

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

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

<b><u>APPLICATION NO:</u> P2018/1024</b>	<b><u>DATE:</u> 17/12/2018</b>
<b>PROPOSAL:</b>	Redevelopment of Neath town centre consisting of 8 No. A1 retail units and 1 No. first floor unit (A1,A3 or D2 use) together with associated service yard and hard and soft landscaping.
<b>LOCATION:</b>	Land at Water Street, Neath SA11 3EP
<b>APPLICANT:</b>	NPTCBC
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Neath North

### **SITE AND CONTEXT**

The site is located within Neath Town Centre, as designated under Policies R1 and R2 of the Neath Port Talbot Local Development Plan.

The site extends to both the area of the former multi-storey car park, Wilko, and Tesco Metro Stores, which have been demolished, extending from Wind Street through to Fairfield Way, and encompasses Fairfield Way itself to the side of the existing Wilko store, which was constructed under Phase 1 of this regeneration scheme.

The site is bounded to the east by Prince of Wales Drive which provides one of the main circulatory routes around the Town Centre, and provides access to the south of the site to the multi-storey car park. The site area incorporates proposed public realm improvements to Water Street to the West.

The plan below identifies the position of the development within the town centre.

*Plan 1: Location of proposed development*



## **DESCRIPTION OF DEVELOPMENT**

The application proposes to build out 3016 sq.m (32,463 sq ft) ground floor retail floor space in nine units as follows: -

- Unit 1 935 sq.m.
- Unit 2 723 sq.m.
- Unit 3 339 sq. m.
- Unit 4 292 sq. m.
- Unit 5 219 sq. m.
- Unit 6 194 sq. m.
- Unit 7 169 sq. m.
- Unit 8 145 sq. m.

As noted above, the units range in size from 145 m<sup>2</sup> to 953m<sup>2</sup>, and are constructed in a manner that can both combine units, for larger operators, and in the case of the 935m<sup>2</sup> (10,064sq ft) and 732m<sup>2</sup> (7,890sq ft) units, have the height internally to accommodate a mezzanine floor, potentially increasing retail floor space by a further 1286m<sup>2</sup> (13,842 sq ft)

An additional 629m<sup>2</sup> (6770 sq ft) of first floor commercial space (Unit 9) is also proposed, for potential operator in A1, A3, or D2 use classes, together with service yard, and public realm improvements.

In addition the proposed layout incorporates a 'future development site' on the corner of water Street and Prince of Wales Drive, which would allow for the continued development of in the region of an additional 4038 sq.m. (over three floors) of further floor space for retail and other potential town centre appropriate uses. In advance of any development of this area (which would require the separate grant of planning permission), this area will be enclosed by a 'green climbing wall', comprising planting on a hit-and-miss timber wall/ fencing (details TBA).

An illustration of how the proposed development would look is shown below.

*Illustration 1: Artists impression showing the proposed development*



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

## **PRE-APPLICATION CONSULTATION**

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (PAC) was carried out by the developer.

The consultation exercise took place between 9<sup>th</sup> November and 7<sup>th</sup> December 2018 which also included the site notice and images being placed within the council offices in the town centre included a public exhibition immediately beforehand on 16<sup>th</sup> May 2017 at Gwyn Hall,

Orchard Road, Neath. The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees.

In addition to statutory consultees, two public responses were received (1 supporting; and 1 neither in favour or against), which have been outlined in the Pre-Application Consultation Report.

## **PLANNING HISTORY**

The application site has the following relevant planning history: -

- **P2013/0863** Full Planning Application for the demolition of the Magistrates Court and adjacent demountable buildings, and the development of a 4 deck, 604 space multi-storey car park, 1 No. Retail unit (Class A1), and Shop-mobility unit; together with associated permanent and temporary public realm improvements.  
Outline Planning Application for the demolition of existing multi-storey car park (incorporating Wilkinson and Tesco) and the Greyhound PH, and the development of 9 No. Retail units (Class A1); 7 No. Retail/Food and Drink units (Classes A1/A3); 2 No. Retail/office units (Classes A1/A2); 1 No. Office/Community facility unit (Class B1/A2/D1), and up to 31 No. Residential Units, together with associated public realm improvements, reconfigured service yard and car parking.  
Approved 13th Nov 2013.
- **P2014/0196** Details pursuant to discharge Condition 6 (Alignment of access and exit to car park) of planning permission P2013/0863 (Approved on the 12/11/2013)  
Approved 7th March 2014.
- **P2014/0638** Details pursuant to Condition 5 (Site Waste Management Plan) of Planning Permission P2013/863 (Approved on the 13/11/13). 28th July 2014

- **P2014/0639** Details pursuant to Condition 14 (Surface Water Drainage Strategy for Phase 1) of Planning Permission P2013/863 (Approved on the 13/11/13). Approved 24th October 2014
- **P2014/0651** Details pursuant to Condition 4 (Construction method statement) of Planning Permission P2013/0863 (Approved on the 12/11/13) Approved 16th October 2014.
- **P2014/0824** Details pursuant to Condition 17 (Bat and Bird Boxes) of Planning Permission P2013/0863 (Approved on the 13/11/13) Approved 16th September 2014
- **P2014/927** Details pursuant to the discharge of Condition 2 (External Materials) of Planning Permission P2013/0863 (Approved on the 13/11/13) Approved 3rd October 2014
- **P2015/0083** Non-material amendment to Planning Permission P2013/0863 (Approved on the 24/09/2013) for the reduction of car parking spaces from 604 to 594, widening of exit door to stair tower, alteration to vehicular car park entrance, removal of feature structure at pedestrian access to car park plus removal of Conditions 18, 19 and 20 in respect of BREEAM. Approved 29th May 2015.
- **P2015/0354** Variation of Condition 3 (Timing of installation of advance car parking capacity signage) of Planning Permission P2013/0863 (Approved on the 13/11/13) Approved 9th July 2015
- **P2015/0545** Details pursuant to Conditions 2, 8, 10,15 (Service bay layout, landscaping, street lighting and external materials: Mesh screen) of Planning Permission P2013/0863 (Approved on the 13/11/13) Approved 7th July 2015
- **P2016/0654** 3 Storey mixed use block comprising 6 commercial units (Class A1/A2/A3 with 12 No. residential units and associated works, including changes to existing service yard and public realm improvements. Approved 9th January 2017

## **CONSULTATIONS**

**Neath Town Council:** No objection

**Head of Engineering and Transport (Highways):** No objection subject to conditions

**Head of Engineering and Transport (Drainage):** no objection subject to conditions

**Contaminated land:** No objection subject to condition

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

**Welsh Water:** Advised that surface water should not communicate with the public sewerage system and that the applicant should incorporate a Suds system. They have also advised of their apparatus and associated easement zones.

**Crime Prevention Advisor:** No objections, however recommends details of design to be included within the development with a view to the development achieving the Secured by Design Award:

**Environmental Health (Noise):** No objection subject to conditions

**Arboriculturist:** No objection

**Biodiversity:** No objection subject to conditions

## **REPRESENTATIONS**

The neighbouring properties were consulted on 17<sup>th</sup> December 2018.

A site notice was also displayed on 19<sup>th</sup> December 2018, with the application also advertised in the South Wales Evening Post on 18<sup>th</sup> December

In response, to date 1 no. representation has been received, which in summary has raised concerns over access to wind street after 5pm during the works and ongoing as their business relies on being able to drive into town after the pedestrian zone lapses.

## REPORT

### National Planning Policy:

The main thrust of Planning Policy Wales (Edition 10, December 2018) is that retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

Para 4.3.18 States *“The Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development.”*

The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management decisions ensuring their maximum contribution to the well-being goals. The planning system must:

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres’ vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport

The following Technical Advice Notes are also of relevance:-

- TAN 2 Planning and Affordable Housing (2006)
- TAN 4 Retailing and Commercial Development (2016)
- TAN 12 Design (2016)
- TAN 21 Waste (2014)
- TAN 23 Economic Development (2014)
- TAN 24 The Historic Environment (2017)

## Local Planning Policy:

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 SP10** Open Space
- **Policy SP12** Retail
- **Policy SP16** Environmental Protection
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

### *Topic Based Policies*

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy CCRS1** Coastal Corridor Regeneration Schemes
- **Policy OS1** Open Space Provision
- **Policy R1** Retail Allocations
- **Policy R2** Proposals Within Retail Centres
- **Policy EN8** Pollution and Land Stability
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

### *Supplementary Planning Guidance:*

The following [SPG](#) were approved are of relevance to this application: -

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Pollution (October 2016)
- Open Space & Greenspace (July 2017)



- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)
- Biodiversity and Geodiversity (May 2018)

### EIA Screening

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened

The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application

The proposed development is also 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.

### Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, impact on visual amenity and the character of the area, the amenities of neighbouring properties, highway and pedestrian safety and the free flow of traffic, biodiversity, and pollution control including noise and nuisance.

### Principle of Development

The principle of development has already been established with the granting of outline planning permission for the redevelopment of Neath town centre under planning application P2013/0863 in November 2013. This area was identified on the master plan as Block A which allowed for 8,662 sq.m. for retail use, a figure which included development in the area proposed under this application for 'future development'.

The retail impact statement identifies that the previous hybrid application set out to assess the quantity of development proposed and a qualitative on the existing provision, and demand identified to enhance the existing centre.

The main conclusions of that report are;

- The new Neath Town Centre development will provide a wide range of benefits for Neath Town Centre;
- It will provide much needed additional quality retail floor space, of appropriate size for current retailer needs, thereby helping Neath to extend its offer and choice.
- It will deliver new and improved anchor stores.□
- It will deliver new improved customer facilities, including modern parking, modern shop mobility and a modern shopping environment.
- It will extend the town centre offer and create a much needed circular route linking to other retail and non-retail anchors for the town centre.
- It will provide a highly visible and impactful retail statement for the town centre.
- It will complement and enhance the performance of existing retail offers including the Market Hall, Morrisons, M&S and established streets.
- The development will secure new retailers for the town and extend the choice and offer for its customer base. The development is of sufficient size to build on the attraction of Neath Town Centre, to generate additional trips, recapture lost expenditure and new users.
- However it is also contained in size and is fully sustainable within the 2017 comparison goods available expenditure.
- It is also fully compliant with both local and national planning policy and aspirations.

The development as approved in 2013 remains extant and the quantum of development in respect of retail and other commercial floor space can be developed out, subject to the submission of a reserved matters application.

This application seeks full planning permission, taking into account the demand from retailers currently interested in a presence within the centre, and advice from retail consultants on the scale of unit size appropriate. Whilst still allowing additional expansion to occur under subsequent phases, this ensures that the capacity and need both

quantitative and qualitative can be accommodated within this designated centre, when potential demand dictates.

It is considered that the uses requested as part of this application, providing A1 Retail uses only at ground floor, together with a potential complementary first floor use would provide a significant enhancement to the existing town centre, and one that lies in close proximity to parking and public transport.

It is therefore considered that the provision of further retail development within the designated town centre, of a scale that would attract modern retailers to this established centre, would complement the scale and offer of the commercial development within Neath and:

- Encourage existing visitors to visit more often.
- Encourage non-Neath users to visit and encourage repeat visits. Recapture leaked expenditure
- Complement existing trade without impacting on existing trade or other centres.
- Result in an overall positive enhancement of public realm and visitor expectance.

As such it would accord with TAN 4 Retail and Town Centres, and Policies R1 and R2 of the Neath Port Talbot Local Development Plan.

Nevertheless the development is located within settlement limits as defined by **Policy SC1 – Settlement Limits** where development that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.

The site is part of an area designated as a mixed use regeneration scheme (CCRS 1/1) and allocated as a housing site under **Policy H1 Housing**. This proposal is for primarily retail development only, but part of the wider site is to remain which could be developed in the future for residential use, and there are other areas of the wider allocation remaining to deliver the residential element of the allocation. The proposal is therefore considered to be in accordance with Policy H1.

The site is also located with Neath Town Centre which is covered by **Policy R2 Proposals within Retail Centres**. In this case the site partly fronts on to a designated primary shopping street (Water Street). A1 retail units are proposed to front this street, which is in accordance with

Policy R2. Details of the design of these units is detailed later within this report

Taking into account the above it is considered that the principle of development is acceptable, subject to the impacts of the development being considered acceptable in accordance with the other policies set out within the LDP.

### **Impact on Visual Amenity and Character.**

The key objective behind the masterplan proposals was to regenerate this particular area of the town centre and in doing so stimulate economic activity and commercial enterprise in the town while delivering significant improvements in place making and public realm provision. This was achieved through the masterplan proposals, featuring the reorganisation of this block of the town centre, reorganising and enhancing traffic and pedestrian flows in the process.

This application seeks to deliver a new sense of place making, while creating high quality public realm, exhibiting appropriate proportions and scale which integrate the new development into the phase 1 development and provide a high quality development to further enhance the town centre, characterised by and consistent with Neath's character, which consists of a series of linked, sometimes different buildings in a terrace to create an interesting and stimulating street scene.

From a commercial perspective this would create a destination lined with shops and active frontages to bring a new dynamic to the town centre, and provide a logical flow of pedestrians around the town centres, linking to existing transport and parking hubs.

As members will be aware, the Phase 1 scheme was opened to the public in 2014, and comprised a new store for the relocation of Wilko's and a multi storey car park as well as defining a new public realm route in the form of a wide plaza space – beginning the connection from the Civic Centre to Wind Street and the remainder of the town centre; with the new Wilko's retail unit starting to define the new frontage line to accommodate and inform future phases of development down to the junction with Wind Street.

The development exhibited appropriate levels of scale and massing relative to each frontage and juxtaposition with neighbouring properties

within the established streetscene, whilst creating a new contemporary addition to this, reflecting the evolving nature of retail within the UK, whilst being sympathetic to the local character and traditions in the area.

The alignment of the public realm and shopping environment was as important a design feature as the buildings themselves this, and this has necessarily also informed the frontage alignment of the Phase 2 proposals, and the proposals put forward for the extended and enhanced areas of public realm under this application.

The character and appearance of Phase 1 featured a palette of brickwork panels and defined feature cladding panels of small unit stone facings, with a clean parapet flat roof line to maintain a sense of human scale for what constitutes a large floor space occupier within the town centre. The scheme starts to offer a sense of scale and rhythm which has informed the Phase 2 proposals.

This next phase of development thus seeks to continue and, more significantly, evolve and refine the design principles, character and design parameters inherent within the Phase 1 built scheme. The proposals continue the public realm plaza from the Civic Centre and Phase 1 through to the intersection of the plaza and Wind Street. The frontage of the new units along the plaza continues the Phase 1 alignment between Units 3 and 9, ensuring consistency of public route, street definition and enclosure, with the frontage to Units 1 and 2 sitting in a different plane to that for Units 3 to 9. This differing alignment, along with the other buildings fronting and forming the intersection with Wind Street, creates a new node within the Town Centre, which is considered to both be of appropriate scale and proportion as a space taking into account the heights and character of the enclosing building frontages, while providing a gentle funnelling effect from the Civic Centre route into the Wind Street intersection.

The form and spatial definition within the layout provided in the street scene and public realm represents an evolution of the original town centre masterplan proposals, and has both responded to, and developed, the principles set out therein. This enhances the public realm provision in providing safe, secure and attractive routes and node points as further improvements to the network and street pattern within the town centre. In doing so, the layout, and in particular the key frontages along the plaza and return on Wind Street, provide both appropriately scaled enclosure to the public realm but also attractive

active frontage opportunities for retailers and occupiers, which are vital features in today's competitive retail markets.

Along Water Street, the proposal for Unit 1 ends on the approach to Prince of Wales Drive. The proposals identify a zone for future development at the intersection of Water Street and Prince of Wales Drive. This is envisaged to be of a suitable scale up to three storeys in height and will, in time, continue the street enclosure and route definition along Water Street, to its intersection with Prince of Wales Drive, and the return towards the Phase 1 car park entrance. Providing what can be a bookend to this block, and screening to the service yard.

A 2m wide 'shadow gap' between the end of Unit 1 on Wind Street and the future development zone will permit safe and secure access for staff, access to a dedicated staff cycle park shelter and also provides a critical underground services route linking the existing Water Street infrastructure to the proposal. This route will be secured with an appropriate gate set back slightly from the Unit 1 frontage.

The overall design of the built form represents a progressive evolution of Phase 1. Key considerations of height, scale and massing have been integrated with appearance, texture and finishes to create a set of development proposals which cohesively and comfortably sit within the town centre context.

The town centre is generally characterised by a series of relatively small building units and accompanying frontages, thereby providing a human scale to the built environment. The proposals seek to continue and evolve this characteristic, with the overall mass and scale of the new frontage being broken down to create a series of related, linked, yet distinctly separate and rhythmical elevational forms..

The external elevational treatment has a series of horizontal parapets across Units 2 to 8, reflecting Phase 1, with the entrance to Unit 9 on the first floor via a separate, slightly recessed lobby enclosure; this is reflected by a lower parapet height. This also serves to differentiate between Phase 1 and the evolved Phase 2 development. The main 1<sup>st</sup> floor Unit 9 floor space is defined externally by a large horizontal picture window positioned in a strong enclosing frame feature clad with a diagonal pattern shingle system. This creates a distinctive feature in the façade composition and will ensure that visual connections between the 1<sup>st</sup> floor occupier operation and the public plaza below will ensue,

assisting with overlooking while providing an active frontage opportunity at the upper floor levels.

The elevational form and massing composition of Unit 1 has been purposely treated differently to the remainder of the plaza-facing façade. Unit 1 is the largest unit within the scheme by floor space area and provides a strong node and mass on the important corner between the plaza and Wind Street. The frontage rhythm and scale remains consistent on both the plaza frontage and its return corner along Wind Street, although the façade composition on Wind Street features differing elements components and materials. The pitched roof forms a distinctive top to Unit 1 and both the façade and roof forms provide a contemporary yet respectful response to the market hall building whose mass and roof form it seeks to reflect.

The elevational frontage along Wind Street has been 'pulled in' by 1m from the previous façade. This serves various purposes and ensures that the Wind Street public realm can be extended to provide a safer, wider pedestrian route, while still permitting taxis to drop off and pick up in the same area.

The proposed range of materials and finishes again represents an evolution from the Phase 1 development, featuring panels of masonry, feature stonework, high quality cladding façade panels; all of which will be non-combustible, together with glazed shopfronts and entrance doors. Of particular significance will be the nature and high quality detailing at the junctions of the various components, providing a visually pleasing series of related detailing while delivering the levels of technical performance required of external materials and finishes including longevity and durability.

All entrances to the respective units will be flush with the external plaza paving surfaces to ensure full compliance with DDA and accessibility requirements. Given the significant level differences along the plaza and Wind Street frontages, coupled with the objective of creating a smooth, continuous plaza surface uninterrupted by flat plateaus and noticeable slopes, the units will exhibit a series of stepped floor slab levels to ensure a flush entrance approach in each unit.

All servicing to the units will occur from the rear, with a large dedicated service yard accessed off Prince of Wales Drive via a controlled and managed set of gates. The gates will be set back from the main

carriageway edge by 18m; permitting an articulated lorry to safely pull into the area while waiting for the gates to be opened.

All tenant plant will be located within dedicated areas, either to the rear within the service yard at yard level or within concealed, screened roof level enclosures. The flat roof areas provide flexibility to permit the future installation of photovoltaic panels by either or a combination of Council (as Landlord and owner) or by the tenants with appropriate agreements.

Accordingly, it is concluded that the proposals will reflect the overall design principles set in Phase 1 and further enhance the overall shopping experience and public realm within the Town centre, which accords with Policy BE1 of the Neath Port Talbot Local Development Plan, and reflects the aspirations for design quality within Planning Policy Wales and Technical Advice Note 12: Design (2016)

#### Impact on Residential Amenity

There are residential properties within proximity to the development, both sporadic residential flats and houses within the town centre itself, and larger areas of residential development to the opposite side of Prince of Wales Drive.

The proposed development will be significantly lower than the previous multi-storey development that previously existing on the majority of the site, and the building line at the rear is set a greater distance from Prince of Wales Drive than the former building. As such the overall physical impact of the development in terms of overlooking or overshadowing is minimal, and it is not considered that there will be any unacceptable impacts.

#### *Noise*

In support of the application the applicant has submitted a noise assessment and a construction method statement. This has been assessed by the Local Authority's Environmental Health (noise) officer who has advised they have no objection to the proposal

It relation to potential noise and nuisance from the construction, a construction and traffic management plan will ensure that deliveries and noise and disturbance from this are minimised.



Whilst all construction will lead to disturbance these impacts are transient in nature and short lived. Nevertheless, there will be controls within the construction method statement which will ensure these impacts are minimised, to appropriate levels. Furthermore any harm can be minimised further by restricting working hours, this can be also be done via imposing a suitably worded condition.

In relation to post occupation impacts, a suitably worded condition requiring all external plant for air conditioning for example does not exceed background noise levels is imposed. In addition a management plan for the service yard use, including consideration of quiet delivery strategies, will be imposed, ensuring that servicing for these units will minimise any potential disruption.

Subject to these conditions, it is considered that the proposal would be acceptable in terms of residential amenity and comply with Policy BE1 of the LDP.

### **Parking and Access Requirements and Impact on Highway Safety**

Policy TR2 identifies that proposals will only be permitted where there are appropriate levels of parking and cycling facilities are provided and that the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes.

Insofar as this site is located within the town centre where there are several public car parks, the main bus station, train station, and pedestrianised area of the town centre, the proposal is considered to be easily accessible by a wide range of transport and therefore considered to comply with the above.

In terms of the impacts from the proposed development; this can be split into construction and post occupation phases.

#### *Post construction*

During the construction phase a suitable construction and traffic management plan (CTMP) will be implemented to ensure that disruption to existing businesses and residential properties from construction traffic including deliveries will be minimised. For example, deliveries and traffic avoiding peak times, especially school pick up and drop off periods. This will ensure that disruption is minimised and that the free flow of traffic around this confined construction site are minimised.

A construction method statement has been submitted as part of the application; however the Head of Engineering and Transport (Highways) has advised that further information is required to be submitted with this statement to satisfy their requirements. As such, they have recommended that this is resubmitted with the addition information prior to any works taking place. This can be imposed via a suitably worded condition.

The Head of Engineering and Transport (highways) has also requested a Service Yard management plan, a condition survey of the existing highway, a traffic management scheme and a scheme detailing the following:

1. Stopping up order for Fairfield Way.
2. Traffic signalled control junction with pedestrian crossing facilities at the
3. All associated signing and lining on the B4434/St David's Street/Water Street in relation with any proposed improvements.
4. A HGV turning area for articulated type vehicles up to 16.5m in length if the service yard off Water Street is shut and residential car parking spaces on Water Street.
5. Traffic Regulation Orders on the B4434/St David's Street/Water Street in relation with any proposed improvements.

It is considered that the submission of these would be required to ensure the development accords with Policy SP20 and TR2 of the Neath Port Talbot local development Plan.

### *Post Occupation*

Upon occupation of each unit, the applicant has advised that welcome packs to each operator addressing the following matters will be provided;

- Promotion of active travel
- Supporting public transport.
- Managing parking and traffic.

These packs will promote sustainable transport, and public transport, providing incentive, examples and key sources of information.

It is also proposed to provide post monitoring of the development, especially the use of the adjoining mufti-storey car park. This will take the form of data collection on the use and capacity of the car park, with suitable triggers for mitigation measures to be implemented to address any issues of congestion arising from any capacity issues going forward.

The Head of Engineering and Transport has no objection to the above but has also recommended a condition requiring a road safety audit, and guidance in relation to gates and windows. This recommendation can be imposed via suitably worded conditions.

It is considered that subject to the mitigation and controls highlighted within this report, that can be dealt with through the imposition of suitable conditions such that the proposals would accord with Policies SP20 and TR2 of the Neath Port Talbot Local Development Plan.

## **Drainage**

### *Surface Water*

The applicant shows that surface water will be attenuated at 16.3l/s into the mains sewerage system.

Welsh Water has advised that they have recently completed a Schedule 1C Article 2D application for the above development proposals, and have confirmed that they can accept foul water only flows from the development site. They note the applicant is proposing to discharge surface water to the public sewerage system. They have advised that prior to them considering a surface water sewer connection we would require evidence that the use of sustainable drainage systems (SuDs) had been explored and exhausted.

They have therefore recommended a condition is imposed requiring a scheme 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. This can be imposed via a suitably worded condition.

The Local Authority's Drainage section has also advised that a full drainage strategy is required. In addition to this they also made recommendations relating to management and maintenance of surface water during construction.

### *Foul sewerage*

Welsh water has advised that they envisage no problems with the waste water discharges for the proposal.

### *Welsh Water apparatus*

Welsh Water has advised that, they have made the applicant aware that the site is crossed by a number of water and sewerage assets that need to be located prior to commencing any operational development.

The proposed development site is crossed by a number of public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the 150mm combined sewer. No part of any building will be permitted within 3 metres either side of the centreline of the 180mm public rising sewer main. No part of any building will be permitted within 3.5 metres either side of the centreline of the 620mm public combined sewer main. No part of any building will be permitted within 5 metres either side of the centreline of the 930mm public combined sewer main. No part of any building will be permitted within 5.5 metres either side of the centreline of the 1050mm public combined sewer. The site is also shown to be crossed by "Private" owned assets

They advise that prior to commencing any operational works the owners of these assets are contacted. Whilst the applicant has already been informed a note will be attached the application advising the applicant of this.

### **Land Contamination**

The Local Authority's Land Contamination Officer does not object to the proposal, however has advised that the historic maps show the site being used as a woollen mill. They have recommended that a standard condition in relation to unexpected land contamination is included to

ensure that any unidentified contamination encountered is dealt with appropriately. This can be imposed via a suitably worded condition.

### **Biodiversity and Ecology.**

The proposed development has been supported by an ecological assessment which shows the development will incorporate additional and replacement landscaping and tree planting within the public realm, and this planting will be of a type that is of local provenance and wildlife friendly, to ensure that this does not only enhance the visual appearance of the street scene, but also provides enhanced for ecological reasons.

Further enhancements are proposed through the introduction of elements of green wall to the service yard, and the provision of bird and bat boxes to the building.

The Local Authority's biodiversity Officer has assessed the proposal and has no objection subject to conditions relating to bird nesting provision, landscaping (including its management), and a scheme for the design and planting of the green wall. These recommendations can all be imposed via suitably worded conditions. As such it is considered that the proposal would provide biodiversity enhancement opportunities within the town centre and therefore considered to be acceptable.

### **Trees**

As part of the submission, a tree survey has been submitted. The Local Authority's Arboriculturist has advised that they agree with the observations and recommendations within the tree report.

The only loss of trees are the four Birch trees in Area 2. Due to the scale of the development and the proposed replanting the loss of these trees will have a minor impact on the local landscape. They have recommend that the protection of the remaining five trees in Area 1 must be undertaken in accordance with BS5837:2012 Trees in relation to design, demolition and construction. This can be imposed via a condition

### **Archaeology**

Glamorgan Gwent Archaeological Trust (GGAT) has advised that their records show that the proposed application is situated within the

medieval town, with Water Street known to have been a major route through the town since 1557. The proposed application area has previously undergone extensive development, as evident from the historic Ordnance Survey maps dating from 1877 to 1935. The first edition OS map of 1877, shows the footprint of the Independent Chapel, which was built in 1849. The second edition OS map of 1899 depicts Woollen Mills, adjacent to the Chapel with numerous Post medieval buildings situated to the east and west, across the proposed development area, as also illustrated on the third and fourth edition maps of 1919 and 1935.

The make advise that the subsequent construction of the multi-storey carpark at the site (which has since been demolished), is likely to have already had an adverse effect on any potential archaeological remains that may have been present in the area. Therefore, it is considered that it is unlikely that significant archaeological structures or features will be encountered during the proposed works. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently have no objection to the proposal

### **Renewable Energy in New Development**

Policy RE2 - Renewable energy and low Carbon development in new Development, requires proposals with a total floor space of 1,000 sq.m or more to submit an Energy Assessment to determine the feasibility of incorporating such a scheme and where viable implement the scheme.

As such a Renewable Energy Assessment has been submitted as part of the application which concludes that the provision of solar array(s) to the large roof area would be practicable (and locations for this are indicated on the submitted plans), and that this could form part of a larger town centre provision, and/or supply renewable energy to the development or other buildings within the immediate area. This matter is therefore made the subject of a condition requiring the submission of details and the implementation of a suitable scheme unless this is not viable.

The proposal would therefore comply with Policy RE2 of the Neath Port Talbot Local Development Plan subject to the imposition of the aforementioned condition.

## **Waste Management**

**Policy W3 – Waste Management in New Development** states it should be demonstrated that provision is made for the design, layout storage and management of the waste generated by the development both during the construction phase and occupation. Industrial or commercial development proposals that would generate in excess of 1,000 tonnes of waste per annum will be required to produce a Site Waste Management Plan.

As such a Waste management Plan has been submitted to show how waste will be dealt with, which aims to reduce waste by 10% and recycle where possible. It is considered that the Plan submitted satisfies the requirements of Policy WE3

## **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 8 commercial units (use class A1) and 1 unit (use class A1/A3/D2), 9 units in total.

Having regard to the assessment above and the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the only issue to consider relates to the provision of open space under **Policy OS1 – Open Space Provision**.

This Policy requires (for employment / commercial development proposals over 1000sq.m) provision for associated amenity space (for staff), with the Open Space and Greenspace SPG stating that the level of requirement is related to the number of staff employed, as shown below:

Category	Requirement/1000 additional employees (hectares)	Requirement/1000 additional employees (square meters)	Requirement/ additional employee (square meters)
Amenity Space	0.55	5,500	5.5

At this stage the likely number of staff is not known. In addition to the large grassed area adjacent to the enclosed service yard area (future development site), the development will enhance the associated public realm and provide ample opportunity for workers to relax and enjoy the town centre. Accordingly, and having regard to the existing approval at the site which requires no such provision, it is considered that the open space needs of the workers would be met by the enhanced public realm proposed under this application, such that no further specific provision is required in this instance.



## **Other Matters**

As identified earlier in this report, representations were received in response following the publicity exercise. In response to the issues raised the following comments are made:

In terms of access to wind street after 5pm during the works and ongoing, the proposal will not close off wind street or prevent access to the pedestrianised area of town.

## **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 proposed development, having regard to the existing planning permission for retail development at the site, represents an appropriate form of development that would have significant benefits to the existing town centre through further retail-led regeneration, and which would 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 SP1, SP2, SP3, SP4, SP5, SP10, SP12, SP16, SP19, SP20, SP21 SC1, I1, CCRS1, OS1, R1, R2, EN8, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

**RECOMMENDATION:** Approval with 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) Development shall be carried out in accordance with the drawing/s hereby approved, unless otherwise agreed in writing by the local planning authority.

A-90-101 Rev D\_Proposed Site Plan

A-00-300 Rev D\_Section AA.

A-00-100 Rev E\_Proposed Ground Floor Plan

A-00-101 Rev D\_Proposed First Floor Plan

A-00-103 Rev D\_Proposed Roof Plan

A-00-102 Rev D\_Proposed Second Floor Plan

A-00-201 Rev D\_Proposed North West and North East Elevations

A-00-200 Rev D\_Proposed South and South West Elevations

C6814-RVW-ZZ-ZZ-DR-C-001\_P1\_S0 – Drainage Layout.

C6814-RVW-ZZ-ZZ-DR-C-002\_P1\_S0 - Drainage MH Schedules

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.

(4) Notwithstanding the submitted information, no development shall commence until a full drainage strategy 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 water and land water, and include an assessment for the potential to dispose of surface and land water by sustainable means. The scheme shall include full drainage calculations, manhole details, pipe sizes and gradients for the completed surface water system and ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

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.

(5) Notwithstanding the submitted information, no development shall commence, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The CMS shall be made in accordance with the requirements of British Standard BS5228-1:2009 - Code of practice for noise and vibration control on construction and open sites and shall be adhered to throughout the construction period.

The Construction Method Statement shall be signed by a competent person(s), and shall provide for:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) Routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings, and a primary school.
- d) storage of plant and materials used in constructing the development

- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities to prevent deposition of material onto any hard surface road.
- G) measures to control the emission of dust and dirt during construction
- h) a detailed scheme showing the management and maintenance of surface and ground water will be dealt with during construction.
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works
- j) scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- k) The frequency and size of vehicles used to transport the waste material arising from the demolition works
- l) The frequency and size of vehicles used to transport the waste material arising from the demolition works.
- m) A scheme detailing how deliveries to wilkinsons will be managed during the construction period.
- n) Measures to prevent stacking of vehicles onto the public highway.
- o) 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.
- p) 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, local school and church.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in the interest of highway and pedestrian safety

(6) If the development is to be built in phases, then a detailed phasing scheme shall be submitted to and approved in writing to the local planning Authority prior to the commencement of any development. The scheme shall provide the following:

- a) A plan showing the phases
- b) A revised construction method statement in accordance with condition 5 which takes into consideration the phasing
- c) Elevations and proposed finish of any temporary surface,
- d) Details of any temporary means of enclosure
- e) Details of any temporary public realm or landscaping.
- f) Details of any temporary service yard arrangements
- g) Details of any temporary highway works required
- h) Details of and temporary drainage works.

Reason

In the interest of clarity, visual amenity and highway and pedestrian safety

(7) No development shall commence on site until a scheme is submitted to and approved in writing by the LPA detailing the following:

1. A Stopping up order for Fairfield Way.
2. Traffic signalled control junction with pedestrian crossing facilities at the junction of the B4434/St David's Street/Water Street.
3. All associated signing and lining on the B4434/St David's Street/Water Street in relation with any proposed improvements.
4. A HGV turning area for articulated type vehicles up to 16.5m in length if the service yard off Water Street is shut and residential car parking spaces on Water Street.
5. Traffic Regulation Orders on the B4434/St David's Street/Water Street in relation with any proposed improvements.

The scheme as approved shall be implemented prior to the stopping up of Fairfield Way.

Reason

In the interest of highway and pedestrian safety.

### *Action Conditions*

(9) Notwithstanding the submitted details, and prior to the occupation of any development hereby approved, details of the security gate design and control arrangements shall be submitted to and approved in writing by the the Local Planning Authority. The scheme shall be fully implemented prior to the first beneficial use of the service yard and retained as such thereafter.

#### Reason

In the interest of highway and pedestrian safety and visual amenity

(10) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as detailed on the approved plans.

#### Reason

In the interests of visual amenity.

(11) All works to be constructed on the public highway shall be subject to Road Safety Audits, stages 1 to 4 in accordance with HD19/03 of the Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted for approval in writing by the Local Planning Authority. All issues highlighted at each stage shall be addressed to the written approval of the Local Planning Authority within 3 months of approval of that stage of the Road Safety Audit .

#### Reason

In the interest of highway and pedestrian safety

(12) Notwithstanding the submitted details, prior to the occupation of any unit hereby approved, a detailed Service Yard Management Plan (SYMP) shall be submitted to and approved in writing by the LPA. The SYMP shall include details of how the service yard will operate during and after construction, and shall also adhere to the following:

- a) The time slot of each commercial delivery for each retail unit using the service yard area.
- b) The allocated off site holding area for any commercial delivery vehicle that arrive at a time outside their allocated slot.
- c) How commercial deliveries will be managed to avoid any commercial delivery vehicle waiting on the public highway.

- d) Details of Staff parking (if any)
- e) The location of all waste and storage areas, details of any enclosure and how they are to be managed within the service yard area.
- f) The service yard area must be being kept clear of any bins/waste or storage containers unless within an authorised area identified within point e
- g) Method of the collection of waste for the retail unit accessing the service yard area.
- h) The nomination of a co-ordinator to operate and control the agreed Delivery Management Plan for each retail unit using the service yard area.
- i) The service yard area must be kept clear of any staff/customer and residential parking at all times;
- j) No customer/staff or residential vehicles shall be permitted to drive through the service yard area at any time.
- k) No commercial delivery vehicles shall be permitted to park in the service area beyond their delivery time slot.
- l) No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made outside of the hours 07:00hrs to 19:00hrs
- m) The implementation of a quiet delivery policy.

In addition to the above the SYMP shall ensure that all vehicles can manoeuvre in and out of the yard safely, without conflict and in a forward gear. The approved SYMP construction stage shall be adhered to during the construction phase, and the SYMP post construction shall be implemented prior to the first beneficial use of the development and adhered to thereafter.

#### Reason

In the interest of highway and pedestrian safety and to ensure the service yard operates effectively and efficiently.

(13) Prior to the first beneficial use of any unit hereby approved, a traffic management scheme shall have been submitted to and approved in writing by the LPA, and the approved scheme implemented in accordance with the agreed details and retained as such thereafter.

Reason: In the interest of highways and pedestrian safety

(14) Prior to first beneficial use of the development hereby approved a hard/soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of all trees and species of shrubs to be used within the public realm, which shall be predominantly of local provenance and wildlife friendly, and details of the green wall planting. All hard landscaping works in the approved details shall be carried out prior to the first beneficial use of the development. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development hereby permitted, whichever is the sooner and any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

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

(15) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the development. The landscape management plan shall be carried out as approved and retained as such thereafter.

Reason

In the interest of visual amenity and clarity

(16) Prior to the first beneficial use of any unit a minimum of 2 artificial nesting sites for birds shall be erected on the building to the following specifications, and retained as such thereafter;

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



Together with a minimum of 2 artificial bat boxes, which shall be retained on site thereafter.

#### Reason

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012).

(17) Prior to the first occupation of any development a scheme shall be submitted to and approved in writing for the long-term monitoring of the parking provision within the multi-storey car park, adjoining the application site. This scheme shall include the method and regularity of data collection, and triggers for any mitigation submissions and implementation will also be set out within the submitted details, should the data show that there are capacity issues that are resulting in congestion within the highway network. The scheme as approved shall be fully implemented in accordance with these approved details within 12 months of the first occupation of the first unit.

#### Reason

In the interests of Highway and pedestrian safety, and the free flow of traffic within the town centre.

(18) Prior to the first occupation of any unit, a draft welcome pack shall be submitted to and approved in writing by the Local Planning Authority in relation to sustainable travel as set out within the sustainable travel report, dated Sept 2018 submitted to support the development hereby approved. The packs as approved shall be provided to occupiers prior to first occupation, and updated on an annual basis until such time that the development is fully occupied. Any new or subsequent occupier shall also be provided with these packs upon taking occupation of any unit thereafter.

#### Reason

In the interests of sustainability, and to promote active and sustainable transport.

(19) Prior to first use of any A3 use within the first floor unit hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority 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. The scheme shall also include the location of external plant, machinery, ventilation stacks and noise levels emitted from the extraction system which shall be in accordance with BS4142:2014 Method for rating and assessing industrial and commercial sound. The ventilation stacks 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. The scheme shall be fully implemented in accordance with the agreed details prior to the first beneficial use of the A3 unit the extraction relates to and retained and maintained as such thereafter.

Reason:

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

(20) Unless the applicant provides an assessment to show that the solar array is not viable, prior to the first beneficial use of the development a scheme detailing a roof mounted solar PV array as recommended within the Energy Assessment (dated sept 2018), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a timeframe for its implementation. The Solar PV array shall be implemented in accordance with the agreed details and retained as such thereafter.

Reason

To ensure this major development implements energy conservation and efficiency measures in accordance with LDP Policy SP18.

Regulatory Conditions

(21) There shall be no vehicular access or parking within the service yard, apart from the access for delivery/servicing vehicles, stopping and unloading. There shall be no external storage whatsoever, outside of the identified refuse storage areas.

Reason

In the interests of highway and pedestrian safety, and the free movement of service and delivery vehicles within the service yard area.

(22) Notwithstanding the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the ground floor units shall be A1 Retail only. The first floor unit shall be permitted for uses within A1, A3 or D2 only.

#### Reason

In the interests of the vitality, viability and attractiveness of this designated retail centre.

(23) The commercial units hereby approved shall only be open to customers between the hours of 07.00 am to 11pm.

#### Reason

In the interests of amenity.

(24) 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.

(25) The noise rating level emitted from external plant serving the approved Class A1, A3 and D2 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, in accordance with Local Planning Policy

Reason

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

(26) Should any springs or ground water seepage be encountered on site, works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timings for the works to be implemented. The scheme shall be implemented in accordance with the agreed details and retained as such thereafter.

Reason

In the interest of drainage of ground water

(27) Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturday, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

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

(28) All ground floor windows and doors fronting onto the public highway shall only open inwards .

Reason

In the interest of highway and pedestrian safety

(29) Any gates fronting onto the highway shall be of a type which open inwards only, can be seen through and maintained as such thereafter.

Reason

In the interest of highway and pedestrian safety

(30) The 5 trees identified with the Tree report (dated October 2018) located within Area 1 that are to be retained shall be protected during construction in accordance with BS5837:2012 Trees in relation to design, demolition and construction

## Reason

To ensure the trees are protected during construction in the interest of visual amenity and biodiversity

(32) There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site unless otherwise agreed in writing with the Local Planning Authority

## Reason

To safeguard land drainage