

PLANNING COMMITTEE

REPORT OF THE HEAD OF PLANNING – N.PEARCE

11TH NOVEMBER 2014

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO: P2011/1147</u>		<u>DATE: 02/03/2012</u>
PROPOSAL: Outline application for mixed use development comprising of up to 60 residential units, up to 100 units of holiday accommodation, up to 350sq.m retail and up to 1000sq.m of leisure complex with associated access, footpaths, ecological improvements, landscaping, boundary treatments and services.(Additional information under Regulation 19 of EIA Regs with regard to an environmental statement addendum which incorporates a revised assessment of the landscape and visual, foul and surface water drainage, flood risk and ecology together with revised planning assessment and enabling statement).		
LOCATION:	Rheola Market, Glynneath Road, Glynneath, Neath SA11 4DT	
APPLICANT:	Mr Howard Rees	
TYPE:	Outline	
WARD:	Glynneath	

Relevant Planning History:

- P2004/0050 Request for formal screening opinion in respect of an environmental impact assessment for recycling centre. EIA not required 30/7/2004.
- P2006/1140 Variation of condition on appeal reference 189 to permit an extension of hours to include Wednesdays (8.00 to 14.00) for an antiques market / car boot sale. Planning permission granted 21/11/2006.
- P2010/1175 Request for a screening opinion for proposed mixed residential, leisure, retail and commercial development. EIA required 20/12/2010.

- P2011/0114 Scoping opinion under Regulation 10 of the Environmental Impact Assessment Regulations 1999 for a mixed use development comprising residential, holiday accommodation, tourism and recreation and hotel / restaurant together with associated works. Scoping opinion issued 13/4/2011.
- P2011/0514 Proposed reconstruction of former estate building to be used as a training facility in association with existing community garden. Planning permission granted 30/5/2012.

Publicity and Responses:

The application was advertised on site and in the press as a departure to the development plan, a major development and a development which may affect the setting of a listed building and one which is accompanied by an Environmental Statement.

In response, to date two letters of objection have been received, which can be summarised as follows:

1. The environment and species must be protected.
2. The boundaries of Craigarth Farm need to be secure and screened due to the presence of livestock.
3. Residential dwellings and holiday lets are totally incompatible in such close proximity.
4. The B4242 has previously been unstable and needed immediate repairs in some areas. Should the planned development proceed, will this road be monitored again especially in those areas not previously reinforced with concrete anchors, and by whom will they be monitored?
5. How and where will the sewerage be disposed of ? There is no main sewer between Rheola, Glynneath and Resolven and there is limited capacity in the existing system.
6. Domestic pets brought onto the site would have an effect on wildlife. Would pets be banned?
7. What would be the letting arrangements for the holiday accommodation? Are there to be restrictions? How will they be rated?

Resolven Community Council: Raises no objection to the scheme but hopes that access is via Glynneath not Resolven.

Gynneath Town Council : No reply, therefore no observations to make.

West Glamorgan Branch

Welsh Historic Gardens Trust: Raises no objection to the scheme and advises that the demolition of the industrial building is to be welcomed and the development could make a big improvement to the overall appearance of this registered park and garden.

Natural Resources Wales:

Initial Representations

NRW advised originally that there is no objection in principle, provided some possible impacts are avoided.

There are deficiencies in the landscape assessment of the ES and as such a full assessment of the impacts on the landscape character cannot be assessed. Further detail is therefore required on the content of the proposed Landscape Conservation Management Plan and the potential mitigation measures across the Estate to ensure that the setting of the registered park and garden is not compromised.

It is further considered that additional information could be provided in respect of bus and cycle route connections in terms of assessing the sustainability of the development.

Following a review of the FCA and associated hydraulic model, the principal concern is that there is significant overland flow routing that has not been modelled or finalised to a degree that can be commented upon. However, it is considered that the FCA has not calculated the flood risk to a sufficient accuracy to determine whether it can be managed and mitigated effectively.

In respect of contaminated land, there has been limited sampling of the area of the former aluminium works due to the presence of a considerable area of concrete and a former works building. The controlled waters are of high environmental sensitivity and it is recommended that the applicant undertake a site investigation in line with British Standards. Ideally, in order to gain a full understanding of the risks posed to controlled waters, this information should be provided prior to determination. It is likely that extensive remediation and / or monitoring will be required and consideration should be given to the need for a planning obligation to ensure this.

In terms of drainage, there is a lack of information relating to the foul sewerage disposal options. Regarding surface water drainage, the rational method has been used, which is not considered appropriate for setting flow rates which should be controlled to greenfield run off rates. The drainage proposal is to use the existing system, with attenuation only to ensure run-off will not exceed the

capacity of the existing drainage system. The Authority is reminded that current planning guidance advocates the use of SUDS for all new development proposals.

Turning to ecology, whilst the ES states that the development will have a neutral effect, every opportunity should be taken to improve the ecology of the site through enhancement and mitigation. Detailed suggestions are therefore made in respect of the watercourses, Rheola Lake, pond 2, the wet woodland and invasive species.

Finally, robust pollution prevention control methods would need to be deployed during demolition, remediation and construction.

Additional Representations

Following the submission of an ES Addendum, NRW raises no objection subject to the imposition of a number of conditions in respect of flooding, surface water drainage, construction management plan and land contamination.

Dwr Cymru Welsh Water: originally advised that the proposed development would overload the existing public sewerage system. Dwr Cymru therefore objected to the development.

To overcome the objection the developer commissioned a hydraulic modelling assessment of the public sewer network in order to identify the infrastructure works required to accommodate the foul flows from the proposed development. In response, DCWW have raised no objection to the proposed development on these grounds. A water supply can be made available to serve this proposed development. However, the developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site water mains and associated infrastructure. The level of contribution can only be calculated upon receipt of detailed site layout plans.

South Wales Police- Crime Prevention Officer: No objection subject to detailed comments in respect of security, CCTV, lighting, vehicle parking areas, landscaping and planting, site layout and boundary identification.

Mid and West Wales Fire and Rescue Service: The developer should consider the need to provide adequate water supplies for fire fighting purposes. The applicant should be advised to contact Building Control when determining issues concerning means of warning and escape, internal and external fire spread, access and facilities for the fire and rescue service.

Head of Engineering and Transport (Highways): No objection subject to conditions in respect of a design code, construction method statement, surfacing / drainage / lighting of estate roads, driveway widths, conversion of garages and improvements to the existing junction with the B4242

Head of Engineering and Transport (Drainage): No objection subject to conditions in respect of SUDS, the submission of a drainage scheme as part of the first reserved matters, the use of water butts, interference of watercourses and the disposal of surface water and land drainage run off.

Arboriculture Officer: A detailed survey has been carried out. There are a large number of visually important trees in this area. To prevent irreversible damage to these trees the recommendations and guidance in the survey should be followed at all times. The erection of suitable and correctly positioned protective fencing prior to any works is of particular importance.

Biodiversity Unit: No objection subject to conditions.

Land Contamination: No objection to the proposed development; however the submitted reports have highlighted a number of land contamination issues that will require further investigation and/or assessment. As such, conditions in relation to contaminated land will need to be attached to any decision.

Cadw (Historic Parks and Gardens): Originally Cadw advised that they were unable to fully comment on this application as it is in outline form only. An application of this scale and complexity should be a full application to enable a full and detailed assessment. It is considered that detailed information is lacking regarding the layout, density and treatment of the plateau area, aluminium works and hardstanding, detained design and scale of residential development, landscaping and treatment of the treatment of the entrance and drive, and details of the treatment of Rheola Brook.

Further comments have been received following the submission of an addendum to the ES which states that the intention behind the proposed enabling development is the conservation of the historic estate, which will be beneficial to the registered historic park and garden at Rheola and secure its long term future. The size, scale and design, including landscaping of any future proposal will be crucial to ensure it sits sympathetically along the design of the historic landscape at Rheola. From the proposed use of the registered parkland area by residents/visitors to the proposed development is unclear but should also be sympathetic to the historic character of Rheola. The Environmental Statement advises that a Conservation Management Plan, Tree Management Plan and Visitor Management Plan for the historic designed landscape will form

part of a detailed planning condition, which in their view is very important to ensure a holistic approach to the long term conservation of the historic designed landscape.

Glamorgan Gwent Archaeological Trust: No objection subject to conditions

The Georgian Group – The Georgian Group raise a number of concerns in respect of the proposed development:

1. The supporting information mentions a ‘conservation management plan’ and it is considered essential that this is prepared at the outset. It is recognised that there is a large factory on the site of the former aluminium works and that the site is allocated for employment use in the UDP. Careful redevelopment of the site may be appropriate but the whole site needs to be properly assessed.
2. The character of the estate has been compromised by its industrial use, however, it does not sit comfortably in the wider estate and it is important to consider the original landscape design. The density of the development shown on the masterplan is of concern and in particular the layout of the housing is extremely suburban and unsuitable for the character of the estate.
3. The proposal will have an impact on the setting of the listed building and the registered park and garden, and this should not therefore be considered as an outline application.
4. The proposed development is said to be required in order to enable the conservation of the estate. An enabling statement has been provided to this end but the costs are not sufficiently detailed, the enabling development should be necessary to resolve problems arising from the inherent needs of the historic asset rather than the circumstances of the owner, there is insufficient information to adequately assess the impact of the enabling development and it fails to avoid fragmentation of the management of the historic asset.

Description of Site and its Surroundings:

The Rheola Estate is located in the Glynneath Valley, between Resolven and Glynneath, extending to some 87 acres and consists of a large house and associated buildings, a pond, parkland and large areas of woodland.

Rheola House was designed by John Nash, and is Grade II* Listed. The ice house and stables are Listed separately, both Grade II. The grounds are included in the Register of Historic Parks and Gardens and the proposed development

lies partly within its essential setting and partly immediately adjacent to the registered park.

The application site covers an area of some 9.8ha and comprises of an area of hardstanding and plateau to the south and south west of Rheola House.

The area of hardstanding was previously occupied by an aluminium works, including the operation of a smelting and rolling mill. Following the closure of the works, an industrial unit was constructed on site to screen coal. This former building was subsequently used for architectural salvage and a market, however, the market has since been re-located. In terms of its topography, this part of the site is relatively flat and is bounded by the estate wall and fencing to the south, woodland to the east, parkland to the north and parkland and a pond beyond to the east. The land rises beyond the northern boundary of the application site.

The plateau area previously provided access into the estate from the south west and valley areas. However, the previous access road is overgrown and the area currently remains as a clearing, surrounded on all sides by dense trees or woodland. It is a relatively level site, but is on higher ground than the hardstanding area.

Access to the site is derived from the B4242 via the entrance drive to the Estate. The driveway runs north into the centre of the estate before turning in a westerly direction towards the plateau. A spur off the entrance drive currently provides a separate access to the hardstanding area.

The Rheola Brook extends into the site at its north western boundary and acts as a natural barrier between the application site and the Historic park and Garden to the North East. The brook diverts the run off from the high catchment of the hills beyond the application site into an artificial concrete channel which runs through the estate, past Rheola House towards the pond to the north east.

Brief Description of Proposal

Outline planning permission is sought for a mixed use development comprising of up to 60 residential units, up to 100 units of holiday accommodation, up to 350sq.m of retail and up to 1000sq.m of leisure complex with associated access, footpaths, ecological improvements, landscaping, boundary treatments and services.

Whilst the application is in outline form, details of the access are to be agreed at outline stage, with all other matters reserved for subsequent consideration. The illustrative Masterplan is shown on Figure 1 below.

The proposal is for an ‘enabling development’ to facilitate the restoration and repair of Rheola House, Ice House and Stables. Enabling development is development that would normally be unacceptable in planning terms but for the fact it would bring public benefits sufficient to justify it being carried out, which could not otherwise be achieved. The key public benefit to significant places is usually the securing of their long term future.

The residential element of the scheme is proposed in the north east of the existing hardstanding area, with access from the main drive. Whilst the application originally proposed an area of over 2.5ha for residential development, the applicant was subsequently advised that the maximum number of units needed to be specified, and to this end, has confirmed that the application is for up to 60 residential units. However the indicative site layout shows 46 dwellings sited around a central green space forming a crescent shape, and will be composed of detached dwellings set within generous plots, achieving a medium to low density. The boundaries of the residential area are formed by existing trees to the north and new tree planting to the south and west, which will separate the residential area from the surrounding uses on the Estate.

The submitted scale parameters are:

Minimum height: 2.5m

Maximum height: 10.5m

Minimum width/length : 5m

Maximum width/length : 10m

Holiday accommodation is proposed in two locations; one on the western section of the hardstanding area, the other in the clearing on the plateau to the west of Rheola House. The indicative layout shows that the lodges on the hardstanding area will have a more uniform arrangement, permeated by landscaping and pedestrian routes, with a central open green space forming a central feature and potentially containing play equipment. The holiday accommodation in the plateau area will be of a more organic form given the more secluded, wooded and enclosed character of this part of the site.

The submitted scale parameters are:

Minimum height : 2m

Maximum height :4m

Minimum width: 3m
Maximum width 10m

Minimum length: 8m
Maximum length: 13m



Figure 1: Indicative Masterplan

The indicative layout shows that the leisure facilities will be located at the front of the site, in a central position. It is anticipated that the design of the leisure complex will be such that the functions are accommodated over several buildings as opposed to one large building to ensure it is appropriate for its location and mirrors the ancillary buildings in the Estate. Proposed uses within the complex include a swimming pool, gym, restaurant, bar and shop.

The submitted scale parameters are:

Minimum height :2.5m

Maximum height :4m

Minimum width: 8m

Maximum width 50m

Minimum length: 8m

Maximum length: 50m

In terms of the site boundaries, it is proposed that the palisade fencing adjacent to the B4242 is removed and replaced with a parkland / estate railing. Additional tree planting is proposed alongside the holiday accommodation to provide screening from the main road. Boundaries within the site are largely formed by wide swathes of tree planting, with the exception of the individual properties rear boundaries, which will be secured by a fence or wall.

The long term aspiration is to develop the wider estate as a sustainable and commercially viable holiday and leisure destination whilst conserving and enhancing the historic assets and landscape. However, it is important to note that this application is for the development of the area of hardstanding and plateau only, and any future development would need to be assessed on its own merits.

The application is accompanied by an Environmental Statement (ES) which deals with a range of issues, but primarily deals with the following:-

- 1) Introduction.
- 2) Description of development
- 3) Agriculture
- 4) Planning Framework
- 5) Cultural Heritage
- 6) Cumulative Effects
- 7) Ecology
- 8) Ground Conditions

- 9) Landscape and Visual
- 10) Planning Policy and Land Use
- 11) Socio-Economic and Community
- 12) Sustainability
- 13) Traffic and Transport
- 14) Waste
- 15) Water Resources

Supplementary Environmental Information (SEI) has also been submitted to clarify issues raised by consultees which provides additional information in respect of flooding, foul and surface water drainage, ecology, landscape and visual, and an enabling statement.

This additional information was the subject to further publicity under Reg 19

Material Considerations:

The main issues for consideration in the determination of this application relate to the acceptability of the proposed development, having regard to the national planning policy guidance and prevailing Development Plan policies, and any other material considerations, and whether the Environmental Statement demonstrates that the development would have no significant environmental effect that cannot be mitigated. Other primary issues concern the impact on the setting of Listed Buildings and the registered Historic Park, whether the development is acceptable in terms of visual amenity, highway safety, ecology, pollution, flooding and archaeology.

Policy Context:

National Planning Policy:

Planning Policy Wales (Edition 7, July 2014).

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2014)

Technical Advice Note 13: Tourism (1997)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 16: Sport, Recreation and Open Space (2009)

Technical Advice Note 18: Transport (2007)

“Conservation principles for the sustainable management of the historic environment in Wales” (CADW) which endorses Enabling Development and the Conservation of Significant Places (English Heritage)

Local Planning Policy:

The Adopted Development Plan comprises the Neath Port Talbot Unitary Development Plan, within which the following Policies are of relevance: -

Policy ENV1	Development in the Countryside
Policy ENV3	Impacts on the Landscape
Policy ENV5	Nature Conservation
Policy ENV11	Proposals in areas of flood risk
Policy ENV13	Brownfield, Derelict And Wasteland
Policy ENV16	Contaminated land
Policy ENV17	Design
Policy ENV19	Proposals within conservation areas or which would affect the setting of a listed building
Policy H4	Affordable housing
Policy EC1	Employment landbank
Policy EC7	Criteria for consideration of proposals for tourism facilities and other attractions
Policy T1	Location, layout and accessibility of new proposals

Supplementary Planning Guidance

Biodiversity
Developer Contributions
Landscape
Open Space
Affordable Housing (Revised 2014)

Principle of Development

The application site lies outside the defined settlement limits and is partially allocated for employment use under Policy EC1 /9 in the Neath Port Talbot Unitary Development Plan, with the remainder of the site having a history of industrial use. This policy states that A2 (Financial and Professional Services), B1 (Business) and B2 (General Industry) uses are acceptable.

Residential Development

Given its countryside location, and in the absence of any agricultural or forestry justification, the proposed residential development is contrary to Policy ENV1 of the UDP. Similarly the proposal would not be supported by the advice in Technical Advice Note 6 - Planning for Sustainable Rural Communities.

Accordingly, the proposed residential development would represent a departure to the Development Plan, and it is therefore pertinent that Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”. Such material considerations are addressed later in this report.

Loss of employment

National planning policy asserts in terms of development plans that it is necessary for allocations to be underpinned by an up to date and appropriate base to support policy allocations. An Economic Assessment and Employment Land Provision for Swansea and Neath Port Talbot was prepared in 2012. This study reviewed the availability of employment land in the counties against the anticipated demand. The Report identified that there was an oversupply of such land and recommended that the Council prioritise the best sites in terms of commercial attractiveness and achievability.

Although the Local Development Plan (LDP) has been submitted to the Planning Inspectorate for Examination, it is yet to be adopted and is therefore to be accorded little if any weight. It is pertinent, however, that the LDP has omitted the employment allocation at the site, both insofar as it is not considered necessary to meet the employment needs of the County Borough, but also because the buildings on site have been demolished with a view to redeveloping the site through this application as part of a strategic proposal to enhance the condition and setting of the adjacent Rheola House as part of a tourism- and regeneration-led enabling development. The benefits and weight to be given to such enabling development and historic environment grounds are discussed below in detail.

Accordingly, there are no objections to the development of the site on loss of employment grounds.

Tourism Development

Policy ENV1 is relevant with regard to development being located in the countryside and seeks to protect the countryside, but which also acknowledges that certain development, by its very nature, can be accommodated there.

With regard to tourism facilities and attractions, it should be noted that Policy EC7 is particularly relevant. It states that new or extended tourism facilities including hotels and other visitor accommodation will be permitted provided that certain provisions are met. These include the need for the applicant to provide sufficient justification that this type of development can not be accommodated within a local settlement and that it is shown the development is directly related to an appropriate countryside, leisure and recreational activity.

The justification to the Policy emphasises that “the Authority is committed to the encouragement of tourism and an improvement in tourist facilities, maximising the economic and employment benefits, promoting geographical and seasonal spread and encouraging the development of non-traditional destinations, while safeguarding the environment, and the interests of local communities”

The justification further states that: -

“Provision of tourist facilities provides a means of strengthening and adding variety to the economy, creating employment opportunities, and enhancing conditions for both the local community and visitors. Where proposals for tourist accommodation are approved in the countryside, conditions will be imposed to ensure that they are used only for tourism purposes and not residential use”.

These policies are supported by Planning Policy Wales 2014 which acknowledges that, “In rural areas, tourist development is an essential element in providing for a healthy, diverse, local and national economy”.

It further states that: -

“The Assembly Governments objectives for tourism are: - to encourage sustainable tourism in Wales, maximising its economic and employment benefits, promoting tourism in all seasons, and encouraging its development in non-traditional destinations, while safeguarding the environment, and the interests of local communities”.

Technical Advice Note (Wales) 13 relates specifically to tourism and, in particular, where it relates to seasonal and holiday occupancy states:-

“The planning system can respond to changes in tourism without compromising policies to safeguard the countryside and, in exceptional cases, holiday occupancy conditions can reconcile these two objectives”.

It goes on to state: -

“Such permissions may be granted with a condition specifying use as holiday accommodation only. A holiday occupancy condition would seem more appropriate than a seasonal occupancy condition where there is a need to reduce pressure on local services. Authorities should continue to use seasonal occupancy conditions to prevent the permanent residential use of accommodation which, by the character of its construction or design, is unsuitable for continuous occupation especially in the winter months. Seasonal occupancy conditions may also be appropriate to protect the local environment, for example where the site is near a habitat which requires protection at particular times of the year”.

Within this generally positive tourism context, it is clear from viewing the supporting information that by the very nature of the planning application that this is not the kind of development associated or indeed encouraged within nearby settlements. At this stage, however, it is not “directly related to an appropriate countryside, leisure and recreational activity”, and would therefore not technically meet the criteria within Policy EC7. Nevertheless, the positive benefits of introducing a new tourism use, including the associated facilities, as part of a wider strategic aspiration for the Rheola Estate and this part of the Neath Valley are clear, as is the fact that the development would largely be undertaken on previously developed land, which is positively encouraged both by the justification to Policy EC7 and by Policy ENV13 (Brownfield, derelict and wasteland).

Accordingly, the Tourism element of the proposal is technically considered to depart from Policy EC7. Nevertheless, the benefits associated with the tourism proposal on this previously-developed site are considered to be such that there are no objections to the principle of introducing this tourism use in the countryside, subject to an assessment of its impacts.

Notwithstanding the above, should this application be successful the occupation of such units would need to be strictly controlled by means of condition to enforce the use of each unit to ensure they do not become a permanent source of residential accommodation. In view of the advice given in TAN 13, it is not

considered that seasonal restrictions need to be implemented at this site as there are no existing habitats which are particularly at risk at certain times of year and need extended time periods to regenerate. Similarly the recreational activities proposed by this application to justify the erection of the holiday units are very much year round.

Having regard to the above conclusions, it is clear that as a whole the proposal would be contrary to the Policies in the Unitary Development Plan and, accordingly, there needs to be material considerations of sufficient weight which outweigh the potential harm caused by such a departure. These matters are considered in details below.

Other Material Considerations

In this instance, the historic importance of the wider estate is a material consideration. As noted previously, Rheola House was designed by John Nash, and is Grade II* Listed. The Ice House and Stables are Listed separately, both Grade II. The grounds are included in the Register of Historic Parks and Gardens and the proposed development lies partly within its essential setting and partly immediately adjacent to the registered park. The estate as a whole, while not included in the application site boundary, is nevertheless in the control of the applicant. The proposal will result in the removal of Non-Conforming Industrial Uses which themselves have had an unacceptable adverse impact upon the Setting of Listed Buildings and the character and appearance of the wider Historic Park and Garden.

Although the site has recently been cleared of previous built development, with the uses having relocated to an existing industrial estate, part of the site has an allocated employment use (Classes A2, B1 and B2) and as such the principle of employment uses returning to the site would be acceptable in policy terms under the current UDP.

Under section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the planning authority must have “special regard” to preserving the setting of listed buildings. Recent case law has emphasised that this is more than a straightforward balancing exercise, and this must not be treated as just one among a large number of material considerations.

Having regard to this legal requirement, it is considered that the removal of an industrial site which has the potential to negatively impact on the wider historic estate could be justified where the proposed development contributes to the conservation of that estate and the appropriate redevelopment of the site for an

alternative use. This therefore weighs in favour of allowing the development, subject to the impact of the proposed new development on this setting being acceptable. Such impacts are addressed in detail later in this report.

Enabling Development

Having regard to the above policy context and the nature of the applicant's submissions, it is considered that the central basis for assessing this application is the guidance set out in Cadw's Conservation Principles for the Sustainable Management of the Historic Environment in Wales, which endorses the English Heritage document: Enabling Development and the Conservation of Significant Places. However, while Cadw endorses the document, the detailed guidance in the English Heritage document technically is not applicable in Wales, rather it is the criteria based section that is repeated in Cadw guidance, which specifically comprises the relevant guidance for the purposes of assessing such applications in Wales.

This Cadw document explains that:

Enabling development that would secure the future of a significant place, but contravenes other planning policy objectives, should be unacceptable unless:

- a) It will not materially harm the heritage values of the place or its setting.
- b) It avoids detrimental fragmentation of management of the place.
- c) It will secure the long term future of the place and, where, applicable, its continued use for a sympathetic purpose.
- d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.
- e) Sufficient subsidy is not available from any other source.
- f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests.
- g) The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

It goes on to state that if the above criteria are satisfied, planning permission should only be granted if:

- a) The impact of the development is precisely defined at the outset.
- b) The achievement of the heritage objective is securely and enforceably linked to it.

- c) The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation.
- d) The planning authority closely monitors implementation, if necessary acting promptly to ensure obligations are fulfilled.

The development is therefore assessed against these criterion in turn below: -

- a) *Will the development materially harm the heritage values of the place or its setting*

Whilst the proposed development would be located on the western fringe of the registered park and some 140 metres to the south of Rheola House it is considered that the form of development subject to appropriate controls being imposed over future design, siting and landscaping would not unacceptably affect the heritage values of the place over and above the former industrial use of the site. Notwithstanding this, the submissions proposed up to 60 dwellings, with illustrative plans submitted showing only 46 dwellings. While the illustrative plan shows a form of suburban development which would require amendments to ensure that it was of a very high standard and bespoke in character to reflect the historic setting (for example including the use of variations in house types and sizes and use of appropriate design code), it is considered that it has not been satisfactorily demonstrated that a scheme including more than 46 could be appropriately designed to protect the wider setting of the estate and Listed Buildings. Accordingly, subject to a condition limiting the number of dwellings to a maximum of 46, and requiring the submission of a design code prior to the submission of the first reserved matters, it is considered that the development would meet this test.

- b) *Would the development avoid detrimental fragmentation of the management of the place*

As part of the assessment of the application, it is considered reasonable and necessary to assess whether there are any less harmful alternatives to the proposed dwellings, which may also adequately fund the necessary works to the listed buildings. Those are considered below, however, purely in respect of this criteria b), it is considered that the development would not result in a detrimental fragmentation of the place. Given that the land in question is at a more peripheral part of the land holding, it is considered that there would not be a harmful fragmentation of the land which comprises the historic core of the place. The development of this parcel of land would also not adversely impact upon the management of the holding as a whole, or the management of the

group of buildings and its historic setting. Any associated legal agreement would also involve the wider Estate, as opposed to just Rheola house itself, and therefore additionally satisfy this test.

c) It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose AND

f) It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

Since criteria c and f are similar, the two issues are considered together. The applicant is seeking to demonstrate that the proposed enabling development is necessary to facilitate repairs to the Rheola House, Ice House and Stables. Therefore, the detail contained in this section of the report relates to the enabling proposals as a whole.

The application was initially not accompanied by sufficient information to judge whether the proposed enabling development was founded upon a sound financial basis or whether the amount of development sought was justified. Further information was requested and the applicant has now provided an updated enabling statement detailing the full schedule of required works, a full cost schedule associated with those works, valuation for the site with planning permission and site preparation costs.

All of this information was deemed necessary to enable an assessment to be made as to whether the development would secure the long term future of the place and whether this was the minimum necessary to secure its future.

In order to be deemed acceptable, the application needs to demonstrate that there is a 'conservation deficit' and that the enabling development covers that deficit. In essence, the conservation deficit in this case is considered to be the difference between the value of the land post-repair and the value of the land pre-repair plus the repair costs i.e. the deficit that would otherwise render the works financially unviable.

The enabling statement sets out essential and additional repair costs that are required for each of the buildings, the statement includes a schedule of costs for all essential works to facilitate the necessary works which threaten their long term security. The Cadw guidance makes clear that the enabling development will only be justified if it will secure the long term future of the place and if the amount of enabling development is the minimum required to secure the future of the place. It is considered that seeking to fund works which are not fundamentally necessary to secure the long term future of the place would be

contrary to this guidance since they would go beyond the minimum that is required.

In terms of the remainder of criterion c), it is considered that while there are clear advantages from finding a beneficial new use of Rheola House as part of a wider tourism aspiration for the site, nevertheless the continued use of Rheola House as a dwelling would constitute a sympathetic use of the building and the place as a whole especially given that the public are to be permitted access as a consequence of this proposal.

The schedule of restoration costs totals £696,573, the pre-repair valuation of the land is £630,000 (reasoned in a valuation report by the District Valuer) and verified by the Council's Valuer. Therefore, the total of the pre-repair valuation and restoration costs is £1,326,573. This leaves a conservation deficit of £696,573.

The development of the land for a mixed use development of dwellings, holiday accommodation and leisure would generate a total projected revenue of £3,700,000. This means that minus essential site preparation costs and facilitation fund, the conservation deficit referred to above is met together with a 'Conservation and Repair Fund' of £1,034,320.

Although there are complexities in understanding the economics of any development, which in this case include the need for substantial site preparation and infrastructure costs which would most likely need to be met by a developer, negotiations with the applicant have secured a contribution to a 'Conservation Management Fund' equivalent to the £1,034,320 detailed above, plus a £250,000 owners contribution from the 'value of the land', totalling approx. £1.28 million. This Fund would be paid in phases to the Council to hold and would be paid out to fund works detailed within a 'Conservation Management Plan' which would be prepared by the applicant and agreed by the Local Planning Authority and would cover in detail the works necessary to restore Rheola House, and additional works to the Ice House and Stables.

The criterion above states that the development should secure the long term future of the place, therefore as demonstrated above the revenue this proposed development would generate, facilitated through the Conservation Management Fund, would secure the long term future of the place. It is also considered that the area of land associated with the proposed residential development is not excessive, since the layout indicates that an appropriate form of development can be accommodated within this rural setting.

Criterion (f) also requires the applicant to demonstrate that the development minimises harm on other public interests. Other options have been considered as an alternative to the proposed dwellings, including the conversion of the buildings into a restaurant, event venue or visitor accommodation. However, it is considered that converting existing buildings could potentially fragment the ownership and management of the place, contrary to the aims of the Cadw guidance. Similarly, it is considered that selling land within the holding would both fragment the place and would diminish returns from that land that have been identified as part of the future maintenance stream.

The assessment of the harm associated with new dwellings in the location proposed is assessed under (g) below.

d) It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid.

The proposed enabling development is required to facilitate repair and restoration of the listed buildings, such works being extensive. It is considered that the baseline survey report sufficiently details that there are fundamental issues with each of the buildings that require attention to enable their long terms preservation. Consequently, it is considered that these are inherent needs of the place and not reflective of the needs of the owner or reflective of a purchase price.

e) Sufficient subsidy is not available from any other source

The application does not indicate the availability of funding, but it is considered that the costs of restoration are substantial and could not reasonably be expected to be met by subsidy from other sources. Furthermore the applicant has indicated that the costs of the immediate and essential repairs which amount to circa £250,000, will be met by him rather than as a consequence of the enabling development. The proceeds from the enabling development will therefore secure its long term future.

g) Does the public benefit of securing the future of the significant place through such enabling development decisively outweigh the dis-benefits of breaching other public policies?

It has already been concluded above that the development as a whole would be contrary to Adopted UDP Policies including ENV1 and EC7. In addition the site lies within a LANDMAP character area recognised as of high or outstanding value in terms of landscape classifications. It is, therefore,

necessary to consider whether the proposed benefits in relation to Rheola Estate would outweigh the harm caused by a development that would also have an impact on the wider landscape. It is also necessary to consider the benefits relative to any other harm, such as highway safety and residential amenity.

What degree of harm is caused by the development?

Whilst it is acknowledged that the proposal will replace an industrial use it would fundamentally alter the character of the area. Therefore, in terms of the contribution the site makes to its rural setting and the desirability of preserving the openness of the site itself it is considered that there would be an adverse impact as a consequence of the development. To this end, it is considered that the residential element of the proposal would be unlikely to gain planning permission in its own right, should an enabling development case not be made.

However, in the context of this application, it is necessary to consider the degree to which the development would be harmful to the landscape character of the area and, if so, ultimately whether that harm outweighs the benefits of the proposal. In this respect it is considered that the scale and massing of the proposed buildings together with the extensive planting will be less obtrusive within the wider landscape than the former industrial buildings which previously dominated the hardstanding area. This coupled with the existing woodland cover means that the site would be less visible within the Neath Valley. Furthermore, it is clearly evident that the hardstanding area upon which the dwellings and part of the tourism development are proposed, is visually divorced from the wider area which includes the Historic park and Garden, together with the countryside beyond, and displays a wholly different character to its immediate surroundings. As a result it could be argued that the redevelopment of this hardstanding area will not further impact upon the character and appearance of this area.

It is however acknowledged that part of the tourism development will be located on a plateau to the West of the site which displays a more natural rural character. However the illustrative plan for this part of the site indicates a very low density organic form of tourism accommodation which is surrounded and interspersed by trees effectively creating a development which for all intents and purposes nestles discreetly within its semi rural location.

Furthermore it is noted that the land forms part of wider LANDMAP character areas which recognise the site as being high or outstanding in respect of geological, historical and cultural landscape classifications, however, it is nevertheless considered that the site is still materially less prominent than other large swathes of the Neath Valley.

Therefore while, as noted above, there would be a limited harmful impact to the character of the land which would be likely to render the development unacceptable without an enabling justification, it is considered that those impacts can be mitigated against to an acceptable degree.

The public benefit associated with the works at Rheola Estate

The Rheola Estate is considered to be a significant heritage asset within the Neath Valley. Rheola House is a Grade II* listed building. The Ice House and Stables are Grade II listed in their own right. The grounds are included in the Register of Historic Parks and Gardens. Together, they form an important heritage asset and their long term preservation is considered to be a conservation priority. A baseline condition survey report has been submitted, and this provides in some detail the poor condition of the House and the outbuildings, which are all in need of relatively significant repair and restoration works to prevent further degradation and to secure their long term preservation. It is also not disputed that in the absence of the repair works listed in the report, the buildings will degrade further and this would seriously jeopardise not only their quality as a heritage asset but also their long term future.

It is considered that the repair and long term preservation of the buildings is fundamentally in the public interest. The further degradation or ultimate loss of some or all of these buildings would detract significantly from the historic value of the place and this would detract from the setting and the intrinsic value of the Estate. Even if the site were not publically accessible or visible, it is considered that there is nevertheless a public interest to the long term retention of such an important heritage asset and high quality group of listed buildings. However, the buildings are visible from the public highway and, therefore, it is considered that the works proposed would represent a significant public benefit in terms of their condition/appearance and their long term retention.

Public Access

The site will be accessible to the public and it is considered that the adverse degradation of the site would also impact negatively on tourism and the rural economy in the Neath Valley.

Consequently, it is considered that there would be a substantial additional public benefit to the proposals, in that the site would become a strategic tourist destination. It is considered that a scheme of public access to Rheola House and the surrounding Estate can be secured and controlled by way of condition and as part of a Legal Agreement, and whilst the proposal would not amount to full

access to the site throughout the year, it is nevertheless considered that it would represent a significant public benefit, which would open up an exceptional heritage asset to much greater public use than has previously been available. It is considered that this access, in addition to the improvements to the condition of the buildings (and their long term security) represents a significant and meaningful public benefit.

Tourism Benefits

Where this development differs from ‘usual’ enabling development is that the proposal doesn’t simply seek to deliver development to fund the conservation and regeneration aspects of the works to Rheola Estate, but also seeks to provide the opportunities for Tourism-led regeneration. This would strongly accord with the Council’s aspirations for the Neath Valley, tie in closely with the potential of Rheola House and Estate as a publicly accessible tourist location, while also (primarily) utilising a previously-developed site.

As part of this aspect of the proposals, any approval would require the clearance and preparation of the site for development, including key infrastructure and services, and result in a site which would be ready for a tourism use or developer to bring forward their own development. The development would also provide £100,000 funding to ‘prime’ the tourism infrastructure works required to that site, thus enhancing the attractiveness of the site to deliver a strategic tourism destination, which has clear benefits to the local community.

Weighing the harm against the public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine what weight to give to the respective material considerations, when balancing issues. In this case, the balance is between the public benefit of the works at Rheola Estate, including the new tourism development, versus the harm caused by the development.

While harm has been identified in that the proposal would be contrary to the development Plan as it represents an unjustified form of development (such that permission would be unlikely to be granted without enabling justification), that harm has to be balanced against the significant public benefits delivered as part of the proposal.

In this respect, it is considered that the works would fundamentally secure the long term security of the buildings which are integral to the historic value of the place as a whole, and would open up the site to beneficial public use. Furthermore it will result in the removal of a non-conforming use and the

introduction of a new development which can be sympathetically designed to ensure the historic setting of the House and wider Estate is protected at worst and enhanced at best. It would also provide a site which would be attractive to new developers interested in bringing forward a tourism development which has clear benefits to the community and wider County Borough economy.

Having regard to all of the above, it is considered that the public benefit would decisively outweigh the harm, such that this criterion of the above stated guidance is satisfied. In reaching this decision it should be noted that this is an exceptional case and the quality and historic importance of the place is fundamental to determining that there is sufficient public benefit. It is extremely unlikely that such a justification could be made for a 'typical' listed building, where the public importance of its retention is less (and if there is no public access to it). It is therefore considered that the instances where such a public benefit would arise would be very few.

In light of the above, and given it is considered criteria a-g are satisfied, the second series of criteria must be assessed.

a) is the impact of the development precisely defined at the outset, normally through the granting of full, rather than outline, planning permission

It is noted that where the appearance of enabling development is crucial to its acceptability, outline planning applications are not usually appropriate. It is considered that this is particularly relevant to forms of enabling development which are closely physically related to the significant place and in the same visual context. A full application is necessary in those cases to judge the impact on the setting and character of the significant place.

The current application has been submitted in outline form which, while not ideal, is nevertheless in this case considered to be acceptable. In particular, whilst the detail of any reserved matters application would still be critical to ensure the development was as sympathetic as possible to the character of the surrounding area, that level of detail is not fundamentally necessary at this stage to ensure the character and setting of the significant place is protected. It is also considered that the amount of information submitted is sufficient to allow the Local Planning Authority to establish and quantify need.

b) The achievement of the heritage objective is securely and enforceably linked to it.

The proposed development and the revenue from it can be securely tied to the heritage objective through a Section 106 Legal Agreement, which would require

the agreed Conservation Management Fund to be used for the restoration works detailed within a Conservation Management Plan the extent of which the required legal agreement would define. The agreement would also allow for site preparation and clearance works to be undertaken before first beneficial occupation of any dwelling, and allow for such works to be undertaken by the Council using the Fund if necessary.

Members are advised that should a resolution to approve the application be made, planning permission would not be granted until a Legal Agreement is signed which sufficiently and robustly protects the Council and local community's position, in terms of ensuring that any receipt from the development were used to implement the listed repairs and works, and that the phasing of works ensure that the Fund is able to initially undertake the essential repair costs in a timely fashion, with subsequent works undertaken in accordance with an agreed timetable.

- c) *The place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation*

The submitted baseline condition survey provides an assessment of the condition of the buildings and the works required to make the necessary repairs. In order to give the Local Planning Authority sufficient control over this issue, it is considered reasonable to impose a condition (and legal agreement) which requires a plan/statement to be submitted and agreed, which sets out the involvement of the architect and Cadw and how the works will be carried out to the agreed standard.

In terms of the funding of such works, the initial £250,000 (for essential repairs) will be paid upfront (prior to commencement) with the remaining £1.035m paid in phases with the first 40% being released when 50% of the houses are occupied, a further 40% released when 80% are occupied and the balance when the penultimate house is occupied.

While it would clearly be ideal to have the fund available at an earlier stage of the development, it is considered that this is a reasonable compromise since it would deliver the necessary funds to carry out the essential repairs, and then the second payment should be sufficient for the majority, if not all, of the additional repair costs necessary, with the remainder largely utilised for specified and agreed repair works to the other Listed Buildings in the estate. It would therefore satisfy this test.

d) The planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled.

Given the fund and importance of the development, as well as the need for Listed Building Consent for many of the works, the Local Planning Authority would closely monitor the implementation of the works on site, including most likely through regular meetings. This issue can also be controlled by condition, requiring details to be submitted/approved to confirm progress in respect of the implementation, subsequent phases and completion of the works.

Brief Conclusions on Enabling Development

Having regard to the above assessment, it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development from a failure to accord with the Development Plan would be outweighed by the public benefit. The proposed development would also significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that the principle of the development justifies departure from the Development Plan, subject to the analysis below of the specific impacts of the development.

Impact on Flooding

In respect of flood consequences, the site is partially identified by the Development Advice Map as being within Zone C2. Accordingly, the Applicant has submitted a Flood Consequences Assessment (FCA) to accompany the application which concludes that the site is at risk of flooding.

Following detailed hydraulic modelling work, flood alleviation measures are proposed to reduce the risk of flooding to the development to an acceptable standard and in accordance with the requirements of Planning Policy Wales & Technical Advice Note 15. These comprise measures including construction of a bund within the northern end of the site and a wall/bund along the road to the south (which lies outside the application boundary).

It is noted, however, that the flood alleviation measures increase flood risk elsewhere and is shown by hydraulic modelling to remove the increased flood risk outside the development and contain it within the boundary of land owned by the developer but outside the development land. As part of the above mitigation works, flood water flows across land within the developers

ownership but outside the development site. It is important to accept that any change in the topography in this area could change the flood risk to the development site. A suitably worded condition is suggested to manage any flood risk.

It is accepted, however, and agreed by NRW, that the FCA has shown that flood risk described above can be managed and mitigated, and accordingly provided the requested conditions are imposed on the application accordingly, it is concluded that the development would be acceptable in terms of flooding and would accord with TAN 15 and Planning Policy Wales.

Other Policy Matters - Affordable Housing

In terms of other planning policy matters, it is acknowledged that Policy H4 of the UDP requires the provision of affordable housing on sites of 3 or more dwellings. The suitability of the site for this provision takes into account its size, the economics of the site and any prejudice to the realisation of other planning objectives which may constitute a priority on the site. In this case, the priority would be the conservation of the wider Rheola Estate and associated listed buildings.

Given that the whole application is required to demonstrate the minimum necessary amount of enabling development is being sought, it is considered that in this context it would be contrary to the Cadw guidance to require a financial contribution which would increase the amount of enabling development proposed. It is also evident from the submitted financial information that such a contribution could threaten the viability of the development. Consequently, on balance it is considered that a financial contribution from the sale of the land is not required in this case to render the development acceptable.

Visual Amenity:

In considering the impact of the development on the character and appearance of the site and its surroundings, it is recognised that the wider estate is included in the Register of Historic Parks and Gardens and the proposed development lies partly within its essential setting and partly immediately adjacent to the registered park.

The significant landscape features of the estate include the combination of a range of landscape features (including water features, open parkland and wooded hillside), the presence of the former main carriageway road through the Vale of Neath running directly alongside the house and through the estate, the

woodland plantations and watercourses / water utilization (e.g. the cold plunge bath, waterfalls, cascades and ponds).

Both National and Local planning policy and guidance in the form of Planning Policy Wales 2014, TAN 12: Design and Policies ENV3, ENV17 and ENV19, advocate quality design which is contextual and respects the landscape and features of importance that are either built or natural.

Whilst the submitted layout is indicative only, having been reserved for subsequent consideration, the scale parameters are fixed as part of the outline application and therefore provide a degree of certainty in respect of the impact on the landscape and character of the area.

In respect of the residential element, the submitted layout shows large dwellings fronting onto open space separated from the holiday accommodation by dense vegetation. It is considered that the submitted detail demonstrates the site can accommodate dwellings set in moderately sized plots which are screened and softened by landscaping. The height of the dwellings would be no greater than that of the existing industrial unit and would not be visible when viewed from Rheola House due to the change in levels and screening afforded by the existing trees / shrubs. However, as indicated previously, there are concerns regarding the density and suburban character of this element of the scheme, although it is acknowledged that much will depend on the detailed design at reserved matters stage. As a consequence it is considered that any consent should be subject to a condition which limits the number of dwellings to no more than 46 dwellings to ensure that a more organic layout is achieved which responds to the surrounding environment, the external appearance and architectural detailing must also be carefully considered to achieve an appropriate form of development.

In respect of the proposed holiday accommodation these are proposed in two locations; on the western portion of the hardstanding the illustrative layout indicates the siting of lodges permeated by areas of green open space. As this area will be enclosed by new parkland railings and landscaping adjacent to the B4242 and partially screened when viewed from the adjacent highway it is considered that the scale and siting of this element of the proposal will not adversely impact upon the character of this countryside location or the historic landscape. In respect of the holiday accommodation which is proposed for the plateau area to the west of Rheola House it is considered that despite its more elevated location it is more secluded in nature and heavily screened from public vantage points, this together with the moderate scale of the proposed development means that it will not have an adverse impact.

As identified earlier in this report, under section 66 of the Planning (Listed Building and Conservation Area) Act 1990, the planning authority must have “special regard” to preserving the setting of listed buildings. Recent case law has emphasised that this is more than a straightforward balancing exercise, and this must not be treated as just one among a large number of material considerations.

In this respect, in terms of the relationship with the listed buildings and consideration of their setting, it is notable that Rheola House itself is set at a higher ground level than the development site and the landscaped grounds immediately adjacent to the house will not be affected by the development. The Stables and Ice House are set a minimum of 200 metres away from the nearest part of the development site and, being detached self-contained buildings set apart from the application site, will not be adversely affected when viewed in the context of the development.

It is also important to note that part of the site has an allocated employment use (Classes A2, B1 and B2) and that there were large industrial buildings occupying the site. The fallback position must therefore be taken into account in the consideration of the visual impact of the proposed development. It is considered that the proposal would have no greater adverse visual impact than the former industrial scale building previously located on the site or the type of any future industrial building associated with the allocated industrial land use of the site.

Accordingly, it is concluded that the proposed development, while intensifying the level of built environment on the site, will result in the removal of a non-confirming and harmful use which has significantly detracted from its essential setting, and replace it with a development which, while different, can nevertheless be appropriately designed and landscaped such that it would not unacceptably detract from its essential setting. In addition the enabling works to the Listed Building comprise essential justification for this development, all of which results in a conclusion that the setting and character of Rheola House (and estate) would be both protected and enhanced.

In overall historic landscape terms, therefore, it is concluded that the proposal would have no unacceptable visual impact on the wider landscape, having particular regard to the principle and benefits attributed to such development as both a strategic tourism destination and as an enabling development to help secure the future of the Rheola Estate.

Residential Amenity (including noise, dust and vibration):

The nearest residential dwelling is the Gate House, which stands at the entrance to the estate and some 40 metres to the east of the residential element of the proposed development. Rheola House stands some 200 metres to the north.

Whilst the application is in outline it is considered that due to the separation distances between the proposed and existing properties there is not considered to be any adverse affect in terms of the overlooking of private space or distances allowable between habitable room windows, nor is there an unacceptable impact in terms of overbearing or overshadowing.

While the introduction of the new dwellings, tourism use and associated facilities would result in vehicular activities in close proximity to the Gate House, having regard to the previous authorised use of the site these are considered to be acceptable, and in any respects to be outweighed by the benefits of the development described in detail above. It is also noted that this property is in the applicants control.

Highway Safety (e.g. Parking and Access):

Access to the proposed development will be via the existing junction on the B4242 (Glynneath Road). A new access route within the site will lead westwards to the leisure facilities and holiday accommodation. The main estate driveway will lead to the access to the residential area to the west and will be upgraded as a route to access the holiday accommodation proposed on the plateau.

Given that this access has previously been used to serve the previous industrial use of the site, together with a subsequent market and architectural salvage business, it is not considered that the proposed development would have any adverse highway safety impact over and above the lawful uses that could justify a refusal of planning permission, subject to junction improvements at the site entrance.

It is noted that the access to the residential area would be separate to that of the leisure / holiday accommodation once past the main entrance drive. It is proposed that all access roads in the site have a 20mph speed limit imposed. In view of the mixed use and nature of the development it is considered that such a speed reduction would be appropriate so as to minimise the potential vehicular / pedestrian conflict. A condition will be recommended to this effect.

In terms of parking provision, it is considered that adequate parking can be provided on site for the proposed holiday accommodation, leisure uses and residential element. Conditions are therefore proposed requiring the following:

- Residential : 3no. spaces per dwelling
- Holiday accommodation: 1 commercial vehicle and 1.5spaces per unit
- Shop: 1 commercial vehicle and 1 per 60sq.m
- Leisure: 1 commercial vehicle and 1 per 2 facility users
- Restaurant: 1 commercial vehicle and 1 per 3 non residential staff and 1 per 75sq.m of dining space.

It is considered that this provision would comply with the CSS Parking Guildelines, and the development would therefore be acceptable in parking terms.

It should also be noted that the site is in close proximity to an existing bus stop on Glynneath Road, and alternative means of transport such as cycling and walking are being promoted via the improvement of these links within the site. As such, despite its countryside location, it is also considered that the development will promote an alternative means of transport and would not rely solely on private car use.

It is considered that the development would be acceptable in highway and pedestrian safety terms and accords with the provisions of Policies T1, EC7 and ENV17 in this regard.

Ecology (including trees & protected species):

Technical Advice Note 5: Nature Conservation and Planning states that; Biodiversity conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife. Past changes have contributed to the loss of integrity of habitat networks through land-take, fragmentation, severance, disturbance, hydrological changes and other adverse impacts.

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

habitat creation and enhancement can be significant and can build into major contributions over time.

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

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

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

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

Originally the Authority's Biodiversity Unit advised that the ecology chapter of the ES contained a number of inaccuracies and requested further clarification in respect of the baseline information and evaluation of ecological receptors, construction impact assessment, operational impact assessment, monitoring and landscape. Following the submission of the ES Addendum further comments have been received which advises that whilst there remain areas of concern, the baseline ecological information is adequate and appropriate conditions can be imposed to ensure that appropriate mitigation measures are provided to address the potential impacts.

The suggested conditions are in respect of a Construction Environment Management Plan, Landscape and Environment Management Plan, Visitor Management Plan, an ecological assessment of the walkway, pre-commencement checks for protected species, provision of bird and bat boxes, a scheme for the mitigation and conservation of reptiles, control and eradication of invasive species, retention of mature trees and provision of features to allow otter passage and hibernation/basking of reptiles to be included in the design of the flood prevention bund/wall.

NRW also welcome that given the amount of time passed since the original habitat and species surveys were conducted in 2010, a walkover of the site was undertaken in July 2013 to provide updated recommendations for any additional baseline information required to inform the ESA.

In considering the ecological impacts of the flood risk reduction measures during construction and operations stages, NRW note that Options 2 and B have been proposed as flood risk reduction measures which include construction of a bund within the northern end of the site and a wall/bund along the road to the south (which lies outside the application boundary). It is noted that Option 2 (bund) will lie adjacent to identified suitable reptile habitat. NRW welcome that impacts to reptiles will be minimised by following the Construction Environmental Management Plan (CEMP) and refer to previous responses regarding the content of this CEMP and reptiles.

Option B (wall/bund) will cross the Rheola Brook and lies adjacent to the Rheola pond. As identified in previous surveys, Rheola Brook is used by Otters and a holt was surveyed outside the site boundary. Measures are proposed to minimise disturbance to otters and that the construction of this wall/bund will be carried out according to the CEMP. Section 7.5.12 of the ESA states that where the bund/wall crosses Rheola Brook, a safe passage for otters underneath the B4242 will be provided that will remain effective during periods of high rainfall. No further details have been provided on the design of this passage, therefore details should be submitted as part of the Landscape and Environmental Management Plan (LEMP).

Having regard to the above, it is considered that the ecological impact of the development has been adequately considered within the submitted information. Through the imposition of conditions, the impacts of the development both during and post construction, and ongoing future management and monitoring can be mitigated so that that any adverse impacts can be dealt with.

In respect of arboricultural issues, there are a large number of visually important trees within or adjoining the application site which make an important contribution to the wider area. As such, a tree survey has been conducted and submitted in support of the planning application. The Authority's Arboricultural Officer has inspected the tree report and is generally happy with its findings subject to conditions ensuring the protection of trees during construction, it is considered that the development can be accommodated without having a harmful impact on the surrounding trees.

It is noted that the proposed flood risk reduction measures are of a relatively small scale in terms of height in the context of the overall estate. The 1m high wall/bund will replace existing metal palisade fencing and is considered to be an improvement to the frontage of the application site. The bund along the northern boundary of the development site has the potential to be incorporated into a screening function along with the Cypress boundary hedge as stated in section 8.6.7 of the ESA.

NRW agree with the conclusions of the additional landscape information included in the ESA and advise that the proposed Landscape Conservation Management Plan (LCMP) is updated to include these changes and new proposals.

The development is therefore considered to accord with Policy ENV5 of the Unitary Development Plan.

Pollution: (air and ground):

The Land Contamination Officer and NRW have raised no objections to the proposal subject to the imposition of conditions in respect of remediation strategy, submission of verification report, long term monitoring and maintenance plan and unexpected contamination.

Water Environment, Hydrology and Drainage:

Flooding matters have been dealt with previously. In respect of surface and foul water, Welsh Water offer no objection to this, requesting a condition preventing use/occupation of any development until improvement works have been completed, which can be dealt with by condition.

Surface water and land drainage is to be dealt with via a sustainable Urban Drainage System. (SUDS). These methods of drainage are supported by both national and local planning policy, and due to these methods not linking to any existing drainage systems Welsh Water again offer no objection.

In addition a standard condition for the comprehensive drainage/sewerage scheme for the site, together with any phasing for these works would be imposed, as well as the standard requirement that no surface water or land drainage connects directly or indirectly into the public sewerage system.

NRW note that the applicant proposes a SUDS system, and recommends that suitably worded conditions are imposed to secure the details of these schemes, and further conditions which protect controlled ground waters are imposed on any permission issued. The Authority's own Drainage Section raises no objection.

Consideration should also be given within the Construction Management Plan (CEMP) to surface water management and the treatment techniques required during the construction phase, focusing on mitigation to remove siltation. Careful phasing and timing of operations such as soil stripping should greatly reduce the generation of water contaminated with silt as will the early installation of cut off ditches in order to divert clean water around the construction area, ensuring that volumes of silt contaminated water are kept to a minimum.

Through the imposition of suitable conditions, the requirements of NRW and Welsh Water can be accommodated fully.

Cultural Heritage and Archaeology:

The application area is situated within an area of the Rheola Estate which became the Rheola Aluminium Works, the remains of which are an important part of the historic development of the estate and they provide a unique insight into the role of Rheola and the wider Neath valley in the development of this period of war time and post war industry. To mitigate the impact on the archaeological resource and that appropriate archaeological work is undertaken to lessen this impact GGAT recommends the imposition of two conditions ensuring that archaeological and architectural investigations are carried out.

Others (including objections):

In response to the concerns raised by third parties:

1. The structural stability of the road is a matter for the Highway Authority and any damage to the road during or post construction will be for the developer to resolve with the Authority should an issue occur. The Head of

Engineering and Transport has raised no objection to the application in this regard.

2. The specific letting arrangements for the holiday accommodation will be for the operator to decide in the event that planning permission is granted. However, in order to ensure the holiday accommodation is retained as such, a condition will be recommended limiting the use of the units to prevent permanent occupation as a dwelling.
3. Matters of drainage have been addressed above.
4. The rating of the properties for council tax purposes is not a material planning consideration.
5. The impact of the development on ecology has been addressed earlier in the report.
6. It would be for the operator to decide whether domestic pets would be excluded from the development through the imposition of a restrictive covenant.

Conclusion:

The Environmental Statement has adequately addressed and provided clarity on mitigation measures to ensure that the impacts of the development are minimised. The imposition of conditions ensure that the requisite level of controls are placed upon the development with regard to environmental impacts both during construction, and post construction including monitoring of these measures for the future.

This recommendation has been made in accordance with Article 24 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and Article 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (EIA Regulations), and has taken into consideration the Environmental Information (as defined by the EIA Regulations), the comments of all statutory consultees on information supplied and the comments/observations provided by members of the public.

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.

Having regard to Policies ENV1, ENV3, ENV5, ENV11,ENV16, ENV17,ENV19, H4,EC1, EC7 and T1 of Neath Port Talbot Unitary Development Plan 2008, Planning Policy Wales (Edition 7, 2014), The Cadw Guidance Document: Conservation Principles for the sustainable management of historic environment in Wales, Technical Advice Note 2: Planning and Affordable Housing (2006),Technical Advice Note 5: Nature Conservation and Planning (2009),Technical Advice Note 11: Noise (1997),Technical Advice Note 12: Design (2014),Technical Advice Note 13: Tourism (1997),Technical Advice Note 15: Development and Flood Risk (2004),Technical Advice Note 16: Sport, Recreation and Open Space (2009),Technical Advice Note 18: Transport (2007), it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development would be outweighed by the public benefit. The proposed development would significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that it justifies departure from the Development Plan.

RECOMMENDATION:

That the Council be minded to grant planning permission, subject to conditions, and the signing of a Section 106 Legal Agreement with the following draft Heads of Terms:

- Preparation by the applicant of a detailed Conservation Management Plan to secure the restoration of Rheola House and other essential works at Rheola Estate, to be delivered and managed through a Conservation Management Fund of no less than £1.28million to facilitate the restoration works, including agreed staged phasing of such payments.
- To undertake agreed site preparation and infrastructure works prior to the occupation of any dwellings
- To contribute a sum of £100000 to be made available for essential ‘tourism infrastructure’ works within the tourism site.
- To restrict the commencement of development until a Public Access Plan to the Rheola Estate has been approved
- That no less than 20% of any proceeds above an agreed figure is contributed towards the Conservation Management Fund
- That the existing consents, B1, B2, B8 and Lawful Development Certificates fall upon commencement of the development

CONDITIONS

(1) Approval of the details of the layout, scale and appearance of the building(s), hereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

The application was made for outline planning permission.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

(3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

(5) The development hereby permitted shall be carried out in accordance with the principles and mitigation measures as set out within the Environmental Statement (January 2012) and the Environmental Statement Addendum (January 2014) unless provided for in any other conditions attached to this permission.

Reason

The proposed development is the subject of an Environmental Impact Assessment and due regard must be had to the the principal impacts of the development in the preparation of detailed design and the operation of the site. Any material alteration to the proposal may have an impact which has not been assessed by the process.

(6) Notwithstanding the submitted document entitled Development Framework (March 2012) and prior to the submission of any application for the approval of reserved matters, the applicant shall submit to the Local Planning Authority a plan sub-dividing the overall site area into phased development areas together with strategic infrastructure phases and any temporary works, including any temporary car parking, to substantially accord with the Development Framework March 2012 and the parameters of development submitted to and approved as part of this application. This phasing shall include the timing of delivery of the development and of all land uses within the site, landscaping and open space. The development shall be carried out in accordance with these approved details.

Reason

To allow for the sub-division of the overall site into coherent areas of land and the submission of reserved matters pursuant to each development area.

(7) Prior to the submission of any application for Reserved Matters approval, a Design Code indicating the principles of development for the site shall be submitted to and approved by the Local Planning Authority. The site shall be developed in accordance with the approved details.

Reason

In the interest of good design and amenity.

(8) All applications for Reserved Matters approval shall be accompanied by a Design Statement which shall explain how the proposal conforms to the requirements of the approved Design Code referred to in Condition 7 above.

Reason

In the interests of good design and visual amenity.

(9) Notwithstanding the submitted plans and particulars, the consent hereby granted shall permit, and the reserved matters details referred to in Condition 1 above shall provide for a maximum of 46 dwelling houses.

Reason

In order for the reserved matters application development to comply with the assessments carried out at the outline stage and to protect the historic environment

(10) Notwithstanding the Town and Country Planning Use Classes Order 1987 (or any Order revoking or reenacting that order) the holiday lodges/accommodation hereby permitted shall be used for holiday accommodation only and shall not be occupied as a person's sole or main place of residence. Occupation of any unit of holiday accommodation hereby approved shall be restricted to a maximum of twenty six weeks within a twelve month period for any individual.

Reason

To ensure that the accommodation is utilised for holiday accommodation only.

(11) From the date of first occupation of any holiday unit, an up-to-date register shall be kept for each unit of holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason

In order to ensure that the accommodation is utilised for tourist holiday accommodation only.

(12) The development hereby approved shall be restricted to those parameters as set out within the application drawings and/or Design and Access Statement hereby approved.

Reason

To comply with the requirements of the Town and Country Planning (Development Management Procedure)(Wales) Order 2012 (as amended), and in the interests of clarity.

(13) In support of the first reserved matters for each phase of development as agreed in regard to Condition 6 details of all external materials, finishes and permanent and temporary means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.

Reason: In the interests of visual amenity.

(14) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 details of the existing and proposed ground levels and finished floor level of the development shall be submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved levels.

Reason

In the interest of the amenities of the area and visual amenity

(15) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a scheme for landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development shall be submitted to and agreed in writing with the Local Planning Authority.

Reason

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

(16) No development shall take place until details of both hard and soft landscape works for each phase of development as agreed in regard of Condition 6 have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant)].

Reason: In the interests of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

(17) All planting, seeding or turfing comprised in the approved reserved matters applications shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the relevant phase of development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests of visual amenity and to accord with S197 of the Town and Country Planning Act 1990.

(18) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a Landscape Management Plan (LMP) including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The approved management plan shall be implemented prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.

Reason

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

(19) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6 a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

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

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

Reason

In the interest of good land drainage

(21) Prior to beneficial use of the relevant part of the development water 'butt' or 'butts' to collect run off water from the roof areas shall be installed. Water collected from the butt(s) shall be used for non potable uses such as landscape irrigation.

Reason

In the interest of good land drainage

(22) Foul water and surface water discharges must be drained separately from the site.

Reason

In the interest of good land drainage

(23) No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

(24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) the gross floor space for retail shall not exceed 350 sq.m. and 1000sq m for leisure facilities.

Reason

In the interests of clarity and to ensure the overall sustainability of the development, and to consider the impact upon the vitality, viability and attractiveness of nearby retail centres.

(25) Prior to the submission of any reserved matters and any development (not including remediation) taking place a scheme for the comprehensive and integrated drainage of the site as a whole showing how the foul water and a Sustainable Urban Drainage System for surface water and land drainage will be dealt with, together with any phasing of these works, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that no surface water or land drainage run off discharges directly or indirectly into the public sewerage system. The scheme as approved shall be fully implemented on site in accordance with these details.

Reason

To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

(26) None of the holiday homes or leisure facilities hereby permitted shall be occupied or used until facilities for the storage and collection of waste and recyclable materials from the site have been provided in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority, and such facilities shall be retained for the duration of the occupation or use of the site.

Reason

In the interest of highway safety

(27) Prior to any vegetation clearance on site a scheme for the mitigation and conservation of reptiles on site shall be submitted to the Local Planning Authority and carried out as agreed. The scheme shall include detail of an appropriate method of working for all areas of suitable habitat.

Reason

In the interest of ecology

(28) Prior to any vegetation clearance, felling or other works on site a scheme for the undertaking of pre-commencement checks for protected species shall be submitted to the Local Planning Authority for approval. This should include full details of methods and scope of all checks, along with details of appropriate mitigation if any protected species are discovered. The scheme should be implemented as approved.

Reason

In the interest of ecology.

(29) Prior to any construction works on each phase of the development as agreed in regard of Condition 6, a Construction Environmental Management Plan (CEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under appendix G1 of the ES Addendum dated April 2014 and the following:

- (i) Nesting Birds
- (ii) Programming of pre commencement protected species checks
- (iii) Requirement of an Ecological Clerk of Works

- (iv) Detail of any monitoring requirements and commitments to undertake remedial action, when necessary.
 - (v) surface water management and treatment techniques during construction focusing on mitigation to remove siltation.
 - (vi) provision for means of escape for otters and other animals
- The Plan shall be implemented as approved.

Reason

In the interest of ecology and pollution prevention.

(30) Prior to commencement of any work on site a Landscape and Environment Management Plan (LEMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under Appendix G2 of the ES Addendum dated April 2014 and the following:

- (i) Details of all methods of creation, survey and monitoring
 - (ii) Details of on-going management requirements
 - (iii) Details of monitoring to assess the success of measures implemented under the Plan
 - (iv) Commitment to undertake remedial measures in light of the results of the monitoring
 - (v) A programme of works
 - (vi) A Breeding Bird Survey should be undertaken to inform any specific bird habitat requirements to be included
 - (vii) A habitat balance should be presented detailing losses and gains of LBAP and S42 habitats. This should be based upon up to date information, so if works do not commence within 2 years a further update to the Phase 1 Habitat Survey should be undertaken.
 - (viii) details of the safe passage for otters underneath B4242
- The Plan shall be implemented as approved for the life-time of the development (15 years minimum).

Reason

In the interest of ecology

(31) Prior to commencement of any work on site a Visitor Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements listed under Appendix G3 of the ES Addendum dated April 2014 and the following:

- (i) Programme of works
- (ii) Details of monitoring to assess the success of the plan
- (iii) Commitment to undertake remedial measures in the light of the results of the monitoring.

The Plan shall be implemented as approved for the life-time of the development (15 years minimum).

Reason

In the interest of ecology

(32) Prior to the design of the walkway/footpath through the Wet Woodland/ Ancient Woodland in the western part of the site, a detailed ecological assessment shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall be implemented as approved.

Reason

In the interest of ecology.

(33) Together with the first reserved matters for each phase of development as agreed in regard of Condition 6, a scheme for the provision of bird and bat boxes for each new building and on trees within the woodland area on site shall be submitted to and approved in writing by the Local Planning Authority to accord with the following specifications:

Nest Box Specifications for House Sparrow Terrace:

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

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

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

The scheme shall be fully implemented in accordance with the agreed timescale and retained as such thereafter.

Reason

In the interest of biodiversity

(34) If an invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is identified on site, a methodology for the control and eradication of this/these species shall be submitted to the Local Planning Authority for approval. The treatment of this/these species should be conducted prior to the re-commencement of any development works on the site.

Reason

In the interest of ecology

(35) No garages shall be converted to residential use unless a scheme for a replacement car parking has been submitted to and approved by the Local Planning Authority. The scheme shall be implemented prior to commencement of any conversion works and shall provide for one additional car parking space for each space lost by any conversion works.

Reason

To ensure adequate off street parking is provided and retained

(36) As part of the first reserved matters application for each phase of development as agreed in regard of Condition 6, 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.

(37) Prior to each phase of development as agreed in regard of Condition 6, a remediation strategy 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. strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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.

(38) No occupation of any part of the relevant phased development shall not take place until a verification report demonstrating completion of works set out in the approved remediation strategy carried out in accordance with Condition 36 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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.

(39) No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met.

(40) 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.

(41) Prior to the commencement of work on site for each phase of development as agreed in regard of Condition 6,a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for the following:

- a) The parking of vehicles of site operatives and visitors
- b) Loading and unloading of plant and material
- c) Storage of plant and materials used in constructing the development
- d) The erection and maintenance of a security holding including decorative displays and facilities for public viewing, where appropriate
- e) Prevention of material discharge onto the public highway
- f) Measures to control the emission of dust and dirt during construction
- g) Wheel washing facilities
- h) A scheme for recycling /disposing of waste resulting from construction works
- i) The number and frequency of lorries entering and leaving the site per day, vehicle routes and frequency of road sweeping.

The scheme shall be implemented as approved throughout the construction period.

Reason

In the interests of highway safety

(42) During each phase of site preparation, construction and landscaping the guidelines and recommendations in BS5837 1991 'Trees in relation to construction' shall be followed at all times.

Reason

In the interests of the existing environment.

(43) Prior to work commencing on each phase or development area, a Design Code for each road serving the site and including the following:

- a) Carriageway widths varying between 7.3m to 5.5m depending on what part of the development it serves;
- b) Footways width of a minimum of 2m, 2m wide verges can be used where no footway is deemed required;
- c) Street lighting scheme;
- d) Highway drainage scheme including discharge point;
- e) Longitudinal and vertical carriageway alignment;
- f) Cross-sections of each road every 20m detailing the tie in of land either side of the extent of the highway.
- G) All roads designed for a 20mph or less speed limit with bends having a centre line radius not less than 20m and any necessary bend sight line shown as being within the proposed footway with a maximum gradient of 1 in 12 and a minimum gradient of 1 in 150;
- h) A scheme detailing a strategy to facilitate the local kerbside refuse and recycling collection;
- i) surfacing materials of proposed roads and footpaths.

The details as approved by the Local Planning Authority shall be fully implemented on site, in line with a schedule of works to be submitted as part of the above information.

Reason

In the interest of highway safety.

(44) All drives shall have a minimum of 3.6m in width (7.2m for adjacent drives) , a gradient not exceeding 1 in 9 and a minimum of 6m length between back of footway and garage door. Each drive must have an unobstructed pedestrian vision splay of 2.4m by 2.4m (behind footway) which must be under the control of the drive owner with nothing over 600mm in height above back of footway level erected or allowed to grow within these areas.

Reason

In the interests of highway safety.

(45) Prior to the commencement of development a scheme detailing improvements to the existing junction into the site on the B4242 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) a lighting scheme for 200m to cover the full extent of the junction
- b) provision of new bus shelters
- c) a reduction in speed to 40 mph along the frontage of the site.

The scheme shall be implemented prior to the first occupation and/or beneficial use of the development.

Reason

In the interest of highway safety.

(46) Prior to the occupation of each phase of the development as agreed in regard of Condition 6 , the associated roads and footways shall be completed with surface course, drainage, lighting and road markings.

Reason

In the interest of highway safety

(47) In support of the submission of the first of the reserved matters for each phase of development, a scheme detailing the phasing approach for the development reflecting the car parking requirements on site for that phase shall be submitted to and approved in writing by the Local planning Authority prior to any works commencing on site. The details as approved shall be implemented prior to beneficial use.

Reason

In the interests of highway and pedestrian safety.

(48) Prior to the commencement of development, a comprehensive Heritage Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include (but not limited to):

- a phasing plan for the implementation of the repair and renovation works set out in Conservation Report 2013 and Emergency Repairs Survey (January 2014)
- a maintenance plan to demonstrate how the buildings will be maintained in perpetuity
- a public access plan, to detail the areas of the buildings which will be publicly accessible, the timings of when they will be accessible and how the public access will be managed, regulated, provided and advertised;
- an appropriate programme of historic building recording and analysis; and

- a 'statement of involvement' of a RIBA registered architect to be appointed and retained throughout the duration of the repair works to the buildings and the involvement of CADW throughout the duration of the repair works.

The Heritage Management Plan as agreed shall be implemented in accordance with a phased programme of works as agreed under condition 6 and as supplemented within a programme of works included within the Heritage Management Plan.

Reason

In order to ensure the appropriate implementation of the repair works to Rheola House and associated buildings, to ensure that public access to the wider site is appropriately managed.

(49) The Local Planning Authority shall be notified in writing of the completion of each element of the works set out in the Heritage Management Plan referred to in Condition 48 within one month of their completion. The notification shall take the form of/be accompanied by a comprehensive plan/checklist, which is updated at the time of each notification to confirm the implementation position in respect of the works as a whole.

Reason

In order to enable the Local Planning authority to monitor the implementation of the repair work, in the interests of sustainable management of the historic environment.

(50) The subsequent reserved matters application for each phase of development as agreed in Condition 6 shall include detailed plans and particulars for any areas of open space to be located within the reserved matters site (which shall be to the adopted standard of 2.8 hectares per 1000 population in accordance with the requirements of Policy RO3 of the adopted Unitary Development Plan). As a minimum the details shall include cross-sections and details of hard and soft landscape materials, boundary treatments and access points, surface and path treatments, furniture (including seating, bollards, bins, cycle stands), structures, signage, play equipment, public art, trees, lighting, management and maintenance regime.

The development shall be carried out strictly in accordance with the approved details.

Reason

In order to fully consider the proposed provision of open space and in the interests of visual amenity.

(51) No development shall commence until the flood risk reduction measures identified in the Rheola Estate Flood Consequences Assessment (2014) and the Environmental Statement Addendum April 2014 submitted as part of this application have been implemented and completed. These measures shall be permanently retained as such thereafter.

Reason:

To ensure the risks of flooding are satisfactorily managed manage flood risk and in the interests of amenity.

(52) The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute for Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to commencement of the development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed in writing, that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason

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

(53) Prior to commencement of any work on site a Landscape Conservation Management Plan (LCMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include but is not limited to the requirements stated in the ES and ES Addendum.

The Plan shall be implemented as approved.

Reason

To ensure the long term-term health of the historic resource.

(54) Prior to commencement of any development on site a detailed lighting strategy designed in consultation with an ecologist and consistent with the proposals stated in section 8.8.31-32 of the ES and sections 2.2.1.1 and 2.2.1.2 in the attached Annex shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be implemented as approved

Reason

In the interests of ecology.

(55) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected without the prior grant of planning permission.

Reason

In the interests of visual amenity.

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.

Having regard to Policies ENV1, ENV3, ENV5, ENV11, ENV16, ENV17, ENV19, H4, EC1, EC7 and T1 of Neath Port Talbot Unitary Development Plan 2008, Planning Policy Wales (1), The Cadw Guidance Document: Conservation Principles for the sustainable management of historic environment in Wales, Technical Advice Note 2: Planning and Affordable Housing (2006), Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Note 11: Noise (1997), Technical Advice Note 12: Design (2014), Technical Advice Note 13: Tourism (1997), Technical Advice Note 15: Development and Flood Risk (2004), Technical Advice Note 16: Sport, Recreation and Open Space (2009), Technical Advice Note 18: Transport (2007), it is considered that the applicant has demonstrated a justification for the enabling development to secure the restoration of the estate and that any harm associated with the development would be outweighed by the public benefit. The proposed development would significantly benefit the aspirations and key principles for socio-economic growth in the region as set out within the Wales Spatial Plan, acting as a contributor to the local economy through the provision of a strategic tourist destination. As such, it is considered that the opportunity that this scheme offers is of such importance that justifies departure from the Development Plan.