

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval Following Members Site Visit

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| <u>APPLICATION NO:</u> P2017/0112 | <u>DATE:</u> 25/04/2017 |
| PROPOSAL: | Development of new roadside services, to include sales building (use class A1), forecourt canopy, underground storage tanks, car care facilities, coffee shop/restaurant with drive thru facility (A1/A3), car parking, landscaping and associated works |
| LOCATION: | Land Between A465 and, High Street, Blaengwrach, SA11 5NZ |
| APPLICANT: | Park Garages Group PLC |
| TYPE: | Full Plans |
| WARD: | Blaengwrach |

BACKGROUND

The application was called into Planning Committee by Ward Member Councillor Carolyn Edwards on the grounds that there are local concerns over the impact of the development in terms of its access/ highway safety, including its proximity to the school; impact on nearby dwellings; and potential effect on retail and post office in the village.

The Committee Call-In Panel met and agreed that the application should be brought to Committee on such grounds.

The Call-In Panel also agreed to Cllr. Edward's request that a Members' Site Visit be held on such grounds. Accordingly, the visit will be held on the morning of Committee.

SITE AND CONTEXT

The application site is located just off the A465 roundabout at the entrance to the settlements of Blaengwrach and Cwmgwach. The A465 is located in the valley and links Swansea and the M4 to the south west, with Brecon Beacons and Merthyr Tydfil to the north east.

The site is located with the designated settlement limit, effectively triangular in shape, and measuring approximately 0.4 Ha in area. The site is currently vacant, previously developed land, and is largely flat.

There is a large area of hardstanding on the central part of the site and vegetation on periphery particularly along the northeast and southeast boundaries. This vegetation is mainly in land outside the applicants control and extends to the highway.

Diagonally opposite the site across the roundabout on the A465 is a McDonalds fast food outlet with associated car parking, which falls outside the settlement limit. Adjacent to the restaurant the land was subject to planning applications for a petrol filling station and an outline application for a restaurant (see planning history section below).

DESCRIPTION OF DEVELOPMENT

The application proposal comprises of a new petrol filling station and new coffee shop/restaurant with drive thru element. A four island forecourt is proposed which will provide for eight refuelling positions for cars.

The associated sales building will be located to the east of the site and following amendments will have a footprint of 200 sqm gross external area. The building will be single storey with a glazed frontage which, as well as providing a retail service area, will also provide customer toilet facilities, ATM and paying facilities for fuel.

The coffee shop/restaurant is to be located to the south-west of the site and will include a drive thru facility operating around the building. Car parking primarily for the restaurant is provided to the east of the building comprising of 28 spaces including 2 disabled spaces.

Both the buildings are proposed to be modern in appearance, they make extensive use of glazing with building materials used externally also including wooden and stone effect cladding.

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

NEGOTIATIONS:

The applicant has submitted revised plans following advice from the Planning Section with regard to the size and aesthetic of the development buildings as well as amendments to improve highway and pedestrian safety.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P2008/0239 Residential development, 14 houses, 6 flats: approved
- P2005/1527 Residential development (outline): approved

Other relevant planning history: Land opposite/ adjacent to McDonalds restaurant

As referred to earlier, on the opposite side of the A465 roundabout lies a site adjacent to the McDonalds restaurant which was recently the subject of planning applications for a proposed petrol filling station (ref. P2016/0117) and an outline application for a restaurant (P2016/0254).

These applications were refused by the Planning Authority in 2016 on the grounds that they were located outside of the defined settlement limits and were therefore contrary to Policy SC1 of the Councils Local Development Plan and would adversely affect the vitality and viability of the nearby District Shopping Centre, and the Councils aspirations to deliver a comprehensive regeneration scheme on an allocated and more sustainably located site within Glynneath.

Subsequent appeals were recently dismissed on 7th April 2017. Please note the [Inspector's decision](#) on the Planning Inspectorate website. Members should note that the Planning Inspector's decision is the subject of a recent Judicial Review.

CONSULTATIONS

Blaengwrach Ward: Members will note that the application has been brought to Committee at the request of the local Ward Member.

Blaengwrach Community Council: Although no formal objection letter has been received to date, the Community Council object to the development on pedestrian/highway safety grounds. A representative of the Community Council has also requested to address the Committee.

South Wales Trunk Agency: no response

Contaminated Land: No objection

Public Right of Way: No objection

Head of Engineering and Transport (Drainage): No objection

Head of Engineering and Transport (Highways): No objection

REPRESENTATIONS

Initial Notification

The neighbouring properties were consulted on 3rd February 2017, with a site notice also displayed on 9th February 2017.

In response, to date 33 no. representations have been received, with the issues raised summarised as follows: -

- The site is located approximately 60 yard from Cwmgwrach stores and Post office. This development will have a negative impact on these facilities and possibly result in its closure.
- The development will impact negatively on the Councils plans for Park Avenue.
- The development will have a negative visual and smell impact.
- There will be a negative impact on road safety for both the residents of Blaengwrach/Cwmgwrach or indeed the users of the A465.
- Increased traffic entering village will spoil the village atmosphere and impact on the route many children choose to walk to school.
- Increase in pollution and possibly crime.
- Increased risk of terrorism
- Traffic congestion and danger to pedestrians and school children using the underpass.
- Light pollution
- Litter pollution
- Creation of tail backs in terms of traffic.
- People will ignore the re-diverted footpath and will just walk on the road where the current footpath is.
- Creation of a meeting point for children and local youths
- Parking issues

- Housing could have been used for Affordable Housing
- Impact on House prices of residents
- Lack of consultation with residents
- Submission of similar applications
- Application should be located at the McDonalds site.
- Safety issue – Fuel tanks located too near to residential housing
- The development will bring much needed employment to the area.
- Fully support the proposed development, will bring much need employment to the area.

Re-Consultation on Amended Plans (May 2017)

Two further letters of objection have been received which offered the following new comments:

- Out of keeping with the character of the village
- Increase volume of waste water

A petition has also been received (on 25/5/17) with a total of 171 signatures which objects to the development “because it is a direct health and safety risk to the residents of Blaengwrach/Lamb ward. The proposed site for the roadside services is along the only pedestrian route that links Blaengwrach and the Lamb. This will have an impact on highway safety to road users and pedestrians, along with added air pollution to residents”.

REPORT

Issues

The issues to be considered in the determination of this application relate to the principle of the development at this location having regard to the prevailing planning policies together with any impact on visual and residential amenity, highway and pedestrian safety, and an assessment of relevant material considerations.

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:

- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP12** Retail
- **Policy SC1** Settlement limits
- **Policy BE1** Design
- **Policy TR2** Design and Access of New Development
- **Policy R3** Out of Centre Retail Proposals
- **Policy VRS1** Valleys Regeneration Scheme

Principle of Development

The application site lies within the settlement limit of Blaengwrach as defined by Policy SC1 of the adopted LDP. Therefore the principle of developing the site is generally acceptable, subject to the proposal being proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy, and meeting other relevant Policies governing new development.

In respect, of the nature of development itself, the scale, form and function of the proposal are all considered to be proportionate to the hierarchy and therefore compliant with Policy SC1. Matters of retail impact are addressed below.

Retail Impact

LDP Policy R3 concerns itself with retail proposals outside defined retail centres but within settlement limits. The Policy states that out of centre retail proposals will only be permitted where they satisfy the following criteria:

1. It is demonstrated that there is a need for the development; and
2. The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach; and
3. The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and
4. The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved;

Or:

5. The proposal is within the Coastal Corridor Strategy Area and is for a new retail unit, change of use or extension resulting in a premises of 100m² gross floorspace or less and is demonstrated to serve local neighbourhood needs; or

6. The proposal is within the Valleys Strategy Area and is a new retail unit, change of use or extension resulting in a premises of 200m² gross floorspace or less.

Members will note that the issue of compliance with Policy R3 was a critical matter in the appeal on the nearby site, which lay outside of any defined settlement boundary. Indeed that Inspector stated as follows:

“15. Policy R3: Out of Centre Retail Proposals sets out criteria for retail developments outside designated town centres. However, its permissive effect does not extend beyond the defined limits of settlements. The amplification to the policy explains that the intention of the policy is to apply strict controls over retail proposals to ensure retail centres are supported and enhanced as far as possible. In the absence of any other relevant supportive retail policy it follows that the scheme conflict with the LDP’s retail policies”.

The primary difference between that proposal and the current scheme is its location, insofar as this application site lies within the settlement boundary defined by Policy SC1. It is therefore an acceptable development in principle provided it meets either criterion 1 to 4 or criterion 5 or 6.

Given that the site is located within the Valleys Strategy Area, the 6th criterion ‘bites’. This criterion specifies a threshold of 200 square metres of gross retail floorspace as being acceptable ‘out of centre’ (but within settlement), and relates to Policy SP6 for development in the Valleys which advocates taking a flexible approach to encourage small scale retail proposals (criterion 8).

As noted above, Officers have advised the applicants of the strict Policy requirements in term sof acceptable floorspace following which the gross floorspace of the retail kiosk associated with the petrol filling station has been reduced to 200 sq.m. The sales building associated with the petrol filling station therefore now adheres to this threshold, thus making the application compliant with Policy R3.

Impact on Existing Retail Shops

Concern has been expressed locally that the proposed development could have an adverse impact on the existing Cwmgwrach Stores/ Post Office. While such concerns are acknowledged, nevertheless as noted above the proposal would comply with Policy R3 as a matter of principle.

In addition, Planning Policy Wales (at 10.2.12) emphasises that “it is not the role of the planning system to restrict competition between retailers within centres”. Having regard to this guidance – and the fact that the Cwmgwrach Stores and Post Office are not within a designated retail centre - there is nothing in Planning Policy which would prohibit the opening of additional stores based upon concerns over the impact on an existing local store. It is therefore considered that refusal on such grounds could not be substantiated.

Regeneration Priorities

Objections were made in respect of the recent appeals on the land opposite on grounds including the potential adverse impact on the Council's aspirations to deliver a comprehensive regeneration scheme on an allocated and more sustainably located site within Glynneath (Park Avenue, Glynneath – Policy VRS1 refers).

Policy VRS1 is concerned with regenerating the valleys, and the adopted LDP notes that within the Upper Neath Valley Strategic Growth Area, the Park Avenue Mixed Use Regeneration Scheme at Park Avenue, Glynneath is key to delivering the growth strategy to the area, presenting the best opportunity for the growth of the town. A mix of residential and retail uses is envisaged at that site.

While the previous proposals were refused on such grounds, nevertheless in that case the retail element was much greater (gross floor area 375 sq.m. and net sales area of 280 sq.m) and failed to comply with Policy R3 in principle. In this case, however, the retail element of the proposal is smaller and R3 Policy compliant, being in line with the LDP's flexible approach to retail development inside settlement limits in the Valleys, as advocated by Policy SP6.

Within this Policy context, while there is potential for the development to have some impact on the attractiveness of the retail site, it is considered that the proposal could not be argued to have the adverse

impacts identified for the nearby appeal proposals on the delivery of the regeneration site. It is also noted that it is not argued that the proposed development is a use appropriate to the Park Avenue site, given the necessity for the location of a filling station to be in a practical location which will enable it to operate functionally with the right highway infrastructure.

Need for Roadside Service Facilities

Although the principle of the development has been considered acceptable above, it is also material to note that both the current applicants, and those on behalf of the appeal site opposite, have sought to emphasise that there is a local need for additional roadside service areas. There is, however, no national guidance in Wales relating to roadside services areas other than related to motorways, nor is such need addressed through any allocation in the LDP.

The evidence in the appeal stated that the nearest dual directional PFS facilities are on the M4 motorway, 19.3 miles away to the south west and 29.1 miles away to the south east, although the Inspector also noted that there is no assessment of other facilities in the environs of the A465 which may offer PFS and rest facilities.

When considering this issue, the appeal Inspector acknowledged that *“the provision of additional and convenient stops may be welcomed by some motorists and that the location of the sites adjacent to the A465 would be convenient in this respect”*. The Council’s submissions stated that the appellant had failed to justify the need for roadside services at this location given the presence of PFS facilities within Glynneath and the existing parking, toilet and refreshment facilities available at McDonalds. The Inspector also noted the appellant’s comments that diverting HGVs into Glynneath for refuelling may be undesirable, however, she considered that *“no evidence has been presented to point to inconvenience either to HGV drivers or other users of the highway network serving Glynneath”*. Such potential need did not, therefore, justify that development.

Having regard to the above, while this issue is not considered to be determinative, it is nevertheless considered that the ability of this site to offer such services in an accessible, settlement location, add weights to the acceptability of this development in this location, provided there are no other adverse impacts. These impacts are considered in the following sections.

Economic Development

While the principle of development is acceptable in this case, it is also noted that the development would create employment opportunities, estimated at 25 full and part-time jobs in the petrol filling station element and an additional 25 full and part-time jobs in the restaurant. In addition to the actual jobs created by the development, further jobs will be created in the construction phase of the development. There could also be opportunities for spin-off economic linkages to the benefit of Blaengwrach, Cwmgwrach and Glynneath during the construction period itself as, for example, onsite construction site staff utilise shops and services within the local area. Given the focus of the LDP in seeking to generate new employment opportunities with the Valleys, this is considered to add further weight to the arguments in favour of developing this vacant, previously-developed site.

Impact on Visual Amenity

Policy BE1 requires all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environment context and contributes to the creation of attractive sustainable places.

The site itself essentially has three 'key frontages' namely the view from the A465 and roundabout, the elevation from the access road into Blaengwrach (B4242) and the views from the settlement to the east / High Street/ Chain Road/ Empire Avenue. In respect of the views from the A465, it is noteworthy that the site is at a higher level than the adjacent highway, and existing mature vegetation between the site boundary and highway ensure the site experiences a significant degree of screening from the A465. That good degree of screening continues along the A4242 and further around the corner onto High Street/Chain Road, such that the views of the site from the former two views would largely be restricted to the tops of the buildings, along with any signage that may be requested (subject to advertisement consent being granted of size and location).

The views from High Street/Chain Road would be more open, with the new access arrangements, car parking and retail kiosk forming the key visual elements on this frontage.

Within this context, the sales building along with the restaurant building are proposed to be modern in appearance utilising glazing. The drive-thru coffee unit is constrained somewhat by the necessities of the practical usage of the drive-thru element of it. Nevertheless both the structures incorporate designs which are commonly associated with roadside services and are considered to provide an attractive, modern sense of place with a pleasing visual aesthetic.

Although the A1 sales building 'turns its back' on the main road, this elevation has been articulated through the use of varying materials, and to further ensure the visual amenity of the wider area, conditions are proposed which specifically require detail of the form and type of materials used in the boundary treatment along with a full landscaping scheme. Subject to these conditions, the visual impact on the locality is considered to be acceptable.

Accordingly, it is considered that the proposed development by virtue of its scale and massing together with the use of appropriate materials would provide a development which would redevelop a vacant site in a manner which would have no unacceptable impact on the overall character and appearance of the surrounding area, complying with the objectives of Policy BE1 of the Local Development Plan.

Impact on Residential Amenity

The proposed development by virtue of its location; approximately in excess of 28m from the nearest neighbouring residential property on Church Crescent will not adversely overbear or overshadow any neighbouring properties.

Noise

Although the site is located adjacent to the busy A465 trunk road, with relatively high background noise levels, it is nevertheless acknowledged that introducing a new commercial use onto the site has the potential for noise impacts upon nearby noise sensitive residential properties, including: -

1. The impact of mechanical plant noise
2. The impact of delivery noise
3. The impact of noise associated with vehicles parking and refuelling

It is also noted that the development is intended to operate 24/7, and would require unrestricted fuel deliveries. Deliveries associated with fresh bread and newspapers to the PFS are also proposed to be unrestricted, while larger goods deliveries in connection with the PFS store and restaurant/coffee shop are proposed to be prohibited between 23:00 and 06:00, daily.

The applicant has carried out a full noise assessment, which determined that the deliveries to the shop element of the proposal will be noisiest followed by the fuel deliveries. The report concludes that:

- Noise limits for mechanical services plant at the proposed petrol filling station and restaurant/coffee shop have been established, based on measured background noise levels, as well as taking account of BS 4142 and WHO. Predictions have indicated that with the proposed mitigation measures in place, the overall noise levels from these services would have a low adverse impact.
- Noise limits for deliveries at the proposed petrol filling station store and restaurant/coffee shop between 06:00 and 23:00 have been established, based on measured background noise levels, as well as taking account of BS 4142 and WHO. Predictions have indicated that noise levels from deliveries would meet noise limit objectives and consequently have a low adverse impact.
- Deliveries associated with fuel, as well as newspapers and bread at the petrol filling station are proposed to be unrestricted. Noise levels associated with these activities are low. Therefore, the noise impact at the nearby residential properties is expected to be low.
- Noise limits for vehicular activities have been established, based on WHO, as well as taking account of the measured ambient noise levels. Predictions have indicated that noise levels associated with vehicles refuelling and parking would comfortably meet noise limit objectives and consequently have a very low adverse impact

The submissions have been assessed by Environmental Health, who initially requested clarification in respect of cumulative noise assessments and the proposed unrestricted fuel deliveries, but are now satisfied that there is no need to restrict fuel delivery times on noise grounds, and that there are no grounds to object on noise impact grounds. This view is reached having particular regard to the high background noise levels at the site.

Accordingly, while the development will introduce a new commercial element in proximity to nearby residential properties, there are no sustainable grounds on which to refuse the development on noise level grounds.

Odour

No adverse comments have been received from the Environmental Health Section. There is however potential for odour from the A3 element and therefore the council will ensure a condition is attached requesting the submission of the full specification of the extraction flue to be used within the restaurant.

With regards to potential odours arising from fuel deliveries to site, the premises will be required to install a Petrol Vapour Recovery System that captures fuel vapours during deliveries and returns them to the delivery tanker. This process is regulated by the Environmental Permitting Regime and as such will be subject to ongoing monitoring and enforcement by Environmental Health.

In view of both the location of the development in proximity to neighbouring dwellinghouses and the results of the noise assessment it is concluded that the proposal will not unacceptably affect residential amenity.

Lighting

No issues of light pollution have been raised by the Environmental Health Section, neither have there been any adverse comments from the Highway and Engineering Department. Nevertheless, the site is located close to residential properties, such that it is considered appropriate to ensure that a lighting scheme is submitted to ensure that external illumination of the site would not adversely affect residential amenity.

Parking and Access Requirements and Impact on Highway Safety

Policy TR2 of the LDP seeks to ensure that development proposals: - do not compromise the safe, effective and efficient use of the highway network or have an adverse impact on highway safety or create unacceptable levels of traffic generation; include appropriate levels of parking, cycling facilities and safe access/ manoeuvring; accessibility;

and are accompanied by TAs where likely to create significant traffic generation.

The application was accompanied by a full Transport Assessment (TA), the findings of which can be summarised as follows:

Highway Capacity Following assessments at the mini-roundabout it is concluded that there are no capacity issues. The proposed development can be undertaken without undue impact on highway operation.

Accidents No accidents have been recorded on High Street in the vicinity of the site in the past five years. The nearest accidents to the site were recorded at the Blaengwrach Roundabout. This is expected given that the A465 is one of the main roads in south Wales.

Vehicle Manoeuvres A swept path analysis undertaken on the site confirms that a 16.5m articulated lorry can traverse the site safely. This is important as fuel would be delivered by tanker to the development. It is stressed however that this would take place outside of the operating periods of the station.

Trip Generation The proposed development is expected to generate approximately 190 new turning movements at the site accesses during the weekday AM peak and 250 movements during the PM peak. The impact of this traffic on the wider highway network would be negligible as the majority of the trips generated would be either linked or diverted. As stated above the filling station is not proposed to serve Heavy Goods Vehicles and the only HGV use of the site will be specifically for deliveries. In order to control this a condition will be attached requiring the submission of scheme of signage to be approved denoting the exclusion of HGVs (other than those providing delivery).

The Head of Engineering and Transport (Highways) has assessed the development and the detailed Transport Assessment and has raised no objection to the development, subject to a number of conditions.

These conditions require implementation of a Traffic Regulation Order ('no waiting at anytime') prior to first use to protect the junctions, together with clear demarcation of footpath and access arrangements and for a scheme to be submitted detailing improvements to pedestrian, cycle and vehicular access improvements for the parts of the site fronting onto Chain Road.

Highway concerns from residents

A number of highway specific concerns have been raised by residents within the vicinity. They can be summarised and addressed as follows:

- There will be a negative impact on road safety for both the residents of Blaengwrach/Cwmgwrach or indeed the users of the A465
- Increased traffic entering village will spoil the village atmosphere and impact on the route many children choose to walk to school
- Traffic congestion and danger to pedestrians and school children using the underpass.

With regard to the road safety for both the residents of the settlement and the users of the A465, a Transport Assessment has been undertaken utilising a nationally recognised database for predicted traffic generation (TRICS). This information has been added to the traffic survey undertaken by the applicant and then utilised to assess the capacity of the mini roundabout and its junctions during peaks and provided a Reference Flow Capacity (RFC) figure of 0.24 well below 0.85, the figure at which indicates that the junction roundabout is reaching its capacity. The speed limit entering the village is 20mph and the agency responsible for the A465 offered no objection or required the roundabout of the A465 to be assessed.

In response to the issue of congestion, the transport assessment shows that there will be a maximum 3.3 second delay during the network peak on the mini roundabout.

Following a number of site visits by highways officers during school leaving times, it was recorded that the number of children using the underpass to walk from school is minimal (and the number of children there without adult supervision was zero). Nevertheless, it is acknowledged that the route past the site towards and from the underpass is one used by locals in accessing other facilities to the west

of the A465, and therefore it is necessary to consider whether the development would have unacceptably adverse consequences on pedestrian as well as highway safety. In this respect, it is considered that the introduction of this new commercial use, while introducing additional activity into the area, would nevertheless not impact on the use of the footpaths, or cause any unacceptable impact on the use of the footpaths in the area such that refusal of this development could be justified on such grounds.

In addition, it is noted that the submissions emphasise that the site is not intended for use by HGVs as it is a small scale petrol filling station.

A Construction Method Statement will also need to be submitted prior to any works commencing on site.

It is therefore concluded that, subject to the above conditions, the development will not lead to any unacceptable impacts on highway and pedestrian safety, and would accord with Policy TR2 of the Local Development Plan.

Public Rights of Way

No registered public rights of way affect the site in question.

Other Matters

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

- Concern over terrorism is not considered to be justified or to amount to a material planning consideration of weight in this case
- While the fear of crime can be a material planning consideration, such matters and potential fears over anti-social behaviour / creation of a meeting point for children and local youths, is not considered to be a matter which would justify refusal of this scheme
- The level of litter predicted to be associated with this development is not considered to adversely affect residential or visual amenity.

Furthermore no such concerns have been raised by the Environmental Health Section.

- Increase in pollution - This is not an area which exhibits high levels of air pollution, and in this context it is considered that the proposed use would not have any demonstrable impact on air pollution to the extent that refusal could be justified on such grounds.
- The Local Authority can only assess the application that has been submitted, any other potential uses for the site were not considered in the determination of this application.
- The impact on house prices as a result of this application was not a material planning consideration and therefore had no influence on the decision making process.
- Consultation with residents followed the regimented protocol that is used for each of the applications the Authority receives.
- The fuel tank location is not considered to endanger the safety of any neighbouring residential properties.

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.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies BE1 (Design), SC1 (Settlement limits), R3 (Out of Centre Retail Proposals) VSR1 (Valleys Regeneration Scheme) and TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.

RECOMMENDATION : Approval subject to conditions

CONDITIONS

Time Limit Conditions

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

Reason

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

Approved Plans

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

- Proposed Site Layout 1429 3j
- Building Plan, Elevations & Roof Plan 1429 4c
- Site Elevations 1429 6b
- Location Plan 1429 1b
- Drive Thru Building Elevations 1429 7a

Reason

In the interests of clarity.

Pre-Commencement Conditions

(3) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use is commenced. Development shall be carried out in accordance with the approved details and retained in perpetuity.

Reason

in the interest of visual amenity

(4) No development or site clearance shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The scheme shall include: - indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measure for their protection throughout the course of development; means of enclosure; hard surfacing materials; and minor artefacts and structures (e.g. storage areas/ units, refuse bins, signs, etc.),

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme.

Reason

In the interest of visual amenity

(5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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.

(6) No development shall take place, until a Demolition & Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Demolition and Construction method statement shall have 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 Statement shall be adhered to throughout the demolition and construction phases. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. Loading and unloading of plant and materials
- iii. Storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

v. wheel washing facilities to prevent deposition of material onto any hard surface road.

Vi. Measures to control the emission of dust and dirt during construction

vii. Measures to prevent stacking of vehicles onto the public highway.

Viii. Identification of the 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.

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

Reason

In the interests of residential amenity

(7) Prior to work commencing on site a scheme shall be submitted to and approved in writing to the Local Planning Authority detailing the specification and location of a highway sign to be designed in compliance with Traffic Signs Regulations and General Directions 2016, advising motorists that no part of the site shall be used at any time for the purpose of servicing or fuelling Heavy Goods Vehicles. Heavy Goods Vehicles shall be restricted to those servicing the fuel tanks at the filling station only. The Approved signage shall then be retained on site in the approved position at all times.

Reason

In the interest of highway safety

(8) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which shall include:

(i) A 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) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters 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;

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

Reason

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

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

Reason

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

Action Conditions

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

Reason

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

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

Reason

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

(12) The landscaping works shall be carried out in accordance with the approved details with 1 month of the first planting season immediately following completion of the development or in accordance with the agreed implementation program. (The completed scheme shall be managed in accordance with an approved scheme of management).

Reason

In the interest of visual amenity.

(13) Prior to first operation a Traffic Regulation Order (TRO) scheme shall be submitted to the Local Planning Authority for written approval detailing NO WAITING at ANYTIME orders to protect the junctions. This scheme as approved shall be implemented prior to first use and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety.

(14) Prior to work commencing on construction a scheme shall be submitted to the Local Planning Authority for written approval detailing the pedestrian, cycle and vehicular access improvements fronting onto chain road. This scheme as approved shall remain open to the public thereafter and shall be implemented prior to the first use.

Reason

In the interest of visual amenity

(15) Prior to the installation of any external lighting (including car park and building lighting), a lighting scheme for the whole of the site shall have been submitted to and approved in writing by the local planning authority. All lighting at the site shall thereafter only be in accordance with the approved scheme.

Reason: In the interests of visual and residential amenit

(16) No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Appendix 4 of TAN 15 (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a

sustainable drainage scheme is to be provided, the submitted details shall:

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

Reason

In the interest of good drainage

(17) The Applicant shall submit to the Local Planning Authority a scheme for the extraction and control of cooking odours from the premises designed in accordance with the DEFRA document 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'. Following approval of the scheme, the extraction system shall be constructed and commissioned to the satisfaction of the Local Planning Authority prior to the first operation of the approved Class A3 use.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy

(18) Extract ventilation system stacks serving the approved Class A3 use should be positioned as far as possible from the nearest odour and noise sensitive property. The stack discharge shall be straight, vertical and terminate a minimum of 1000mm above the maximum roof height of the premises.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy

Regulatory Conditions

(19) The gross retail floorspace hereby permitted shall not exceed 200 square metres and shall not be used for purposes other than those set out in Class A1 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason

In the interest of clarity

(20) The coffee shop/restaurant hereby permitted shall not be used for purposes other than those set out in Class A3 of the Schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

Reason

In the interest of clarity

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan adopted January 2016

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies BE1 (1), SC1 (Settlement limits), R3 (Out of Centre Retail Proposals) VSR1 (Valleys Regeneration Scheme) and TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan.