

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/5560	<u>DATE:</u> 06/11/2019
PROPOSAL:	Outline planning permission for the development of light industrial and office units (Use Class B1, B2, & B8) plus associated infrastructure
LOCATION:	Land Adjacent to Towers Hotel, Ashleigh Terrace, Jersey Marine
APPLICANT:	Mr & Mrs N Zapettis
TYPE:	Outline
WARD:	Coedffranc West

BACKGROUND

This application is brought before the Planning Committee as a material departure from the adopted Neath Port Talbot Local Development Plan.

SITE AND CONTEXT

The application site measures approximately 2.38 hectares. The hotel development of 'The Towers Hotel' is located immediately to the east of the site with the site and access passing along the northern boundary of the hotel site. An existing freight train line and small cutting runs along the whole southern boundary of the site with natural boundary trees and vegetation along the whole length. Beyond this lies the Ffordd Amazon link road with NCN4 cycle path and local bus route. The Amazon warehouse and distribution centre between Ffordd Amazon and Fabian Way to the south. To the north of the site is the raised former railway embankment, with mature trees and planting. Immediately to the north of the raised embankment is the Swansea to Neath Tenant Canal with canal footpath, which forms part of the Wales Coast Path, which links Swansea in the west to Jersey Marine to the east.

The site is generally level across its whole area and consists mainly of scrub vegetation. There are no existing buildings on site albeit there are two full size electricity pylons located on or adjoining the application site with the lines running generally east-west across the site.

There is an existing gated access off the adopted highway (B4290) which provides access to Swansea and the M4. The main body of the site is located within an Existing Employment Area (EC2/1 – Fabian Way) which seeks to provide B1 B2 and B8 uses. A small section of the site and the access in not within this allocation, which is clarified

further within this report. As such, the proposal has been advertised as a departure to the Local Development Plan. Below is a plan showing the location of the site.

Figure 1: Location of Proposed Development



DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission for the development of light industrial and office units (Use Class B1, B2 & B8) plus associated infrastructure. All matters relating to access, appearance, landscaping, layout and scale are reserved for subsequent approval.

As this is an outline application, detailed plans have not been submitted in support of the application. Nevertheless, an illustrative site plan (shown in figure 2 below) together with the parameters of development have been submitted which are as follows (Note: all industrial units consist of a combination of the base unit size noted below):

- **Light industrial/storage units** (per individual unit)
WIDTH: 9.5m min – 10.0m max

DEPTH: 14.5m min – 15.0m max
HEIGHT: 6.5m min – 7.5m max

- **Light industrial/storage units** (unit 8 and 9)
WIDTH: 30.0m min – 30.175m max
DEPTH: 25.0m min – 25.10m max
HEIGHT: 6.5m min – 7.5m max
- **Office unit building 27**
WIDTH: 30.0m min – 30.35m max
DEPTH: 14.5m min – 15.0m max
HEIGHT: 6.5m min – 7.5m max
- **Office unit building 28/29**
WIDTH: 40.0m min – 40.35m max
DEPTH: 14.5m min – 15.0m max
HEIGHT: 6.5m min – 7.5m max

Figure 2: Indicative Layout Plan



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

NEGOTIATIONS

Officers have engaged in dialogue over the development, notably in terms of ecology and the buffer zone to be provided between the Towers Hotel and the proposed units. Amended plans have been submitted which substantially increase this area.

PRE-APPLICATION CONSULTATION

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

The consultation exercise took place between 22nd July 2019 and the 26th August 2019, and involved notifying local residents within the surrounding area, together with Ward members and specialist consultees.

Several of the specialist consultees made comment, however no comments were received from the general public or surrounding neighbouring properties.

PLANNING HISTORY

The application site has the following relevant planning history:

P2003/1400 Administration building, garage and go kart building in connection with a driving activity centre. Approved 03/02/04.

P2005/0339 Office and go kart/off road instruction and driving activity centre. Approved 21/07/05.

P2005/0702 Certificate of lawfulness for proposed use - paint ball centre not issued 11/08/05.

P2005/1600 Change of use to lasertag and paint ball centre. Approved 17/05/2006.

P2006/0452 Go kart and paintball/lasertag centre with office administrative facilities. Approved 27/06/06.

P2010/1017 construction of temporary access track and associated works (permission for a temporary period of 30 months, within which a maximum of 12 weeks use would be permitted). Approved 08/02/11.

P2014/0508 construction of temporary access track and associated works (permission for a temporary period of 24 months, within which a maximum of 12 weeks use would be permitted) approved 26/09/14.

P2016/0456 demolition of existing pipe bridge structures plus retention and completion of works to facilitate the temporary construction access track and associated works (permission for a temporary period of 18 months, within which a maximum of 12 weeks use would be permitted) plus the regularisation of works to trees protected by a tree preservation order together with site clearance works and ecological mitigation/compensation. Approved 13/09/16.

P2019/5090 Request for screening opinion under Regulation 6(1) of the (Environmental Impact Assessment)(Wales) Regulations 2017 for a mixed Use Light Industrial & Office Development and associated works. Screening not required 18/06/2019.

CONSULTATIONS

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

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

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

Contaminated land: No objection subject to conditions.

Natural Resources Wales: No objection.

Coal Authority: No objection subject to condition.

Welsh Water: No objection subject to condition and informative.

Wales and West Utilities: Provided standard comments in respect for the need for developers to get a copy of their up-to-date gas plans and general conditions before commencing any work.

Crime Prevention Advisor: No objections provides comments on security aspect of the design.

Environmental Health (Noise): No objection, subject to conditions.

Environmental Health (Air): No objection.

Biodiversity: No objection subject to conditions.

Glamorgan Gwent Archaeological Trust: No objection.

Aboriculturist: No objection subject to conditions.

Network Rail: No objection subject to informative.

Fire and rescue Service: no objection.

National Grid: have a holding objection in relation to safety distances between apparatus.

Swansea Council: Concerns in relation to amount of Office B1 development that could result from the proposal, which could have an adverse impact upon Swansea City centre.

REPRESENTATIONS

The neighbouring properties were consulted on 7th November 2019 and again on 5th October 2020.

The application was also advertised in the South Wales Evening Post on 19th November 2019 and 8th October 2020 and on site on 7th November 2019 and 1st October 2020 as a departure to the Local Development Plan.

A letter of objection was received from the local Ward Member for Coedffranc West:

“I wish to submit observations regarding the above named application. I feel that this matter needs to be looked into by the planning committee, including a site visit. The proposed access road is very close to hotel rooms at the Towers hotel and given that these commercial properties may have lorries delivering at all times of the day and night it could have an adverse affect with regard to noise on the property and would result in a loss of amenity. I feel that the access road is not in the right place as there is very little view of oncoming traffic from the entrance. There would also be an increase in traffic going through Jersey Marine village and Fabian Way due to vehicles accessing the proposed development. Jersey Marine has already had an increase in traffic because of the Coed Darcy development which has yet to be addressed by way of the building of a link road between there and Ffordd Amazon. You will note that there is a weight limit through Jersey Marine, which would then need to be more rigorously enforced. In summary, the increase on local traffic, noise and loss of amenity means that this is an unacceptable development to local people. I would therefore be grateful if the committee could look at this development and come to their own determination.”

In addition, to date 1 no representations have been received and summarised as follows:

- The proposed access road runs along the back of the Towers Hotel which currently enjoys complete peace and quiet as it overlooks trees and open land. The proposal to site a road which will be used day and night by commercial traffic so near to our building and running along the entire back of our hotel is unreasonable.
- All of our conference rooms face onto the proposed access road; the access road would have a detrimental effect for future weddings and functions within these rooms.
- One of our unique selling points in The Towers is peace and quiet and the beautiful views from both the function rooms and bedrooms along the back of

the hotel. This would be entirely lost with an access road to an industrial development running immediately adjacent to the hotel.

- There is also the effect of the entrance to this road on the village of Jersey Marine. This is currently a quiet rural village and large volumes of commercial traffic will completely change the character of the village. We note that there has been no traffic survey or report into the possible effects of this application on Jersey Marine or for that matter The Towers Hotel and Spa.
- The Towers spa treatment rooms and chill out lounge are situated in the Annexe building, which faces and looks onto the proposed site; we believe that the overlooking will result in a loss of privacy, which will cause a massive reduction in our business, which will lead to us having to close.
- The proposed buildings are far too close to the towers building, which is not even shown on any of the submitted plans, and the idea of siting their bins along our boundary is completely anti-social.
- The Towers unique selling point of providing spa days in a peaceful, tranquil location, where the emphasis is very much on recovering well-being to the mind, body and soul, will be completely lost if this development goes ahead.
- Concerns have been raised in relation to Building Works. Having potential to disrupt and upset guests stay/experience at the Towers spa. Works in the past have caused weeks of noise and dust and we had a never-ending string of complaints, which adversely affected the business and force it to close losing employment for 100 local people.

REPORT

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

National Planning Policy

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and

approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

Future Wales now forms part of the Development Plan for all parts of Wales, comprising a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. All Development Management decisions, strategic and local development plans, planning appeals and all other work directed by the development plan need to accord with Future Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

PPW11 para 5.4.1 states *“For planning purposes the Welsh Government defines economic development as the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses.”* Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services.

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

Technical Advice Note (TAN) 5	Nature Conservation and Planning
Technical Advice Note (TAN) 12	Design
Technical Advice Note (TAN) 15	Development and Flood Risk
Technical Advice Note (TAN) 18	Transport
Technical Advice Note (TAN) 23	Economic Development
Technical Advice Note (TAN) 24	The Historic Environment

Local Planning Policy

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

Strategic Policies:

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable Communities
- **Policy SP4** Infrastructure
- **Policy SP10** Open Space Provision
- **Policy SP11** Employment Growth
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic based Policies:

- **Policy SC1** Settlement Limits
- **Policy I1** Infrastructure Requirements
- **Policy OS1** Open Space Provision
- **Policy EC2/1** Existing Employment Areas (Fabian Way)
- **Policy EC3** Employment Area Uses
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG are of relevance to this application:

- Parking Standards (October 2016)
- Biodiversity and Geodiversity (May 2018)
- Pollution (October 2016)
- Renewable and Low Carbon Development (July 2017)
- Open Space & Greenspace (July 2017)
- Design (July 2017)

EIA Screening

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such, the application has not been screened.

The proposed development is located within a zone of influence of Crymlyn Bog SAC, and Ramsar and as such has been screened. As a result of the screening, it was concluded that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 is not required in this instance.

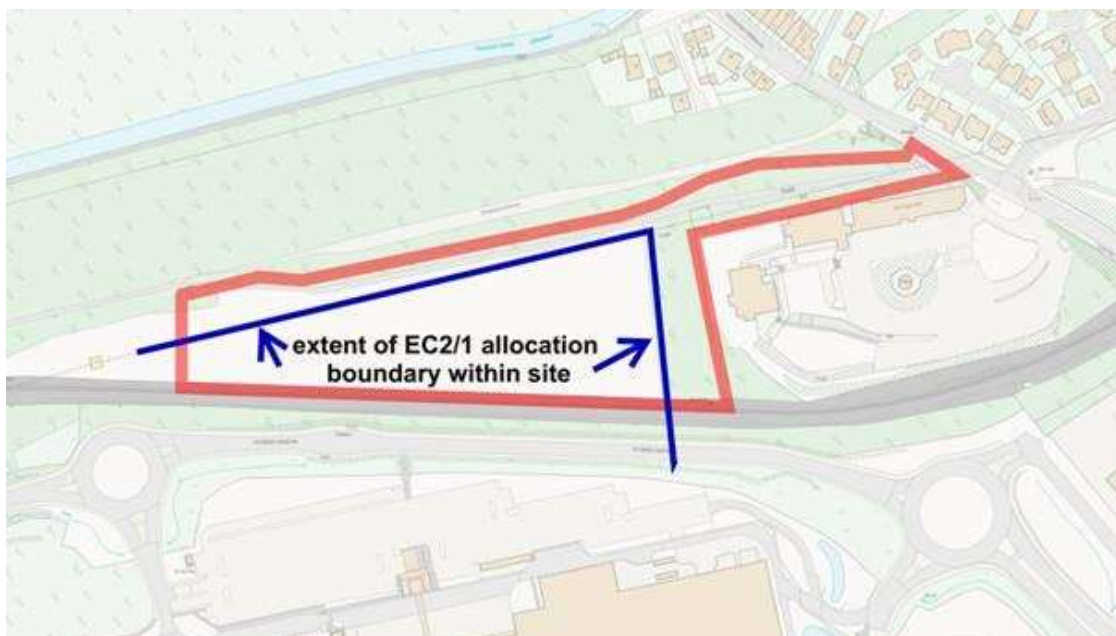
Issues

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

Principle of Development

Whilst the majority of the development lies within an existing employment area defined by **Policy EC2/1 Existing Employment Areas** (*Fabian Way*), parts of the site mainly the access are located outside of this allocation and outside of settlement limits. This is the access into the site and a section near the buffer along the west boundary of the Towers Hotel. This is illustrated on the plan below:

Figure 3: Plan showing extent of site located within Employment Allocation EC2/1



Therefore, the development has been advertised as a 'departure' to the Local Development Plan. Each of the issues (buffer zone and access road) are addressed separately below.

Buffer Zone between the employment allocation and the Towers Complex

The boundary of EC2/1 was drawn to exclude a wooded area which would have acted as a buffer between any future employment development and the existing Towers complex. However, this land been cleared of trees at some time prior to 2017. The majority of the site is now covered in scrub. In light of the above, it would be vital that any development retains a buffer – the replanting and landscaping of this area would then be afforded protection via conditions of any permission issued.

The original submission proposed built development right up to the red line of the application boundary, this would have completely removed any opportunity to reinstate a landscaped buffer between this site and the existing Tower Hotel complex to the east. In negotiation with the applicant, a revised scheme was submitted which realigned the build development further to the west, away from the common boundary with the Towers Hotel site. This reintroduced a robust landscaped buffer zone that would both provide adequate screening for physical separation, and allow for protection of visual and amenity for residents and visitors, whilst allowing the proposed uses to function without undue restriction.

Whilst the proposal still extends outside of the employment allocation, it retains a distance in excess of 33m between the buildings proposed on the application site and rear elevation of the Towers complex. Furthermore, this area is proposed to be planted in trees and vegetation, which would be detailed by condition of any permission issued. This plan below illustrates the distance the development would go beyond the allocation boundary line (shown in blue).

Figure 4: Plan showing buffer zone and boundary of employment allocation



PPW Para 1.18 states *“A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a **presumption in favour of sustainable development** in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated.*

As such the key question is whether the proposal is **sustainable development** or whether the reduction of this buffer zone compromises this because of the adverse effects it could have upon the Towers complex and the environment generally.

The previous removal of the woodland buffer, afforded no protection at that time, means there is now no identifiable boundary on the ground. As such, would the incorporation of part of this vacant area into the employment development compromise the sustainability of the scheme or undermine any other protection policies within the Local Development Plan.

The amended proposal now provides a slightly reduced buffer area which will be planted with trees and other vegetation. This would still create separation distances in excess of 33m between the proposed and existing development sites. As such it is considered that this small reduction (approx. 9-10m) would not result in the development being unsustainable or an inappropriate form of development that would result in unacceptable impacts that would unduly detract from the overall principle of land use in the area. It would still ensure that this allocated site could be developed in the interests of the economic benefit of the area as a whole, whilst ensuring that its direct impacts on the adjoining existing development are protected.

The benefits from this are that a viable mixed business and light industrial development is achieved. In this respect consideration has been given to guidance in Technical Advice Note 23: Economic Development which emphasises the need to recognise and give due weight to the economic benefits associated with new development.

In this case, the applicant has emphasised that this proposal seeks to provide a proposed mix use light industrial and office development (B1, B2, B8) providing enough business area to provide 29 additional units which will have a combined floor space of 5,300m². This will have the potential to offer wider economic benefits in terms of employment / job creation which could also have positive impacts upon other local businesses. It should also be noted, that job opportunities would be created during the construction period, which could also have another positive impact upon local businesses.

Having regard to the above, it is considered that the proposed development would introduce many small-scale business units into the area, create local employment

opportunities and add value to the local economy during construction and beyond. Consequently, these positive impacts are considered to add weight to the approval of the development. The reduction of the buffer to incorporate land outside of settlement limits is on balance considered to constitute sustainable development, albeit not in accordance with the Development Plan, being acceptable given the suggested reintroduction of landscaping, and the employment and economic benefit that will be obtained. This would accord with Policies EC2/1 and EC3 respectively.

Access Road

The access road into the site is also located outside of settlement limits, and in planning terms is considered to be within the open countryside. It is noted that the access road and access point are all seen on site as one piece of land, and are defined strongly by the existing raised embankment to the north of the site, upon which a former railway track ran. This provides a strong defensible boundary to the north of the site, beyond which the alignment of the Canal accords another defined linear feature in the landscape.

Criterion 9 of Policy SC1 states that development may be acceptable outside of defined settlement limits where it is '*...associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere*'. 'Infrastructure' typically refers to the physical structures that are required for a community to operate, including roads.

In this instance, the application site can only be accessed via the existing gated access (i.e. off Ashley Terrace B4290) – this is due to the defensible features to the north of the former railway embankment and to the south by the existing mineral railway line, and beyond that Ffordd Amazon. Given that in this case, the access cannot reasonably be located elsewhere, the alignment of the proposed access road is considered compliant with Policy SC1.

In relation to the physical impact of this access road, the access is already in place and presently gated, and has clearly been used in the past for maintenance. As such, it is considered that any further physical alterations would not unduly detract from the visual amenity and character of the area.

Conclusion

Although these specific elements of the proposal are not in accordance with the Local Development Plan, the deviations from this allocation to provide the supporting infrastructure, and screening to the site can be delivered which will have an additional economic benefit to the local area. As such, the principle of development is acceptable subject to further design, highways, drainage, ecology considerations addressed within this report.

Impact on Visual Amenity and Character

Strategic Policy SP21 seeks to conserve and enhance the built environment and historic heritage, with Policy BE1 (Design) stipulating that all development proposals demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Technical Advice Note 12: Design (July 2014), also refers to the need to consider local context and character, but at a broad level. In reference to the layout of development:

4.11 “**Scale** - of development in relation to surroundings, including height, width and length of each building proposed within the development; how the massing of the proposal contributes to the existing hierarchy of development to reinforce character; how the mass and height impacts on privacy, sunlight and microclimate; and how height impacts on the attractiveness and safety of neighbouring public space.”

4.12 “**Layout of development** - how the layout makes the development integrate with its surroundings whilst taking into consideration the orientation of the building to maximise energy efficiency and connectivity (the ways in which routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development); how the external area contributes towards the development and is used to make the development a more sustainable development; how is the chosen site the best location and how it links into adjacent uses.”

Local Planning Authorities should ensure that the proposed developments should not have an unacceptable impact upon the character and amenity of an area.

The majority of the site lies within EC2/1 an area allocated for employment. Figure 5 below illustrates the extent of the employment allocation, which incorporates the Amazon, Bay Studios and extends down Fabian Way to the administrative boundary of Neath Port Talbot. There is also the Towers hotel and spa to the east of the application site, and the residential houses at Ashleigh Terrace and Ocean View to the north and east.

Much of this allocation is already characterised by large industrial buildings and warehouses, as such the introduction of further industrial type development in the area would not be out of character. The indicative layout also shows that a large buffer which will be planted with trees and shrubs which will act as a visual buffer to the wider employment allocation and that of the Towers hotel and Spa.

Figure 5: Plan showing Existing Employment Area EC2/1 (in part)

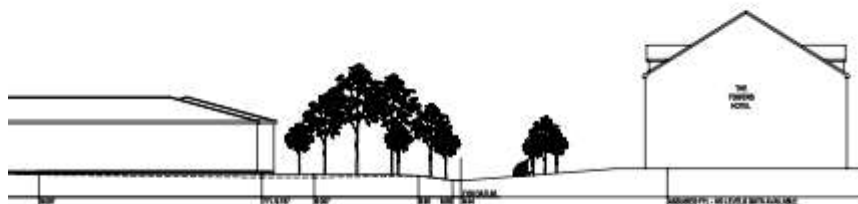


The parameters limiting the scale of the development and indicative plans submitted with the application, show that the proposed development can incorporate a design which is not dissimilar to the design of the surrounding industrial development however at a much smaller scale with heights being kept between 6.6m and 7.5m to take into account the adjoining hotel complex.

The Towers Hotel has objected stating the proposed buildings are far too close to the hotel complex, and the siting of waste bins along their boundary is completely anti-social. The separation distance (circa 33m) between buildings however is considered sufficient as to not cause any unacceptable impact in relation to overbearing or overshadowing. Whilst the indicative plan does show an enclosed bin store, this is 30m away from the building and there is also a landscaped buffer zone between the existing and proposed development. This is considered sufficient distance to ensure there is no unacceptable impact on the neighbouring hotel.

The section below provides an illustration of the scale of the units and the buffer/separation between the proposed development and Towers Hotel and Spa.

Figure 6: Scale of development and buffer between the Towers and the proposal



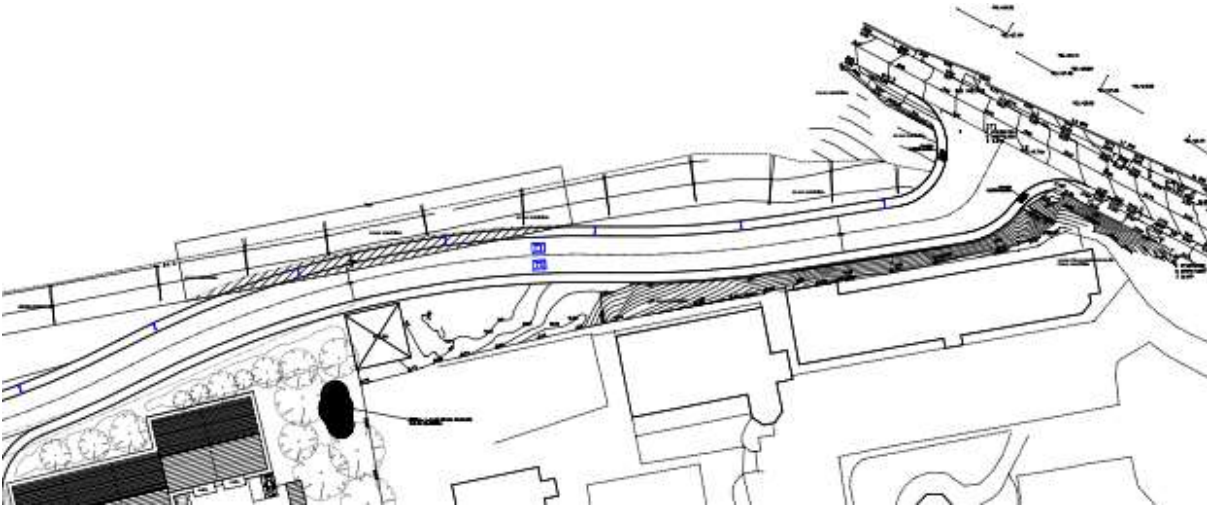
In terms of access, the site is served by an existing access off Ashleigh Terrace and a crushed stone track that leads into the site entrance shown below:

Figure 7: Existing Access to Site and Track



The proposal seeks to utilise the alignment of the existing access and track, continuing from the access point off the B4290 as illustrated below:

Figure 8: Proposed Site Access



It has been noted earlier in the report that the proposed access is located outside of settlement limits, and any specific allocation, and as such considered to be within the open countryside. However, it should be noted that the access road and access point is defined by the existing embankment to the north of the site and the Towers Hotel to the south, both located at a higher level. It was also stated earlier that this section of land could only be accessed via this existing access shown in Figure 8. As such, the physical alterations to the visual amenity and character of the area through the creation of this road would not unduly detract from the amenity of the area.

Nevertheless, should outline planning permission be granted, the finer details associated with the design, layout, finishes and landscaping materials will be

submitted at the Reserved Matters stage. Subject to the above, it is considered that the site is capable of accommodating a development with the associated access roads, landscaping, open space and parking facilities which will safeguard the character and appearance of the surrounding area.

The Towers and the local Ward Member have raised concerns in regard to the access road running along the side of the hotel complex, citing location of conference rooms and view of trees. Loss of view is not a material planning consideration and it is also noted that only a small amount of category C trees are to be removed which are to be removed anyway due to the overhead pylons. Again, the physical alterations to the visual amenity and character of the area through the creation of this road would not unduly detract from the amenity of the area and as such would not cause any unacceptable impact to the Towers Hotel. Furthermore, operational hours of the development would be restricted to address any impacts, which is addressed in more detail later in this report.

Accordingly, it is concluded that the proposals accords with Policy BE1 of the Neath Port Talbot Local Development Plan, and reflects the aspirations for design quality within Planning Policy Wales and Technical Advice Note 12: Design (2016).

Residential Amenity

Criterion 4 of LDP Policy BE1 (Design) stipulates that any development should not have a significant adverse impact upon the amenity of occupiers of adjacent land or the community. Policy EN8 also states that proposals which would be likely to have an unacceptable adverse effect on local amenity or would expose people to unacceptable risks such as noise pollution, land contamination and light pollution will not be permitted (such issues are considered later in the report).

The application site is situated predominantly in an area allocated for employment use (commercial / industrial units / businesses), the nearest property is the Towers Hotel and Spa to the east. The nearest residential properties located to the north (Ashleigh Terrace) are approximately 50m from the development. There is a wooded area in between the application site and these residential dwellings. There are also residential dwellings located to the east, opposite the access into the site (Ocean View); these are approximately 15m from the access and 140m from the main development.

In light of the separation distances between the proposed development and the residential dwellings, the development would not be considered to have any unacceptable impacts in terms of overlooking, overshadowing and overbearing impact.

Having regard to the above, it is concluded that while the proposal would introduce new built development, any impacts from the development or its associated activities can be sufficiently controlled by design or condition to the extent that the proposal would have no unacceptable impacts on residential amenity, and thus comply with Policies BE1 and EN8 of the LDP.

Amenity of Towers Hotel

The Towers spa facilities are situated in the Annexe building which faces onto the proposed development site. As stated earlier in the report, the separation distance is in excess of 33m from building to building, in addition to this, there is a landscaped buffer zone between the developments that will be a betterment to the existing situation.

The majority of the site is an employment allocation within the Development Plan, and as such any form of development in the area would have an impact on the outlook, however, the provision of a landscaped buffer will ensure that these impacts are minimised to acceptable levels.

Noise

To inform the application, the applicant has provided a Noise Impact Assessment by Acoustic Consultants Ltd (dated March 2020). The Local Authority's Environmental Health (Noise) Officer has reviewed this information and advised that the report suggests that the modelling has assumed that all units are operating at 85dB through the daytime which is unlikely, given the proposed type of development and therefore this is accepted as a precautionary value for the purposes of the assessment.

However, the report makes several assumptions regarding the use of the premises in order to derive its predicted noise levels. Whilst the Noise officer has made no objection, the following recommendations have been made to ensure that the proposed development is constructed and operates in accordance with those assumptions:

- **Noise levels from the development:** noise from the development shall not exceed Noise Limits in Table 5 of the Acoustic Consultants Limited, Noise Impact Assessment, B1, B2b, B8 Development, Jersey Marine, Swansea, Reference 8180/RD dated March 2020 taken from the nearest noise sensitive premises (dwelling or hotel) or another location that is deemed suitable by the Local Planning Authority.
- **Control of outside activity:** no industrial activity of any kind except loading and unloading, shall take place outside the proposed buildings within the curtilage of the site.

- **Operational Noise Management Plan:** Prior to the beneficial use of any unit within the development hereby permitted an Operational Noise Management Plan for that use shall be submitted
- **Construction Environmental Management Plan:** is submitted prior to the commencement of any development. It is generally accepted that during construction, there would be some disturbance from this development to residents and nearby properties however this would be transient in nature. That being said there will still be residents and a hotel in close proximity to the development, as such a Construction Environmental Management Plan (CEMP) can be conditioned to ensure issues such as noise disturbance is kept to a minimum.
- **Deliveries:** No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made to the approved uses outside of the hours 07:00hrs and 19:00hrs. All deliveries outside of these hours should be arranged in accordance with Department for Transport document “Quiet Deliveries Good Practice Guidance – Key Principles and Processes for Retailers”. Restricting the delivery times will ensure there is no unacceptable impact to residents and surrounding properties.
- **Hours of operation:** shall be *07.00hrs – 19.00hrs Mondays – Saturdays and not at all on Sundays or Public Holidays* as the Noise Impact Assessment states that “Due to the size of the units, it is assumed the internal operations will occur during the daytime hours only.” Furthermore, the Noise Impact Assessment did not include monitoring on a Sunday when background noise levels can be expected to drop, as such the condition does not allow operation on a Sunday or Public Holiday. Restricting the hours of operation will ensure there is no unacceptable impact to residents and surrounding properties.
- **Facade Mitigation:** a scheme for the soundproofing of the buildings identified in Figure 4 of the Acoustic Consultants Limited, Noise Impact Assessment, B1, B2b, B8 Development, Jersey Marine, Swansea, Reference 8180/RD dated March 2020.
- **Receipt of Complaints** sets out the procedure should a complaint be received in relation to noise.

The Towers Hotel and local Ward Member have made several objections in terms of noise and disturbance from the development on adjoining properties and their amenity. It should be noted that the Towers is located in close proximity to Fabian Way and the B4290 these are very busy roads; there is also the Amazon development that generates a significant level of traffic, plus other industrial units in close proximity all of which would generate a level of noise.

In addition to the above it is considered that a further condition could also be imposed to restrict the use of the units that are located on the eastern boundary (adjacent to the Towers hotel) to B1 (a) Offices, (b) research and development and (c) for any industrial process, which can be carried out in any residential area without causing detriment to the amenity of the area and B8 (Storage and distribution), would further reduce any noise and disturbance.

Consequently, it is considered that sufficient controls (as above) can be imposed to ensure there is no unacceptable impact in relation to noise and disturbance from the development of this site which is allocated for the uses proposed.

In relation to the impact of building work, whilst all construction will lead to disturbance these impacts are transient in nature and short lived. Nevertheless, subject to the above controls and conditions, it is considered that the impacts from construction will be minimised, to appropriate levels. Furthermore, any harm can be minimised further by restricting working hours, this can be also be done via imposing a suitably worded condition.

Lighting

This application is outline, as such no details of external lighting have been provided with this application. As external lighting may be required for such a development, to illuminate external areas it will be necessary to impose a condition to ensure adequate details are provided as part of the first reserved matters application to ensure any future lighting does not have an unacceptable impact upon the amenity of residential amenity, surrounding properties and ecology.

Construction lighting may also cause a nuisance, as such the Construction Environmental Management Plan condition will also consider construction lighting.

Parking and Access Requirements and Impact on Highway Safety

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

Policy BE1 requires (amongst other things), that new development has no significant adverse impact on highway safety, with Policy TR2 emphasising that development proposals will only be permitted where all of the stated criteria are satisfied, including that *'(1) The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation'*.

The site is located approximately 7km east of Swansea city centre, with access to pedestrian, cycle and public transport facilities. There is a network of footways within the vicinity of the site that provide good pedestrian connectivity within the local area. The site can be connected by cycle route to the built-up areas of Jersey Marine, Llandarcy, Briton Ferry and Skewen with a shared-use facility on Ashleigh Terrace to the south of the access junction.

The nearest bus stops are located on Ashleigh Terrace with the southbound bus stop immediately north of the site access junction. The northbound bus stop is located approximately 25m to the south-east of the site access junction. A number of bus services are available from the local bus stops, including frequent services to Swansea city centre and Neath. The nearest rail station to the site is in Swansea, which is accessible from local bus services and located approximately 6.3km to the west of the site. The station provides access to local, regional and national rail services.

The access to the site is directly off the B4290 utilising the existing access which has been constructed previously. The indicative layout shows a proposed access road measuring 7.3m wide and 2m wide pavements either side will run along the northern edge of the site. This will in turn provide access into three courtyards the first two comprising of the industrial units with the third being the offices. The indicative layout also shows that a total of 119 parking spaces can be provided on the site along with cycle storage. This application is however in outline and as such, the details provided are only indicative of what could be provided. However, it is considered that there is sufficient space within the application site to ensure the development is provided with adequate parking and cycle provision and pedestrian links.

A Transport Assessment (TA) has been submitted to assess the development. This concludes that the proposed development would not be expected to have a detrimental impact in terms of sustainable travel, road safety and traffic impact and therefore the existing highway network can accommodate the development.

In addition to the TA, a Travel Plan has been submitted in association with the TA to help promote and encourage sustainable travel to/from the proposed development. In order to ensure that this assessment robustly analyses a '*worst-case scenario*', the potential vehicle trip reducing benefits of the site Travel Plan have not been considered within the trip generation projections. However, it is worth noting that the Travel Plan would be expected to increase the number of trips generated by sustainable modes, and reduce the number of car trips.

It has also been noted that there is currently a 7.5 tonne weight restriction along the existing highway of Ashleigh Terrace (B4290). This will have to be reviewed and relocated in order for HGVs to gain access to the proposed site.

The application and supporting documents has been assessed by the Head of Engineering and Transport (Highways) who has raised no objection subject to the following which can be imposed via suitably worded conditions:

- A Construction Method Statement.
- A car parking layout is provided in accordance with the Parking Standards SPG.
- A traffic management scheme to prevent obstruction to the entrance of the site.
- Construction details of the highways is provided that include a combined pedestrian/cycleway.
- A lighting scheme is provided.
- A scheme for the relocation of the 7.5 tonne weight restriction along Ashleigh Terrace to allow access to the site.
- That a travel plan is implemented.
- Restriction to opening onto a highway.

In relation to Active Travel and promoting cycling, the development already has good pedestrian links, and is also served by a public transport link with a bus stop located on the main road. The proposal will include a combined cycle/pedestrian link and cycle storage for 30 bicycles allowing future employees the opportunity to cycle to work utilising the existing cycle routes thus promoting alternative means of transport to the car.

The City & County of Swansea have recommended making additional improvements to Active Travel routes within the area. In relation to this, the applicant will be providing significant infrastructure as part of the development, which includes an access road which will include a combined pedestrian/cycleway, cycle storage, electric vehicle charging points, all of which have been negotiated as part of this application.

Given the significant infrastructure being provided, it is considered to be unreasonable to ask for an additional financial contribution to also upgrade the existing active travel infrastructure. The infrastructure proposed will future proof this development in terms of active travel. Furthermore, it should also be noted that upgrading some of the routes within the area are complex as they have implications with land ownership and biodiversity.

In light of the above, it is considered that the proposals would accord with Policies SP20 and TR2 of the Neath Port Talbot Local Development Plan.

Land Contamination

Given that the site is located within an area at risk from land contamination, the applicant has submitted a 'Geotechnical Report' by Thyssen (dated 1999).

The Authority's Land Contamination Officer has advised that due to the report having been prepared in 1999, it would no longer be a viable and appropriate report to consider and consequently have recommended their standard land contamination conditions to be imposed, which would address any land contamination issues as part of the first reserved matters submission.

It is considered that with the above recommended conditions being imposed, any land contamination issues from this site can be adequately addressed, and as such the proposed development would accord with Policy EN8 of the LDP.

Drainage

All new developments where the construction area is of 100m² or more will require sustainable drainage, constructed in accordance with mandatory standards for sustainable drainage published by Welsh Ministers to manage on-site surface water. These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB). As the development site is over 100m² a SAB approval will be required prior to any work commencing. A note can be attached advising the applicant of this requirement and information from the Local Authority's drainage section.

The Head of Engineering and Transport (Drainage) has advised that the development would require SAB approval and also made recommendations relating to springs and ground water, interference of ditches, watercourses, and streams or culverts, all of which can be imposed via suitably worded conditions. Recommendations relating to surface water and land drainage not connecting to sewer, ensuring that adequate drainage provision is made, and that the development does not adversely affect adjoining land would be dealt with via any subsequent SAB application.

Welsh Water has also advised of the SAB requirement. In addition, the requirement for a foul water scheme has been highlighted. This can be imposed via a suitably worded condition.

Flooding

In considering the principle of development, a material consideration is the site's location in respect of whether it falls within DAM Zone C2. Within Zone C2, development can take place subject to the application of a justification test, including acceptability of consequences. The justification tests set out in TAN 15 include:

- i. *“Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,*
 - ii. *Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;*
- and,**
- iii. *It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.;)and,*
 - iv. *The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.”*

Natural Resources Wales (NRW) has stated the application proposes less vulnerable development (industrial units) and that the site is outside, but in close proximity to, DAM Zone C2. Whilst this is the case for the building, small sections of the access road would fall within flood zone C2.

The site is predominantly within an existing employment allocation EC2/1. It is considered that whilst the development would not strictly meet test (i), it would meet test (ii) given the accepted contribution of the development to key employment objectives. Furthermore, under criterion (iii) it is accepted that the proposal would constitute ‘previously developed land’. The final test (iv) is then for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

A FCA and subsequent FCA & Surface Water Drainage Strategy addendum by Ambient Environmental Assessment has been prepared. This concludes following the guidelines contained within the TAN15 and ‘*Recommended non-statutory standards for sustainable drainage (SuDS) in Wales 2017*’, the proposed development is considered to be suitable assuming appropriate mitigation (including adequate warning procedures) can be maintained for the lifetime of the development. The SuDS element and water runoff and quality would now be controlled under a future SAB application and not required as part of this application, and flood warning can be imposed via a condition.

NRW has reviewed the submission and have raised no objection. As such, the proposal is considered to comply with the justification tests and acceptability criteria and is in accord with the advice contained within TAN 15.

Biodiversity and Ecology

In assessing a planning application the Local Planning Authority must seek to maintain and enhance biodiversity in the exercise of functions, and in so doing promote the resilience of ecosystems, so far as is consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016.

Technical Advice Note 5: Nature Conservation and Planning states: *“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.”*

The majority of the site is documented as ephemeral/short perennial habitat with semi-natural broadleaved woodland forming the northern boundary of the site. Sections of marshy grassland were also present, however these sections are patchy and small in nature. The site supports two species indicative of species rich woodland, four species indicative of species-rich neutral grassland, four species indicative of species-rich post-industrial sites, two species indicative of calcareous grassland and three species indicative of rich marshy grassland habitat.

To support the application, the application has submitted the following documents:

- Phase 1 Habitat Survey 2017.
- Supplementary Ecology Report April 2021.
- Bat, Great crested Newt and reptile survey Report 2019.
- Indicative plan 19/794/20 showing eastern boundary wildlife refuge area detail.

It is considered that the proposed habitat creation through informal landscaped areas throughout the site and the larger enhancement/buffer area to the eastern boundary will mitigate and enhance the site. The Local Authority's Ecologist has assessed the proposal and has advised that sufficient areas of landscaping have been provided, however this would be subject to further details which will need to be submitted as part of the first reserved matters application. As such, they have no objection to the development subject to the following:

- Full details of the landscaping, which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants/tree noting species (this should contain a majority of native and/or wildlife friendly species), plant supply sizes and proposed numbers/densities where appropriate; details/specification of pond; and an implementation programme.

- A landscaping management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas.
- Details of a scheme for bird nesting mitigation.

It is considered that the above recommendations can be secured, via suitably worded conditions. In addition, any works/clearance to the site should avoid the bird nesting season, this can be imposed via an informative.

Trees

There are some trees on site and protected trees to the north, as such a tree survey was submitted to inform the application. The Local Authority's Arboriculturist agrees with the tree report dated 3rd June 2020, that there will be little direct impact on the trees within and adjacent to this site. The loss of trees will be concentrated around the main access to the site.

The report identifies that trees that are to be removed are classed in the C category and are therefore of a low quality. It should also be noted that the report states regardless of any future development due to the effect on the adjacent hotel and overhead power lines a number of these trees will require removal anyway. It is considered that the loss of these trees can be compensated with new trees being planted within the site and the buffer zone between the development and the Towers Hotel as part of a landscaping scheme. It has also been recommended that due to the scale of the development, the installation of adequate protective fencing as specified in BS5837:2012 Trees in relation to design, demolition and construction must be erected around all retained perimeter trees prior to the start of any ground and construction work. A condition can be imposed requiring a scheme for tree protection to be submitted.

NRW has noted they welcome the section in the tree survey that states '*1.9.1 Before any tree works are carried out, the trees should be inspected for any evidence of bats or nesting birds*'. A condition can be imposed to ensure any works to trees are carried out in accordance with this report.

To conclude the applicant has demonstrated there is no unacceptable impact upon ecology, trees or protected species and has demonstrated that the biodiversity will be maintained and enhanced and as such accords with PPW11, Technical Advice Note 5 (Nature Conservation and Planning) and Policies SP15 and Policies EN7 of the LDP.

Impact on Mineral Resource

It is noted that the very edge of the site along the access road is located within a Mineral Safeguarding Area under Policy M1 of the adopted LDP (coal). Policy M1 seeks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above, it is considered that the development, due to its location, will not have a significant impact on the possible working of the mineral resource. Furthermore, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location. Accordingly, there is no objection to the principle of development on mineral safeguarding grounds.

Ground Conditions/ Coal Legacy

The Coal Authority (CA) advised that part of the site is located in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth associated with a thick coal seam outcrop. As such, a Geotechnical and contamination assessment and a coal mining risk assessment was submitted to inform the application.

The CA concurs with the recommendations of the Coal Mining Risk Assessment Report (2nd September 2019, prepared by Envirosolution Ltd); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The CA recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- The undertaking of an appropriate scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and

- Implementation of those remedial works.

The CA therefore has no objection to the proposed development subject to the imposition of a condition to secure the above.

Renewable Energy

Policy RE2 (Renewable Energy and Low Carbon Energy in new Development) requires proposals with a total floor space of 1,000 sqm or more to submit an 'Energy Assessment' to determine the feasibility of incorporating such a scheme and where viable implement the scheme.

Furthermore, the Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out in PPW (Edition 11). Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources. This is particularly important in supporting the electrification of energy use, such as the growing use of electric vehicles as all aspects of the energy hierarchy have their part to play, simultaneously, in helping meet decarbonisation and renewable energy targets.

The applicant has advised they intend to take the fabric first approach so that the buildings have an energy efficient design. They have also indicated that the final scheme will maximise the orientation of the site and location of buildings to provide photovoltaic panels to roofs where appropriate. No details of electric car points have been provided.

As such, a condition can be imposed to not only provide details of the low energy design and solar PV system as part of the first reserved matters application but also provide details of electric charging provision within the site to ensure that 10% of the spaces are electrified. As such, with the above conditions the applicant can demonstrate that the development would comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

Waste Management

Policy W3 (Waste Management in Development) requires proposals for new build development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. Whilst no details have been provided, a condition can be imposed to address such requirements.

Archaeology and Historic Heritage

Glamorgan Gwent Archaeology Trust (GGAT) has assessed the supporting documentation. Information in the Historic Environment Record shows two recorded listed structures within 100m of the site boundary, one being the Grade II Tower, a former camera obscura (Cadw reference 11846), the other being the Grade II Handball Court (Cadw reference 11850). There is no buried archaeological resource that would be affected by the proposal.

GGAT has advised that the proposed development will not adversely affect the setting of the listed buildings and there will not be a requirement for historic environment mitigation works and as such have no objection.

Open Space

Policy OS1 (Open Space Provision) states that in the case of employment or commercial development proposals of over 1,000 sqm, provision will be sought for associated amenity space. This is to allow employees to access outdoor amenity space close to the workplace in the interests of health and well-being.

As this is an outline application there are no details of the number of employees each unit may have, however there is ample space on site to provide amenity areas for future staff. As such, a suitably worded condition can be imposed to ensure some of the open space provided on site is utilised for this purpose. It is considered that subject to such a condition, the development would comply with the requirements set out within Policy OS1.

National Grid Overhead Lines

National Grid has advised the development is in close proximity to their overhead lines and have requested the application be held until a 3D model has been provided showing their apparatus. They have advised that the statutory minimum safety clearance to ground is 7.6m and 8.1m to a road surface. They have also advised that any plant machinery, equipment, building or scaffolding should not encroach within any of their voltage conductors. This development is in outline and the applicant has engaged with National Grid prior to their submission and designed the development taking into consideration these pylons and overhead lines.

The indicative layout (which shows the maximum parameters of development) shows that the site has been designed to ensure there are no buildings directly under overhead lines. Should the building be too close then there is scope within the parameters to reduce the siting, size and height of building. The buildings that are closest to the overhead lines are units 4, 5 and 28/29. It is considered in this case a condition can be imposed to require sufficient details showing the development can

meet the requirements of EN 43 – 8 Technical Specification for “overhead line clearances” Issue 3 (2004) as part of the first reserved matters application. This will ensure any safety distances are achieved. The applicant has been advised of this requirement. It is therefore considered that subject to the condition the safety distances between the pylons and overhead lines could be achieved.

Other Matters

Network Rail has advised that they have no objection to the principle of the proposed development, however have provided a list of criteria in relation to development next to a railway line. These relate to foundations, drainage, ground disturbance, access points, fencing, encroachment, ground levels, site layout, piling, excavations / earthworks, signaling, environmental issues, plant scaffolding and lighting. The applicant can be made aware of these requirements via an informative attached to the decision notice.

The City & County of Swansea has advised that during 2014 and 2016 the authorities worked in collaboration to prepare draft SPG focusing on setting out a Development Framework for the Fabian Way Corridor. This SPG set out appropriate land uses and place making requirements in accordance with the Development Plan, however to date the SPG has not been published/adopted.

Swansea Council’s preferred location for office development is in the ‘Swansea Central Area’ as defined within their LDP to support its regeneration and role as the City Centre Region. Whilst they do not object to small scale offices they have indicated their objection to a large scale B1 use.

As stated earlier in the report however, the proposed development is in accordance with the Neath Port Talbot LDP, as the vast majority of the site is allocated for employment uses (B1, B2 and B8) and as such is considered to be acceptable.

Mid and West Wales Fire and Rescue Authority has advised that the developer should consider the need to provide adequate water supplies for firefighting purposes on the site. Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B. A note to such affect can be added.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that,

in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales – the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

Whilst it is noted that the proposal would constitute a ‘departure’ from the Local Development Plan, it is considered that the development of this brownfield site, with business and industrial units will not only enhance the character and appearance of the area, it would also provide great economic benefits to the area by providing new employment opportunities within Coedffranc West. The proposed development would also have no unacceptable impacts upon residential amenity, highway and pedestrian safety, biodiversity, pollution and flooding. Accordingly, the proposed development is considered to accord with Policies SP1, SP2, SP3, SP4, SP10, SP11, SP15, SP16, SP18, SP19, SP20 SP21, SC1, I1, OS1, EC2, EC3, EN7, EN8, RE2, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales – the National Plan 2040 and the Council’s well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

RECOMMENDATION: Approve subject to conditions.

Conditions

Time Limit Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 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.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of 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.

List of Approved Plans

4. The development shall be carried out in accordance with the following approved plans:

19/794/01 Location Plan
19/794/02B Proposed site layout (illustrative)
19/794/03B Proposed site detail 1 (illustrative)
19/794/04B Proposed site detail 2 (illustrative)
19/794/05B Proposed court A detail (illustrative)
19/794/06B Proposed court B detail (illustrative)
19/794/07B Proposed court C and D detail (illustrative)
19/798/08A Road Geometry and long section (illustrative)
19/794/09B Proposed drainage layout (illustrative)
19/794/10B Cross section position and levels (illustrative)
19/794/11A Existing cross sections A B and C
19/794/12A Proposed cross sections A B and C (illustrative)
19/794/13A Existing and proposed cross sections D E and F (illustrative)
19/794/19 Bin Store details
19/794/20 Eastern area wildlife refuge area detail
Scale Parameters Rev B

Reason:

In the interests of clarity.

Pre-Commencement Conditions

5. Before beginning any development at the site, you must do the following:

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

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

6. A Construction Environmental Management Plan (CEMP) shall be submitted as part of the first reserved matters application and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information:

(a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development and details of waste and contaminated land.

(b) General Site Management: details of the construction programme including timetable; details of site clearance; construction drainage, site setup plan detailing sensitive receptors, buffer zones and relevant protection measure maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.

(c) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.

(d) Traffic Management: details of site deliveries; details for the loading and

unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; The erection and maintenance of security hoarding; A scheme for recycling/disposing of waste resulting from demolition and construction works and a scoping route for all deliveries to and from the development.

(e) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.

(f) Biodiversity Management: tree and hedgerow protection, invasive species management (to include Himalayan balsam and Japanese knotweed), species/habitats protection and mitigation measures.

(g) Water Framework Directive (WFD) Assessment: details of the proposal to be assessed against the Water Framework Directive's objectives.

(h) Soil management: topsoil stripping, storage and amelioration for re-use.

(i) CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.

(j) Resource Management: fuel and chemical storage, waste management, water consumption and energy consumption.

(k) Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan and site drainage plan.

(l) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

(m) Drainage management and mitigation methods of controlling surface and ground water during construction

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Reason:

In order to ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, biodiversity, controlled

waters, human health and to accord with Policies BE1, EN7, EN8 and TR2 of the Local Development Plan

7. Notwithstanding the submitted information, As part of the first reserved matters application an assessment of the nature and extent of contamination affecting the application site area shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and- any other receptors identified at (i)
 - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

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

Reason:

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

9. As part of the first reserved matters application a car parking scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a car parking layout for the entire development, provide the Use Class and floor space of each unit, identify what spaces are designated for each unit and provide details of cycle provision. The scheme and shall ensure parking that provided in accordance with the Neath Port Talbot Parking Standards Supplementary Planning Guidance (2016). All Parking on site shall be provided and marked out in accordance with the agreed scheme prior to the first beneficial use of the development and retained for such use thereafter.

Reason:

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

10. Prior to commencement of development a Traffic Management Scheme in the form of a Traffic Regulation Order to prevent vehicular obstruction at the site entrance shall be submitted to and approved in writing by Local Planning Authority. The scheme as approved shall be implemented on site prior to the occupation of any unit or office.

Reason:

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

11. As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing a 7.3 metre wide carriageway with footways and a combined 3m wide pedestrian/cycle route shall be provided along with the following:

- a) Longitudinal sections showing a gradient of not more than 1 in 12 or less than 1 in 150;

- b) Cross sections every 20 metres, and/or where any culvert outfalls, headwalls are located;
- c) Highway Drainage (including gullies, gully leaders, manholes, pipe sizes and gradients);
- d) Highway Construction details;
- e) Highway Retaining Walls (if any), along with full structural and design calculations.

No Unit or office shall be occupied until the scheme has been fully completed on site in accordance with the approved details, and retained as such thereafter.

Reason:

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

- 12 As part of the first reserved matters application a scheme detailing the relocation of the existing 7.5tonne weight restriction along the B4290 to facilitate access into the site shall be submitted to and approved in writing by the local Planning Authority. The scheme as agreed shall be implemented prior to any development taking place and retained as such thereafter.

Reason:

There is currently 7.5tonne weight restriction which will have to be relocated to accommodate HGVs travelling to and from the site, and in the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Plan.

- 13 As part of the first reserved matters application, a street lighting scheme shall be submitted to and agreed in writing by the LPA. The approved lighting scheme shall be implemented on site prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of providing adequate street lighting, ensure no unacceptable impacts upon amenity and biodiversity and highway and pedestrian safety and to ensure the development complies with Policy EN8 TR2 of the Neath Port Talbot Local Development Plan.

- 14 As part of the first reserved matters application, a Waste Management Plan for the control, management, storage and disposal of any waste material generated by the development (during construction and operation) shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

- 15 As part of the first reserved matters application an Energy Assessment which shall include, but not be limited to proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the scheme as approved.

Reason:

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

- 16 As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of Electric Vehicle Charging Points to serve the development. The scheme shall include a minimum of 10% of the overall spaces and shall also include details how future electric charging points can be delivered. The scheme as agreed shall be fully implemented prior to the first beneficial use of the development and shall be retained for such use thereafter.

Reason:

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 11, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

- 17 As part of the first reserved matters application a scheme providing details of soft landscape works (including pond area) shall be submitted to and approved in writing by the Local Planning Authority. Soft landscape works shall include: planting plans; written specifications (including cultivation and

other operations associated with plant and grass establishment); schedules of plants/trees noting species, plant/tree supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program. Any trees or plants which within a period of 5 years from the completion of the development die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 18 No development shall commence until a scheme for the soundproofing of the buildings identified in Figure 4 of the Acoustic Consultants Limited, Noise Impact Assessment, B1, B2b, B8 Development, Jersey Marine, Swansea, Reference 8180/RD dated March 2020 has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall be retained as such thereafter.

Reason:

To protect the amenity of nearby residential properties and in accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 19 Notwithstanding the indicative plan, as part of the first reserved matters application details of the proposed siting, design and finish of all proposed means of enclosure to all property boundaries shall be submitted to and approved in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with the approved details prior to the occupation of the proposed development and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 20 As part of the first reserved matters application details of proposed ground levels and finished floor levels shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 21 No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 22 Notwithstanding the submitted indicative layout and parameters, as part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme, which may include 3d modelling shall ensure that sufficient information and drawings are submitted to demonstrate that the safety clearances of any building, roads, landscaping, plant and machinery equipment etc. set out within EN 43 - 8 Technical Specification for "overhead line clearances Issue 3 (2004) are provided. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason:

To ensure the development complies with the statutory safety distances set out within EN 43 - 8 Technical Specification for "overhead line clearances Issue 3 (2004) in National Grids letter 12/12/2019. In addition, to ensure compliance with EN8 and BE1 of the Neath Port Talbot Local development Plan.

- 23 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local

Planning Authority details of a scheme for the protection of trees shown to be retained in the tree survey report by RTAC dated June 2020. The approved scheme shall be carried throughout the course of the development.

Reason:

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

- 24 As part of the first reserved matters application, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing intrusive site investigations for the mine entries and shallow coal workings which shall include the following:

- a) The undertaking of an appropriate scheme of intrusive site investigations;
- b) The submission of a report of findings arising from the intrusive site investigations;
- c) The submission of a scheme of remedial works for approval; and
- d) Implementation of those remedial works.

The scheme as approved, including any remedial works identified by the site investigations shall be undertaken prior to the construction of the development and retained as such thereafter.

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 25 As part of the First reserved matters application a scheme detailing a staff outdoor amenity spaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide an area for future staff to be able to sit outdoors, the size of this area will be based upon the requirements set out within Policy OS1 and the open Space and greenspace SPG (July 2017). The scheme as agreed shall be impended prior to the first beneficial use of the development and retained as such thereafter

Reason:

In the interests of health and well-being of future staff and to ensure the development complies with Policy OS1 of the Neath Port Talbot local Development Plan.

- 26 Notwithstanding the submitted plans, as part of the first reserved matters application, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design, finish of the bin storage areas. The bin stores as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity, residential amenity and to ensure adequate bin storage is provided for future residents and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan

- 27 No development shall take place until a scheme to provide artificial nesting sites for birds has been submitted to and approved in writing by the local planning authority. The scheme shall include detail and locations of bird nesting boxes to new build elements or at other appropriate locations around the site. All approved artificial nesting sites shall be implemented in accordance with the approved details prior to the first occupation of each building to which it relates.

Reason:

In the interest of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 28 Prior to the beneficial use of any unit within the development hereby permitted an Operational Noise Management Plan for that use shall be submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan should include as a minimum:
- a) Details of the business activity to be conducted.
 - b) Hours of operation.
 - c) Details of delivery schedules including times, days and delivery vehicle size.
 - d) Identification of any noise generating activities associated with that business.

- e) Location and specification, including noise rating, of any plant and machinery to be installed.
- f) Details of any mitigating actions to reduce noise.
- g) Details of any due diligence to ensure that noise impact is continuously monitored.

The approved Noise Management Plan shall be fully implemented for the duration of the use of the site and reviewed upon any change of activity or occupant.

Reason:

To protect the amenity of nearby residential and commercial properties and in accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 29 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 8 shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

- 31 On receipt of a justified complaint, following a written request from the LPA the applicant shall undertake an assessment of the noise arising from the operations on the site and submit to the Local Planning Authority a written report detailing the findings of the assessment within two weeks of such a request being made (or other such date that may be agreed in writing by the Local Planning Authority). The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant; the acoustic consultant shall be a member of the Association of Noise Consultants (ANC) and a member of the Institute of Acoustics. Prior to undertaking the noise assessment for the purpose of preparation of the report, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards. Following the noise assessment, a copy of the report shall be submitted to and approved in writing by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan (2011-2026).

- 32 Prior to the first occupation of any unit hereby approved, a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules, for all landscaped areas including the pond, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas within the site and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan

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

Reason:

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

- 34 Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining properties) . The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

Reason:

In the interest of amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 35 Prior to the installation of any CCTV cameras on the site, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all cameras indicating their field of view. The scheme shall ensure no residential property is adversely affected by camera positions. The approved camera locations shall be implemented on site in accordance with the approved scheme, and retained as such thereafter

Reason:

In the interest of residential amenity and to prevent any unacceptable overlooking and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

36 Prior to the first beneficial use of the development hereby approved, a Flood Warning Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

- a) Details of Flood emergency plan/procedure during an extreme flood event
- b) Details of escape/evacuation routes
- c) Details of flood warning signs and their locations within the store and car park
- d) Confirmation that the development registered with NRW flood warning service.

The approved scheme shall be fully implemented on site prior to the first beneficial use of the store and retained thereafter.

Reason:

In the interest of the staff and users of the site as it is partly located within a C2 Flood Zone and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

37 The noise rating level emitted from the development shall not exceed the Operational Noise Limits in Table 5 of the Acoustic Consultants Limited, Noise Impact Assessment, B1, B2b, B8 Development, Jersey Marine, Swansea, Reference 8180/RD dated March 2020. The noise levels shall be determined at the nearest noise-sensitive premises (dwelling or hotel) or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with BS 4142:2014 Method for rating and assessing industrial and commercial sound.

Reason:

To protect the amenity of nearby residential and commercial properties and in accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

38 No industrial activity of any kind, except loading and unloading, shall take place outside the proposed buildings or any external areas within the curtilage of the site.

Reason:

To protect the amenity of nearby residential properties as no external fixed plant included is included the noise prediction and to accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

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

Reason:

To protect the amenity of nearby residential properties and in accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 40 No units within the curtilage of the site shall operate on the premises outside the following hours, 07.00hrs - 19.00hrs Mondays - Saturdays and not at all on Sundays or Public Holidays.

Reason:

To protect the amenity of nearby residential properties and in accordance with policy EN8 of the Neath Port Talbot Local Development Plan (2011-2026).

- 41 There shall be no outside storage of bins, equipment, waste, materials etc. except within the designated bin storage areas.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 42 Should any springs or ground water seepage be encountered the onsite works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall be discharged into the proposed drainage scheme.

Reason:

In the interest of the health and safety of residents and to ensure no pollution or detriment to the environment and to and ensure the development complies

with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 43 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site.

Reason:

To ensure there is no adverse interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site in the interest of the health and safety of residents and to ensure no pollution or detriment to the environment and to and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 44 Notwithstanding the provisions of Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification) no development specified within classes A to E shall be installed on the site without the prior grant of planning permission in that behalf.

Reason:

In the interests overhead lines and in the interest of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 45 Notwithstanding condition 50, the premises shall be used for use Class B1, B2 and B8 as defined by the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in materials any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In the interest of clarity and to ensure other changes of use can be assessed in the interests of amenity and to accord with Policies SC1, EN8, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 46 The landscaping buffer zones between the development and the Towers Hotel, shown on drawing 19/794/20, shall be retained as landscaped areas and used for no other purpose.

Reason:

In the interest of clarity, Biodiversity, visual amenity, and amenity and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 47 All works to trees shall be undertaken in accordance with the recommendations set out within the Tree Survey report by RTAC dated June 2020.

Reason:

In the interest of clarity, biodiversity and of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan

- 48 Development shall be operated in accordance with the travel management Plan by Local Transport Projects dated October 2019 and copies of the travel plan provided to all occupiers of any unit upon occupation.

Reason:

In the interest of highways Active travel and reducing car use to site and to accord with policy TR2 of the Neath Port Talbot local Development Plan

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

Reason:

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

- 50 Premises located on the Eastern boundary adjacent to the Towers hotel (units 5 to 9 as shown on illustrative plan 19/794/02B) shall be used for use Class B1 (a) offices, (b) research and development and (c) for any industrial process which can be carried out in any residential area without causing detriment to the amenity of the area, as defined by the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in materials any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In the interest of clarity and to ensure other changes of use can be assessed in the interests of amenity and to accord with Policies SC1, EN8, BE1 and TR2 of the Neath Port Talbot Local Development Plan.