable for a children's play area as there are concerns that it would increase antisocial behaviour by encouraging people into the area. As a consequence and to accord with Policy OS1 an offsite contribution will be sought to enhance existing open space provision within the area.

The applicant's Agent has provided the following response to the request for offsite provision:

"As you will be aware the proposals already include a generous amount of informal open space within the development layout, including areas to the front and rear. It is acknowledged that such provision does not meet the standards expected in terms of play space etc, however it is felt that the quality of the space being provided as an integral part of the development should be commended, on what is essentially a modest development.

Coastal Housing Group have been committed to developing this site since 2014 and have been working tirelessly to get it to the point we are at now. They have expended a significant and disproportionate amount of money and time in respect of flood modelling work, which it is hoped will not only enable the delivery of an important regeneration site for 100% affordable housing in the town centre but will benefit other regeneration initiatives in the area as a whole.

Quite simply they are struggling to be able to justify making a contribution towards off site public open space to the extent requested and respectfully ask whether an exception can be made in this instance in view of the significant cost expended to date. You will appreciate that the reason that we had to revisit Block E to only retain the façade of the building was down to viability reasons alone."

Whilst it is acknowledged that there are existing deficiencies of open space provision within the ward, the proposal does include an area of open space as identified earlier in this report albeit deficient in terms of size to serve the development. Subsequent discussions have, however, emphasised the importance of open space to mitigate the impacts of the development, following which the developer has agreed to pay the children's play contribution of £27,360, which would be delivered within the Port Talbot area through a s106 agreement.

Having regard to the significant contribution the redevelopment of this site will make to the character of the area and the ongoing regeneration of Port Talbot under the Vibrant and Viable Places Programme, on balance it has been concluded that the reduced contribution for off-site public open space would, in this instance, be acceptable.

### Other Matters

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

As identified earlier in this report, a number of objections were received 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 in response to the comments made by Stephen Kinnock (Member of Parliament for Aberavon)

- The submitted details confirm that the boundary wall adjacent to the access lane to the rear of Ty Draw Street is to be retained;
- The application does not include any alterations in the form of the provision of a pavement or lampposts along the rear access lane;
- Vehicular access to the development would be via Station Road and Ty Draw Place. The proposal does not make provision for the removal of the existing bollards;
- If planning permission was to be given it would be subject to a condition requiring the submission of a Construction Method Statement which would detail the movement of vehicular traffic to and from the site;
- It would be the responsibility of the developer to treat for the presence of rodents prior to the demolition of the buildings;
- The application site is currently under the ownership of the Local Authority;
- The impact of the proposed development on the sewerage system is a matter to be considered by Welsh Water who have raised no objection in principle to the proposal subject to the imposition of a suitably worded condition requiring the submission of a drainage scheme;
- The proposal has been assessed by The Head of Engineering and Transport (Highways) who has raised no objection;
- Refuse and recycling will be by means of kerbside collection from the adoptable highway;



- The provision of onsite parking is a material consideration in the determination of this application;
- The provision of onsite play facilities is a material consideration in the determination of this application.

In respect of the other issues raised the following comments are made:

- It is considered that the retention of this boundary wall together with the front façade of the school building will assist in maintaining a historic link to the former use of the site;
- It is considered that the retention of this wall will not undermine the future viability of these commercial units, the site has been identified in the LDP as an area suitable for such development and market forces will determine their success or otherwise;
- Competition is not a material planning consideration.

## 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 the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Having regard to Policies SP1, SP2, SP3, SP4, SP5, SP6, SP7, SP8, SP10, SP11, SP12, SP15, SP16, SP20, SP21, SC1, SC2, I1, CCRS1, H1, AH1, OS1, R1, R2, EN8, EN9, TR2, BE1 and BE2 and national guidance in Planning Policy Wales (Edition 9) 2016 TANs 2,5,11,12,15,16 and 18 it is considered that the re-development of this site which is allocated within the Neath Port Talbot Local Development Plan, will contribute towards the delivery of housing within the County Borough in a sustainable location. Furthermore, it will contribute significantly to the character of the area and the ongoing regeneration of Port Talbot under the Vibrant and Viable Places Programme, would be acceptable in terms of managing flood risk, and would not have a significant impact on highway and pedestrian safety, residential amenity, foul and surface water discharges, ecological and archaeological issues.

## **RECOMMENDATION:**

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

- Financial Contribution of £27,360 towards children's play in the Port Talbot Ward.

## **CONDITIONS**

### Time Limit Conditions

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

### Reason

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

### Approved Plans

(2) The application shall be built in accordance with the following plans and documents:

- A-00-00 (A) Site Location Plan
- A-90-01 Existing Site Plan
- A-90-02 (C) Proposed site plan
- A-90-03 (D) Detailed site plan
- A-90-04 (A) Site Context
- A-90-05 Building Demolition Plan
- A-90-06 (C) Boundary Enclosures
- A-90-10 (C) Proposed Roof Plan
- A-00-10 House Type A
- A-00-11 House Type B
- A-00-12 House Type C
- A-00-13 House Type D
- A-00-14 House Type E
- A-00-15 Block A Ground & First Floor Plans
- A-00-16 Block A Second Floor and Roof Plan
- A-00-17 Block A North & East Elevations
- A-00-18 Block A South & West Elevations
- A-00-19 Block B Ground & First Floor Plans
- A-00-20 Block B Second Floor & Roof Plan

A-00-21 Block B East & West Elevations  
A-00-22 Block B North & South Elevations  
A-00-23 Block C Ground & First Floor Plans  
A-00-24 Block C Roof Plan  
A-00-25 Block C East & West Elevations  
A-00-26 Block C North & South Elevations  
A-00-27 Block D Ground, First& Roof Plans  
A-00-28 Block D Proposed Elevations  
A-00-29 Block E Existing Ground Floor Plan  
A-00-30 Block E Existing First Floor Plan  
A-00-31 Block E Existing Elevations  
A-00-32(B) Block E Proposed Ground Floor Plan  
A-00-33(B) Block E Proposed First Floor Plan  
A-00-34(C) Block E Proposed Elevations  
Preliminary Ecological Assessment and Bat Survey (Ref:HE/83/2014-  
October 2015) – Hawkeswood Ecology  
Bat Roost Method Statement (Ref:HE/71/2015-August 2016) –  
Hawkeswood Ecology  
Bat Daytime Scoping Survey (Ref:HE/71/2015-October 2016) –  
Hawkeswood Ecology  
Drainage Strategy (Ref:CC1385/REP01/A-July 2016) – Cambria  
Consulting Ltd  
Transport Statement (Ref: CC1385/REP01/A-July 2016) – Cambria  
Consulting Ltd  
Arboricultural Report (Ref: ArbTS-198.1-GlanAfan -3/12/15) – ArbTS  
Desk Based Assessment (Ref: 1404 –November 2015) – Archaeology  
Wales  
Planning Statement (Ref: S14.776 – July 2016) – asbriplanning  
Design and Access Statement (July 25th 2016) –  
HolderMathiasarchitects  
Flood Consequences Assessment (V2.1- December 2013)- JBA  
Consulting

Reason

In the interest of clarity

## Pre-Commencement Conditions

(3) Prior to any development commencing on site, the developer 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](http://www.npt.gov.uk/planning)

(4) No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the protection of existing hedgerows and trees on the site, and shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained, and include full details for their protection throughout the course of development.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990 and to ensure no damage is caused to the trees during construction.

(5) Prior to any work commencing on the construction of any dwelling a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. In addition to the landscaping of privately owned domestic gardens, the details required in connection with this condition shall include full details of hard and soft landscaping schemes for the landscaping of all public landscape areas including the pedestrian footpaths, highway verge areas, and informal play areas / public open space, and shall include:

i) A statement setting out the design objectives and how these will be delivered;

ii) Hard surfacing materials and designs and enclosures;

iii) Details of the design and location of minor artefacts and structures including street furniture, refuse bins, highway grit bins for development access road and footpaths;

iv) Planting schemes including species, planting densities and sizes at time of planting, including wildlife friendly species and those that will promote habitat creation.

The approved landscaping scheme shall be fully implemented within the first planting season following completion of the development, any trees or plants which within a period of five years from the completion of the residential development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation

Reason

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

(6) Prior to the commencement of work on site a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historical environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(7) Prior to any work commencing on the construction of any dwelling a scheme shall be submitted to and approved in writing by the local planning authority, detailing amendments to the existing Traffic Regulation Orders on Ty Draw Place to facilitate the development access road, parking restrictions plus a residents only parking scheme for the proposed parking spaces on the main access road of the development itself, along with junction protection in the form of a no waiting at anytime order for the proposed new junction off Ty Draw Place. The scheme as approved shall be implemented prior to first occupation of any of the dwellings hereby approved.

## Reason

In the interest of highway and pedestrian safety.

(8) Prior to commencement of work on site a demolition and construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The approved statement(s) shall be adhered to throughout the demolition and construction period. The statement(s) shall provide for the following:-

- a. The parking of vehicles of site operatives and visitors.
- B. Loading and unloading of plant and materials used in the demolition of existing buildings and the construction of the new development.
- C. Storage of plant and materials used in constructing the development.
- D. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- E. Prevention of material discharge onto the public highway.
- F. Measures to control the emission of dust and dirt during construction.
- G. Wheel washing facilities.
- H. A scheme for recycling / disposing of waste resulting from the demolition and construction works.

i. The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

J. Measures to prevent stacking of vehicles onto the public highway;

k. Identification of significant construction and demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures;

l. Hours of work on site, and specified hours of deliveries and any elements of the demolition or construction that could lead to amenity issues and disturbance of adjoining properties.

Reason

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

(9) Other than Demolition, no development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

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

(10) No works to which this consent relates (including works of demolition) shall commence 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 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.

(11) No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason

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

(12) Prior to works commencing on site a Dust Management Plan produced in accordance with IAQM guidance shall be submitted to and approved in writing by the local planning authority. The Plan shall be implemented as approved.

Reason

In the interest of amenity.

Action Conditions

(13) Prior to work commencing on the construction of any dwelling a scheme for all internal roads and the proposed works to Ty Draw Place scale 1:200 detailing :-

- a. Longitudinal and vertical carriageway alignment
- b. Cross sections every 20 metres.
- c. Surface water drainage proposals including gully and manhole positions, pipe sizes and gradients with discharge rates.
- d. Street lighting proposals.

shall be submitted to and approved in writing by the Local Planning Authority. This scheme as approved shall be implemented prior to the occupation of any dwelling.

Reason

In the interest of highway and pedestrian safety.



(14) Prior to the occupation of any dwelling the roads and footways serving the associated dwelling along the frontage of the property and linking to the existing public highway at Ty Draw Place, shall be hard surfaced to binder course level and provided with surface water drainage and lit.

Reason

In the interest of highway and pedestrian safety.

(15) Prior to first occupation, each driveway / parking space shall be surfaced in 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 dwelling to a maximum gradient of 1 in 9 with provision made to ensure no surface water run off onto the public highway.

Reason

In the interest of highway and pedestrian safety.

(16) Prior to occupation of the last dwelling all roads and footways shall be completed with surface course, drainage, lighting and road markings.

Reason

In the interest of highway and pedestrian safety.

(17) Prior to occupation of each associated dwelling, the corresponding off-street parking spaces, as detailed on drawing number 3927 A-90-02 ( c ) shall be provided on site. The spaces shall be surfaced in permeable hardwearing material to gradients not exceeding 1 in 9, or drained so that no surface water flows out onto the public highway, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(18) Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 6 shall be submitted to and agreed in writing with the Local Planning Authority.

## Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

(19) Prior to the occupation of any dwelling a scheme shall be submitted for approval in writing by the Local Planning Authority detailing a strategy to facilitate the Local Kerbside refuse and recycling collection this scheme as approved shall be implemented and retained as such thereafter.

## Reason

In the interest of highway and pedestrian safety.

(20) 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.

(21) Before the use commences a scheme for the extraction and control of cooking odours from the Kitchen designed in accordance with the DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" shall be submitted to and approved in writing by the local planning authority. All equipment installed as part of the scheme shall be operated and maintained in accordance with the approved details for as long as the use continues.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

(22) Prior to first beneficial use commencing a landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved.

Reason:

In the interests of visual amenity.

(23) Notwithstanding the submitted details and prior to their use in the development hereby approved samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the proposed details.

Reason:

In the interests of visual amenity of the area.

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

Reason

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

(25) Prior to first beneficial use of any of the hereby approved dwellings/commercial units the means of enclosure/screening details proposed for that unit and as indicated on the approved plan shall be erected and retained as such thereafter.

Reason

In the interest of the amenities of the occupiers of the property and the amenity of the adjacent residents.

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

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

#### Reason

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

(27) Notwithstanding the details submitted and prior to the associated occupation of the dwelling the windows in the west elevation of Block A, the south elevation of Block C, north and east elevations of Block E and windows serving bathrooms in all of the dwellings hereby approved shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.

#### Reason

In the interest of the amenities of the adjoining properties and the safety of the occupiers of the applicant dwelling.

(28) Prior to occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

#### Nest Box Specifications for House Sparrow Terrace:

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

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

#### Swift Nest Box Specification:

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

Dimensions: H150 x W340 x D150mm

Reason

In the interest of Biodiversity.

(29) Prior to the commencement of construction of any part of the development on site details of the finished floor levels of the development shall be submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with these agreed levels unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of flood risk and the amenities of the area and to ensure a satisfactory street picture.

#### Regulatory Conditions

(30) No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made to the approved Class A1 or A3 uses outside of the hours 07:00-19:00. All deliveries outside of these hours should be arranged in accordance with Department for Transport document " Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers".

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

(31) The noise rating level emitted from external plant (including any kitchen extraction systems) serving the approved Class A1 and A3 uses shall not be greater than 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”.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby.

(32) Construction operations shall be limited to 07:00-19:00 Mon-Fri, 08:00-13:00 Saturday, and no construction operations shall take place on Sunday and Public Holiday

Reason

In the interests of residential amenity

(33) Notwithstanding the provisions 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), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for additional windows, having regard to the particular layout and design of the estate.

(34) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls (other than those expressly authorised by this permission) shall be erected.

Reason

In the interests of visual amenity.