

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

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

<b><u>APPLICATION NO:</u> P2021/0856</b>	<b><u>DATE:</u> 19th August 2021</b>
<b>PROPOSAL:</b>	<b>The demolition of the existing 2 storey office building and the construction of 18 affordable housing apartments on upper floors with office/commercial units at ground floor and associated external works and parking area.</b>
<b>LOCATION:</b>	<b>Eagle House 2 Talbot Road Port Talbot SA13 1DH</b>
<b>APPLICANT:</b>	<b>I &amp; S Gorvett with Castell Group</b>
<b>TYPE:</b>	<b>Full Plans</b>
<b>WARD:</b>	<b>Port Talbot</b>

### **BACKGROUND**

This application is reported to Planning Committee as Cllrs Freeguard and Rahaman have requested that the application be determined via Planning Committee on the following grounds:

- The building is of significant local importance and part of the local development plan and is listed as an important building by the Council.
- The plans have now changed due to inaccuracies.
- There may be loss of historic features with the current plans as they stand.
- The plan for use of the building as individual flats is not conducive with the immediate surroundings and the antisocial issues that this area experiences.

### **SITE AND CONTEXT**

The application site is an irregular parcel of land located on the edge of the Port Talbot Town Centre, and is adjacent to the Transport Hub and Port Talbot Parkway Train Station. The plot is long and linear in shape with the narrow end fronting onto Talbot Road and the longer side fronting onto Oakwood Lane, which runs between the application site and the Grand Hotel located to the North West. The Grand Hotel is a predominately three storey ridged roof building with a fourth centrally located storey.

To the narrow north eastern boundary of the site is Oakwood Court, a block of residential flats, and an electricity sub-station. To the long south eastern boundary is the residential development of Eagle Mews. The Eagle Mews development is made up of three blocks. The first block (units 1-6) is a three storey block of flats which front onto Talbot Road and flanks onto the application site. To the rear of these are two further blocks which are accessed off Eagle Mews itself. One of the block is a group of four flats and the final block is a group of terraced houses. These properties all face the rear side elevation of the new build part of the former Plaza Cinema development and back onto the side boundary of the application site. To the opposite side of Talbot Road is the three storey building of The Red Lion (Formally The Corner House dated 1928).



Not to Scale

The main Eagle House building is made up of two sections, which are two storey with high ridged gabled roofs. These two section are joined together by a two storey flat roofed section of building. Alterations have been made to the building over time, including what would appear to be the rendering of the ground floor and addition of large display windows to the principal elevation, together with a large modern, two storey glazed front porch structure that have been added to the frontage building. A further building is located within the application site. This is a single storey, detached building that is located directly on the edge of the carriageway of Oakwood Lane. This building was a former public convenience and had pedestrian entrances to the front and rear of the building. In recent years this building was used for storage but has been disused for a number of years.



## DESCRIPTION OF DEVELOPMENT

The proposed development seeks permission for the demolition of the existing buildings on the site and the construction of a five storey mixed use building, with commercial uses on the ground floor and originally 20 residential units on the four floors above, which has been subsequently reduced down to 18 flats. The proposed flats would be made up of 13 – one bed apartments and 5 two bed apartments, with 6 flats on each of the first and second floors, 4 flats on the third floor and 2 flats on the fourth floor.

The proposed structure would be located in a similar position to that of the existing main building, within the Talbot Road frontage of the site, but would fill most of the available frontage area, with the exception of a small triangular area to the front (south eastern corner of the site adjacent to Eagle Mews), which is proposed as a vegetated swale and biodiversity area (approximately 13sq.m).

An under croft area located on the ground floor and to the rear of the proposed building is shown to be used for the provision of two disabled parking spaces, bin storage for the commercial development and two separate areas for bin storage and cycle storage for the flats. The remainder of the site is shown to be used as car parking and a second larger landscaped swale/water garden and biodiversity area (58sq.m) located at the far end of the site.

The proposed building is shown to have a rectangular front projection towards Talbot Road, with a recessed, but prominent curved feature that addresses the corner of the site before the building continues on along the front of Oakwood Lane. The building is to be externally finished with a cream/buff brick with three panels of vertical standing seam metal cladding set within brick frames. A glazed vertical panel would be located above the main entrance to the residential part of the building.

Photomontage (Noting this is now amended to provide set back of upper floors)





The fourth floor of the building has a significantly smaller footprint and is set back from the main elevations, with the exception of the main entrance element of the residential development, where it is flush with the main structure. An amendment has been made to the original proposal to show a reduction in the footprint of the third and fourth floors at both ends of the building. This creates a stepped appearance between the third and fourth floors of the building and that of the adjacent development of Eagle Mews. The proposed amended roof plan shows a corresponding reduction in roof area due to the stepped design, as well as a reduction in the extent of solar panels that are to be accommodated on the roof.

During the course of the application it came to light that the applicant was not the owner of all the land outlined in red on the location plan. As some of the owners of the land are not known (two small parcels of land within the existing and proposed car parking area are unregistered), the applicants have published a copy of the “Notice Under Article 10” in the local press and have submitted a completed copy of Certificate C. In addition to this the applicants have also submitted an amended location plan excluding the existing electricity sub-station from the application site area. A revised consultation exercise was carried out on these revisions.

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

## NEGOTIATIONS

Pre-application advice was provided prior to the submission of the application. Amendments have also been made to the scheme during the course of the application,

in relation to the design and massing of the building as well as the in relation to the Flood Consequence Assessment and the design and layout of the car parking area as well as a reduction in the site area to exclude the existing electricity substation from the proposed development.

## PLANNING HISTORY

The application site has the following relevant planning history: -

T1974/0207 - 2 mobile units for temporary accommodation - Conditional Approval 16/09/1974.

P1984/4764 - Conversion of store from public convenience. – Conditional Approval 26/07/1984

P1990/7823 - Residential home for the elderly. Conditional Approval 05/11/1990

P1996/10359 - Pitched roof to replace existing flat roof. Conditional Approval 10/06/1996.

P2012/0285 - Change of use of public convenience to Financial and Professional offices (A2), plus insertion of a window and doorway on rear elevation, erection of a bin storage area, extension to front boundary wall and new pedestrian gate. – Conditional Approval – 11/05/2012

## CONSULTATIONS

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

**Head of Engineering and Transport (Drainage):** SAB consent would be required.

**Natural Resources Wales (NRW):** Raised concerns in relation to TAN15 and flood risk in regards to the proposed car parking area and its resurfacing and recommended conditions to address other issues.

**Noise:** No objection subject to conditions.

**Air Quality:** No objection subject to conditions.

**Environmental Health (Housing):** No comment to make.

**Contaminated Land:** No objection subject to standard conditions.

**Biodiversity:** Raised concerns that the bat and bird boxes are not shown on the submitted drawings as indicted.

**Education:** No comment received, therefore no observations to make.



**Housing:** Have confirmed that the development is part of the social housing grant scheme to address a need for this type of accommodation in this locality.

**Leisure:** A contribution of £31,920 towards open space provision was identified as being required.

**Play:** No comment received, therefore no observations to make.

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

**Crime Prevention:** Raised comments in relation to the details of the development.

**Dwr Cymru Welsh Water:** No objection subject to conditions.

## REPRESENTATIONS

The neighbouring properties were consulted on 19 August 2021, 15 November 2021, 3 February 2022 and the 6 July 2022.

A site notice was also displayed on 23 August 2021, 15 November 2022, 3 February 2022 and the 6 July 2022.

The application was also advertised in the press on 2 September 2021 and 13 July 2022.

In response, to date 1no. representation has been received on behalf of 4 residents of separate addresses within Eagle Mews, with the issues raised summarised as follows: -

- The proposed development would eliminate what privacy they have, especially in light of the Plaza Cinema which is located at the other side of their dwellings.
- They would also like to object to further building work being in close proximity to their home. The Plaza Development has resulted in high and consistent amount of noise pollution as well as layers of dust on vehicles and within their homes placing them in perpetual turmoil.
- They also object to the further reduction of light offered to their homes due to potential construction of a four storey building. Again a vast amount of light has already been cut off by the Plaza development, for this to be repeated on the opposite side of their homes will result in them living in a dusty shadow with little privacy. The proposal would overlook their patios and small gardens and also cast shadow for a large part of the day.

## 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:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

### **Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking**

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure. Urban growth and regeneration should be based on the following strategic placemaking principles:

- creating a rich mix of uses;
- providing a variety of housing types and tenures;
- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating green infrastructure, informed by the planning authority's Green Infrastructure Assessment.

Planning authorities should use development plans to establish a vision for each town and city. This should be supported by a spatial framework that guides growth and regeneration, and establishes a structure within which towns and cities can grow, evolve, diversify and flourish over time.

### **Policy 7 – Delivering Affordable Homes**

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

## Policy 8 – Flooding

Flood risk management that enables and supports sustainable strategic growth and regeneration in National and Regional Growth Areas will be supported. The Welsh Government will work with Flood Risk Management Authorities and developers to plan and invest in new and improved infrastructure, promoting nature-based solutions as a priority. Opportunities for multiple social, economic and environmental benefits must be maximised when investing in flood risk management infrastructure. It must be ensured that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

PPW11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance:

- TAN 2 Planning and Affordable Housing.
- TAN 4 Retail and Commercial Development.
- TAN 5 Nature Conservation and Planning.
- TAN 11 Noise.
- TAN 12 Design.
- TAN 15 Development and Flood Risk.
- TAN 16 Sport, Recreation and Open Space.
- TAN 18 Transport.

### Local Planning Policies

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 SP3](#) [Sustainable communities](#)
- [Policy SP7](#) [Housing Requirement](#)
- [Policy SP8](#) [Affordable Housing](#)



- [Policy SP10](#) Open Space
- [Policy SP12](#) Retail
- [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 AH1](#) Affordable Housing
- [Policy OS1](#) Open Space Provision
- [Policy R3](#) Out of Centre Retail Proposals
- [Policy TO4](#) Walking and Cycling Routes
- [Policy EN7](#) Important Natural Features
- [Policy EN8](#) Pollution and Land Stability
- [Policy EN9](#) Developments in the Central Port Talbot Area
- [Policy RE2](#) Renewable and Low Carbon Energy in New Development
- [Policy TR2](#) Design and Access of New Development
- [Policy BE1](#) Design
- [Policy BE2](#) Buildings of Local Importance

*Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Affordable Housing](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace](#) (July 2017)
- [Renewable and Low Carbon Energy](#) (July 2017)
- [Design](#) (July 2017)
- [Biodiversity and Geodiversity](#) (May 2018)
- [The Historic Environment](#) (April 2019) (incl. [Schedule of Buildings of Local Importance](#) and [SPG: Schedule of Designated Canal Structures](#))

Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Screening.

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application does not require screening in accordance with the requirements of Schedule 3 of the Regulations and is not EIA Development.

The proposed development is not located within a zone of influence for any Special Area of Conservation (SAC), Candidate Special Area of Conservation (CSAC) or Ramsar sites and

as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 (as Amended) is not required.

### Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, highway safety, flood risk, historic environment and air quality.

### Principle of Development

The application site is located within the identified settlement where the principle of development is considered acceptable, subject to the development complying with the requirements of the other development plan policies.

The proposal seeks to demolish the existing Eagle House building, which is identified as being a Building of Local Importance within the Supplementary Planning Guidance: The Historic Environment's Schedule of Buildings of Local Importance. Policy BE2 – Buildings of Local Importance states that development proposals that would affect buildings that are of local historic, architectural or cultural importance will only be permitted where they conserve and where appropriate enhance the building and its setting; or it is demonstrated that the development could not reasonably be accommodated without affecting or replacing the building and the reasons for the development outweigh the heritage importance of the site.

In accordance with the second of these requirements the applicants have submitted a document of justification for the proposed demolition of the Building of Local Importance. The document identifies the need for affordable housing within the Port Talbot area and quotes a figure of 2,085 units between 2011 and 2026 which was taken from the Council's Local Development Plan (LDP). They state that it is understood that this figure is unlikely to be met over the relevant time period.

They have also identified that some of the allocated housing sites and windfall developments would be effected by the New TAN 15: Development and Flood Risk. However it should be noted that the roll out of the New TAN15 has now been delayed from the 1 Dec 2021 until 1 June 2023. The applicants have also identified that the project is supported by the Local Authority Housing Officers and has secured Welsh Government Technical Approval and Grant Funding. They have also stated that the application site is positioned in a highly sustainable location, close to a major transport hub and local amenities.

The submitted justification continues on to address the Policy's requirement to show that the development could not be accommodated without affecting or replacing the existing building. The document states that the existing building is a 2 storey, stone structure, which was constructed in the late 19<sup>th</sup> century. The building has a footprint of 279sq.m (gross external area) and gross internal area of 245sq.m on each floor.

The building currently provides commercial accommodation over the 2 floors. The conversion of the existing building to provide a mix use development was considered as part of the initial design process. They state that given the need to retain the ground floor

commercial use in accordance with policy EC4, and the need to provide access to the available area of first floor residential accommodation would take up approximately 250sq.m. Assuming a required floor space area of 46-52sq.m for a 1 bedroom apartment, the existing building could achieve a maximum number of 5 residential units, but given the layout of the existing building this is likely to be reduced down to 3-4 residential units, which would not be viable when considered against the cost of the land and construction cost to bring the existing building up to modern housing standards.

The justification continues on to consider in detail the requirements for Welsh Government Design Quality for high quality sustainable apartments. The document also outlines the consideration that was given to the possible conversion of the existing building and construction of a new build development within the rear car park area. However they state that due to the close proximity of the adjacent dwellings in Eagles Mews (approximately 4.5m from the eastern boundary with the car park) this option was not considered possible without impacting on the amenity of the occupiers of those existing properties

Finally, the justification document outlines the proposed benefits that they believe would be associated with the proposed development, including the highly sustainable location; the proposed flats would be high quality and designed in accordance with Welsh Government Design Quality Requirements (DQR); the proposed apartments would be net zero carbon in operation and would benefit from good levels of natural light and will be acoustically insulated.

They consider that the external design is high quality, reflecting the significance of the location and the materials. It would also be high quality and sustainably sourced, ensuring that the building lasts and weathers well. They also believe that the design of the building would complement the recent development of the former police station with a palette of materials that would not conflict with the Former Plaza Cinema – Listed Building redevelopment and refurbishment project.

They have also stated that materials from the existing building would be reused within the development to construction a boundary wall around the car park area. Based on the above, it is considered that it would not be possible to convert the existing building into a mixed use development with commercial use on the ground floor and residential above that would be of a comparative criteria, quantity or quality that would meet modern housing quality standards, or the needs for accommodation of this type within this locality.

As such, it is considered that the proposed development would accord with the requirements of policy BE2 in justifying the loss of the existing Building of Local Importance and that the principle of development is acceptable subject to the development complying with the requirements of the other development plan policies.

### Impact on Visual Amenity

The application site is located in a very prominent location on the edge of the transport hub public open space area, opposite the Port Talbot Parkway and the Grand Hotel. This site anchors the southern end of the newly formed public space. The proposed building is shown to fully fill the frontage of the plot, with a five storey building, which would help to visually enclose this part of the open space. The proposed building is shown to have a curved

feature incorporated into the very corner of the site facing out towards the public open space and the realigned road. The proposed curved feature would serve to terminate the southern vista of the public space, while also drawing the eye down along Talbot Road, and around to Oakwood Lane.

The original design of the building has been amended to reduce the span of the building on the fourth floor, with it now being set in from the lower floors at both ends of the building. This creates a stepped appearance between the third, fourth and fifth floors, where it is adjacent to the Eagle Mews development, which has a lower height. This stepped design helps to create flow and interest within the proposed streetscene, where there would be a change in roof line between the separate buildings.

It is noted that on the streetscene drawing it shows the Plaza Cinema building with its original hipped roof structure to the rear of the building's main frontage. The former Plaza Cinema is a Grade II Listed Building which is owned by the Council and which has been undergoing an extensive refurbishment scheme. As part of the refurbishment scheme the plain hipped roof, rear section of the building was demolished and replaced with a new flat roof section of modern design. This is at a lower height than the original front profile of the Plaza Cinema which retains the original tiled Art Deco frontage. The impact of the proposed development has been considered in relation to this newly refurbished lower structure. It is considered that the proposed development with its amended stepped design would be in keeping with the resultant new streetscene and would have no adverse impact upon the setting of the remaining Art Deco frontage of the Listed Building.

The existing Eagle House is predominately used for office uses (under either use class A2 Financial and Professional Services and B1 Offices). The proposed development seeks permission for a mixed use commercial (Use Class A2 on the ground floor) and residential development located within an established mixed use area. As such, the proposal would be in keeping with the character and uses of the immediate and wider area. It is therefore considered that the proposed development would be in keeping with the character and appearance of the existing streetscene, while not adversely impacting upon the setting of the Plaza Listed Building. A condition is recommended to be imposed that would limit the use of the ground floor of the building to uses within class A2 and for no other uses.

### Impact on Residential Amenity

Oakwood Court is an existing three storey block of flats that is located to the north east of the application site. The existing block of flats is located approximately 5.3m from the rear boundary of the application site and approximately 38m from the proposed rear elevation of the development. This distance is sufficient to ensure that there would be no overlooking, overshadowing or overbearing of these existing dwelling units.

The Grand Hotel is located on the opposite (western) side of Oakwood Lane from the application site. The side elevation of the Grand Hotel is irregularly shaped and would be located approximately 10.3m at its closest and 13m at its furthest from the development's side elevation with the roadway located between. The existing hotel has doors and windows on the ground floor that have predominately been blocked up. On the floors above the windows are located at angles to the roadway and the majority of the windows appear to serve bathrooms. It is therefore considered that due to the orientation and function of the windows within the side elevation of the hotel, there would be no adverse impact through overshadowing, overbearing or overlooking caused by the proposed development.

The proposal would be located approximately 17.5m from the closest point of the Red Lion/Corner House building, which is located on the southern side of Talbot Road. This distance would be comparable to the existing relationship between these building with the busy main road located between. It is therefore considered that this distance together with the orientation of the development would be sufficient to ensure that there would be no loss of privacy, overbearing or overshadowing.

The existing three storey block of flats known as units 1-6 Eagle Mews are located immediately adjacent to the south eastern side elevation of the proposed development. The existing block of flats has as an elevated frontage, with the Talbot Road frontage being a blank retaining wall with steps, which gives the overall building the appearance of a four storey building when viewed from Talbot Road, but is three storey when viewed from Eagle Mews to the rear. The front of the proposed building is shown to be set back slightly from the front elevation of 1-6 Eagle Mews, however the proposed rear of the building is shown to project out approximately 6.1m from the main third floor and 3.46m from the projecting second floor of 1-6 Eagle Mews. There are windows within both second and third floors rear elevation of the existing building. While a 45 degree line drawn out from the central point of the ground and second floor windows only cuts the very corner of the proposed development. A 45 degree line drawn out from the central point of the third floor window would cut the side elevation of the proposed development 2.5m back from the corner. To overcome this potential impact the applicants have amended the scheme by setting in the side elevation of the second and third floors, showing that there would be no breach of 45 degree line to this existing window.

The closest adjacent dwellings to the main rear projection of the proposed building would be units 7 and 8 Eagle Mews. This block of residential units backs onto the side boundary of the application site and the existing and proposed car parking area and flanks onto the turning head of Eagle Mews. These properties are located approximately 4.1m from their rear boundary and 4.6m from the rear corner of the proposed building. This is slightly further away than the position of the rear corner of the existing Eagle House, which is shown to be approximately 4.2m from the rear elevation of the existing flats. The existing Eagle House building is two storey in height with a gables roof that slopes away from the rear elevation and back towards the building. The design of the proposed development has been amended in this location so that the second floor is set in from the ground and first floor by 1.45m and the third floor is set in by 3.95m. These amendments would mean that the proposed development at second floor would be located 5.1m from the rear corner of the existing flats and at third floor would be located 6.85m from the corner of 7-8 Eagle Mews. Eagle Mews is shown to have a height of 5.67m to eaves and 7.69m to the ridge, while the proposed development is proposed to have a height of 6.59m at second floor and 9.81m at third floor. It is therefore considered that the proposed amendments when considered together with the impact of the existing Eagle House, the siting, design, and massing of the proposed structure would not have a significant adverse impact upon the residential amenity of the occupiers of units 7-8 Eagle Mews, over and above that of the existing development.

While all construction works are likely to result in a level of noise and disturbance to adjacent properties, these impacts can be managed to an acceptable level through the imposition of conditions to control the provision of a Construction Environmental Management Plan; hours of working; dust suppression measures and the provision of a Piling Method Strategy. As such, it is considered that the proposed development would have no significant adverse impact upon the residential amenity of the occupiers of the adjacent dwellings.

## Parking and Access Requirements and Impact on Highway Safety

The submitted plans show the provision of 19 car parking spaces, 3 of which would be disabled parking spaces. The development also includes secure bicycle parking within the ground floor of the building. The application site is located in a sustainable location opposite the Port Talbot Parkway Train Station and adjacent to the transport interchange area, close to local amenities.

The Head of Engineering and Transport (Highways) has raised no objection to the proposed development subject to the imposition of conditions. These conditions would control the provision of the parking facilities on the site and the formation of a section of pedestrian footpath along Oakwood Lane where currently the former Public Convenience building is located. A 600mm stone wall (using reclaimed stone from the existing building) would be constructed along the boundary of the site and the back edge of the pavement to ensure that vehicles entering or leaving the site will use the vehicle access point and not the new section of pavement.

It is therefore considered that the proposed development would improve pedestrian safety along Oakwood Lane and would provide sufficient car parking provision for the proposed mixed use development given the sustainable location of the proposal and would have no adverse impact upon either pedestrian or highway safety within the existing road network.

## Biodiversity / Ecology

The application was supported by the submission of the appropriate surveys, mitigation and enhancement scheme. The Biodiversity Officer was initially concerned about the absence of the proposed bat and bird features from the proposed plans. This was subsequently amended and will be secured by the imposition of a suitably worded condition. This will provide acceptable biodiversity enhancement, over and above the small areas of landscaping proposed.

## Flood risk / Drainage

The application site is located within the current Tan15: Development and Flood Risk: Development Flood Maps as flood zone C1. They note that it would be for the Local Planning Authority to determine whether the development at this location is justified. Residential development is classed as a sensitive use and as such the Justification for development within TAN15 is set down within the refined tests.

- 1) Should be located only in an area of flood risk which is developed and served by significant infrastructure, including flood defences (Zone C1 of the DAM) AND
- 2) Its location is necessary to assist a local authority regeneration initiative or strategy 1, or contribute to key employment objectives, necessary to sustain an existing settlement or region and;
- 3) The site meets the definition of previously developed land (i.e. it is not a Greenfield site) and concurs with the aims of Planning Policy Wales (i.e. the presumption in favour of sustainable development). AND



4) A Flood Consequence Assessment has been produced to demonstrate that the potential consequences of a flood event up to the extreme flood event (1 in 1000 chance of occurring in any year) have been considered and meet the criteria below in order to be considered acceptable.

As stated above the application site is located within the C1 flood zone. The development is located on the edge of the Port Talbot Town Centre where significant regeneration initiatives have already brought about the construction of the New Port Talbot Parkway Station, the development of the Port Talbot Transport Hub, the redevelopment of the former Police Station site and the redevelopment and refurbishment of the former Plaza Cinema site. This site is surrounded by these regeneration initiatives and would be the next step in the regeneration of this area and would meet the definitions of brownfield land.

This leaves the last of the tests, which is the submission of a Flood Consequence Assessment (FCA) to demonstrate the potential consequences of a flood event. The applicants submitted a FCA in support of their application. NRW reviewed the document and initially stated that the FCA recommended the finished floor levels of the replacement building be set at 7.8mAOD thereby ensuring that the interior of the building remains flood free in the 1% plus climate change event. The remainder of the application site would still be at risk of flooding with a maximum depth of 0.63m, and therefore the development does not fully comply with the requirement of Table A1.14 of the TAN. In the 0.1% event the indicative guidance for acceptable flooding is not met with a maximum depth of 1m and velocity of 0.85m/s, meaning the site as a whole remains in the 'Danger for Most/ Danger for All' hazard categories.

In light of this advice the applicant submitted a further FCA statement. In response NRW have stated that they note that it is proposed to raise the parking area levels to a minimum of 7.79mAOD to comply with Section 11 of TAN15, however the impacts of this upon third parties had not been assessed. The applicant's consultants JBA submitted further information by way of a letter addressing the issue of the impacts upon third parties. NRW confirmed that this could be considered a reasonable approach to addressing and assessing the impact of displacing flood waters elsewhere given the flood depths and volumetric area, but stated that they could not definitively confirm this. They continued on to state that in the absence of a full hydraulic assessment demonstrating the proposed development at Eagle House will not impact upon the flood risk to others we would leave the decision to the Authority.

A subsequent meeting with the applicants, NRW and the Authority clarified that due to the very small quantity of displacement water involved a full hydraulic model assessment would not be practical. It is therefore considered that the potential scale of any result impacts associated with the very slight increase in ground level of the existing car parking area could be adequately managed within the application site and that potential impacts upon third parties and future occupiers associated with flooding could be adequately managed in accordance with TAN 15. As such, it is considered that the proposed development would have no adverse impact upon the flood risk within the immediate surrounding area.

For clarity at the moment the car park has a varied ground level. At its highest it is 7.79m AOD (this is at the boundary with 7/8 Eagle Mews), however the rest of the car park is slightly lower dropping down to the lowest height of 7.42mAOD (at the boundary of the site with Oakwood Lane near the vehicle entrance). This would be a difference of around 37cm or 0.37m at its largest variation. Most of the site is around 7.6mAOD, so the increase would

only be around 19cm. The proposed finished floor level of the building is 7.8mAOD which would be comparative to that of the proposed car park level.

### Contaminated Land

The Contaminated Land Officer has identified that there is potential historic ground contamination within the site and has therefore recommended the imposition of the standard conditions to require the submission of a desk-top assessment, and if demonstrated necessary the provision of a Remediation Strategy and subsequent Verification Report. He has also recommended the imposition of a condition that would control the treatment of any unexpected contamination which may come to light if the development were to be granted permission.

NRW have similarly reviewed the application and have stated that they note that there is no surface waters on the site, but that the site sat on a Secondary Aquifer and that previously the site was a garage, rail sidings and a sub-station. They have stated that they do not consider that the suggested contaminants within the proposed site investigation is broad enough and that it should include ground water sampling, alongside soil samples. As such they have also suggested conditions for the imposition on any decision.

It is therefore considered that subject to the imposition of such conditions the proposed development would have no adverse impact upon ground conditions.

### Historic Environment and Archaeology.

The Glamorgan Gwent Archaeological Trust were consulted on the proposed development and have stated that they have consulted the regional Historic Environmental Record (HER) and note that Eagle House is a 19th century former Inn/hotel of stone construction with white stone features including quoins and windows. The structure is included in the Neath Port Talbot List of Buildings of Local Importance and Designated Canal Structures (Neath Port Talbot Council). It is also depicted on historic Ordnance Survey mapping.

The current application is for demolition and whilst the structure has been altered, they believe it remains of local historical significance. Therefore in order to preserve this structure by record they strongly recommend that a Level 2 survey (Historic England 2016, *Understanding Historic Buildings: A Guide to Good Recording Practice*) is made prior to work commencing. To ensure that work is carried out in a suitable manner, they suggest that a condition be imposed as set out below:

*“No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.”*

*Reason:*

*As the building is of architectural and cultural significance the specified records are required to mitigate impact.”*

While the application building is not a listed building, the former Plaza Cinema Building is located on the opposite side of 1-6 Eagle Mews and is a Grade II listed building. This building has recently undergone significant refurbishment works which have included the demolition of the rear section of the building and construction of a new modern rear extension. The rear extension has a flat roof design so is lower than the original building. However this reduction helps to emphasise the striking Art Deco tiled front elevation, complete with curved glazing and curved front canopy area. While the proposed development would be of a modern design, its curved corner feature and the choice of materials would not be out of keeping with the listed building and would have no adverse impact upon its historic features. It is therefore considered that the proposed development would have no unacceptable impact upon the archaeological and historic environment.

### Air Quality.

The application site is located within an Air Quality Management Area (AQMA). The Council's Environmental Health Officers have raised no objection to the proposed development, and as such the proposed development subject to suitable Construction Environmental Management would have no adverse impact upon air quality within the immediate and wider area.

### Section 106 Planning Obligations

Local Development Plan **Policy SP 4** (Infrastructure) states that "Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable".

**Policy I1** (Infrastructure Requirements) then states that "In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6<sup>th</sup> April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6<sup>th</sup> April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to a planning application for the development of 5 two bed and 13 one bed apartments.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

#### *Affordable Housing*

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot / Neath spatial area, a 25% affordable housing target is sought.

The proposed development is Social Housing Grant Funded and it is understood that it is intended that Tai Tarian would purchase the whole development once complete. However they are not the named applicant on the application. As such, it is necessary to secure the required affordable contribution if the development were to be sold on the open market. The applicants have agreed to the provision within a legal agreement of the required affordable housing contribution on the private sale of the property, if the development were to be sold on the open market.

#### *Public Open Space / Children's Play Facilities*

Policy OS1 states where there is a quantitative deficiency in outdoor sport, children's play, informal space or allotments, provision will be sought, including the requirement for maintenance in conjunction with all new residential developments of 3 or more dwellings, based on the following standards:

<u>Open Space</u>	<u>Standard</u>
Outdoor Sport	1.6 hectares per 1,000 population
Children's Play	0.25 hectares per 1,000 population
Informal Space	0.55 hectares per 1,000 population
Allotments	0.19 hectares per 1,000 population

Having regard to the 'Open Space Assessment 2013, produced in support of the adopted Local Development Plan, it is noted that there are existing ward shortfalls. Accordingly, the existing deficiencies would be exacerbated by the increase in population arising from the proposed development, and there is a need for the development to contribute towards addressing such deficiency.

The following shortfalls and required contributions have been identified as being necessary:

<b>LDP Policy OS 1 Characterisation</b>	<b>On site Requirement (sqm)</b>	<b>Financial Equivalent</b>
Outdoor Sport - Pitch	527	£5,680
Outdoor Sport - Non-pitch	206	£20,600
Designated Play Space	23	£3,420
Informal Space	252	£1,260
Allotments	87	£960
<b>Total</b>	<b>1,095</b>	<b>£31,920</b>

The applicants have agreed to the payment of the above contribution which would be secured via a section 106 agreement which would have to be signed prior to the issuing of the decision notice.

### Other Matters

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

As identified earlier in this report, a number of objections were received in response following the publicity exercises. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Concerns in relation to the noise and disturbance experience during development have been addressed within the above appraisal and would be addressed through a condition to secure the implementation of a Construction Environment Management Plan. It is also noted that the construction works on the Plaza Development have now been completed and as such there would not be a cumulative impact associated with this proposed development.
- Issues relation to the potential impact of the proposed development through overshadowing and overbearing to the neighbouring properties has been addressed above. It is also noted that the Plaza development has resulted in a decrease in height of the rear section of the building over that of the original structure thereby reducing its potential impacts upon the adjacent properties.

## CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the character and appearance of the surrounding area or adjacent historic building or upon the residential amenity of the occupiers of the adjacent dwellings. It would also have no adverse impact upon the highways safety of the existing road network or upon the existing drainage system or the risk of flooding, or upon biodiversity. Accordingly, the proposed development is in accordance with Policies SP1, SP3, SP7, SP8, SP10, SP12, SP15, SP16, SP18, SP19, SP20, SP21, SC1, AH1, OS1, R3, TO4, EN7, EN8, EN9 RE2, TR2, BE1 and BE2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 2, 7 and 8 together with 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:

To granted planning permission subject to the following conditions and upon the signing of a Section 106 Agreement with the following Heads of Terms;

- The payment of £31,920 towards the provision of off-site leisure facilities within the ward of Port Talbot
- To secure the required affordable housing contribution of 25% should the residential units be sold on the open market and the following conditions:

### Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

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

### List of Approved Plans

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



Proposed Floor Plans - 1487-PL1-05G  
Proposed Elevations - 1487-PL1-06C  
Proposed Site Plan - 1487-PL-04C  
Proposed Floor Plans - 1487-PL1-08B  
Justification Under Policy BE2 - Buildings of Local Importance dated 5 October 2021 by Kennedy James Griffiths.  
Location Plan - 1487-PL1-01A  
Site Analysis Plan - 1487-PL1-02  
Existing Site Plan/Demolition - 1487-PL1-03  
Context Elevations - 1487-PL1-07A  
Car Park Raising - 1487-PL- 13  
Additional Flood Risk Information by JBA Consulting dated 9 Nov 2021.  
Eagle House Flood Consequence Assessment Version 1 September 2021 by JBA Consulting.  
Revised Design and Access Statement - 1487-PL:DAS Nov 1  
Pre-application Consultation Report - 1487-PL1 PAC  
Site Management Plan 1487: PL1-12  
Eagle House - Phase 1 Report 21035/R1 dated April 2021 by Spectrum Geo Services.  
Eagle House - Dwr Cymru Welsh Water Plan.  
Noise Impact Assessment by Acoustic Consultants Ltd dated 28/05/21.  
Travel Plan (Draft) 1487:PL:TP by Kennedy Jones Griffiths.  
Bat and Nesting Birds Survey Report - August 2021 by Acer Ecology.  
Construction Environmental Management Plan 1487:PL1:CEMP by Kennedy James Griffith.  
Topographic Survey P3404.

Reason:

In the interests of clarity.

### Pre-Commencement Conditions

- 3 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.

NOTE: Templates of the required Notice and Site Notice are available to download at [www.npt.gov.uk/planning](http://www.npt.gov.uk/planning)

- 4 No works to which this consent relates shall commence until an appropriate programme of historic building recording (Level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.  
Reason:  
As the building is of architectural and cultural significance the specified records are required to mitigate impact and in accordance with policy SP21 of the Neath Port Talbot Local Development Plan.
- 5 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been 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:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
  - (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 sampling
    - 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.
- 6 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 approved 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.

- 7 Prior to their use in the construction of the development hereby permitted, details and/or 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.

- 8 Prior to work commencing on site, full details of the refuse/recycling proposals for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implement on site prior to the first beneficial use of the hereby approved development.

Reason

In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

- 9 No development shall take place on site, including any demolition, until a scheme detailing the construction of a replacement footway on Oakwood Lane to replace the existing former public convenience building has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall show the footway tie into the existing footway and shall include details of the amendment of any existing Traffic Regulation Orders within this area. The approved scheme shall be fully implemented on

site prior to the first beneficial use of any part of the hereby approved commercial and residential development and shall be retained as such and available for public use thereafter.

Reason:

In the interests of Highway and Pedestrian Safety and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

### Action Conditions

- 10 Notwithstanding the details submitted, prior to the first beneficial use of the hereby approved development the bathroom window serving flat 16 on the third floor and the lounge window closest to units 7 and 8 Eagle Mews in flats 6 and 12 on the first and second floors shall be fitted with obscured glazing, and any part of the window/s that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.

Reason :

In the interest of the amenities of the adjoining properties, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

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

Reason:

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

- 12 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 6 shall be submitted to and approved 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.

- 13 Prior to the start of any piling operations on site, full details of a piling method statement shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that there is no unacceptable risk to groundwater, as well as details of the predicted noise and vibration levels associated with the proposed method of piling. Any piling works carried out on site shall be in full accordance with the Approved Piling Method Statement.

Reason

In the interest of groundwaters and the residential amenity of occupiers of the adjacent properties and in accordance with policy BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to the first beneficial use of the hereby approved development a stone wall built from reclaimed stone from the existing building shall be constructed along the back edge of the existing and new footway along Oakwood Lane with a maximum height of 1m and shall be 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.

- 15 Prior to the first beneficial use of the hereby approved development details of both hard and soft landscape works for the car parking area and the front and rear landscape/ecology areas shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Details of the proposed materials to be used in the construction of the car parking surface.

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

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion and occupation of the development. The completed scheme shall thereafter be retained in accordance with an approved scheme and the Landscape Management Plan.

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.

- 16 Prior to the first occupation of any dwelling hereby approved, a Landscape Management Plan, including management responsibilities and maintenance, for all landscaped areas other than privately owned domestic gardens, 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 that lie outside of the curtilage of individual properties, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 17 Prior to first beneficial use of the commercial element of the development, a delivery management plan shall be submitted to and approved in writing by the Local Planning Authority. The commercial development shall be operated in accordance with the approved details thereafter.

Reason.

In the interests of Highway and Pedestrian Safety and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

- 18 Prior to the start of any construction works (excluding demolition) full details of the proposed biodiversity enhancement measures including external or integrated bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented on site and shall be retained as such thereafter.

Reason.

To ensure that the proposed development provides appropriate biodiversity enhancement features in accordance with policy BE1 and EN7 and Part 1 Section 6 of the Environment (Wales) Act 2016, and Policy contained within Planning Policy Wales and TAN 5 Nature Conservation and Planning.

### Regulatory Conditions

- 19 The development hereby approved shall be constructed to have a finished floor level within the building of 7.8m AOD and the car parking area shall have a finished surface area of 7.79m AOD.

Reason

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

- 20 The use of the ground floor commercial units shall not be carried out outside the hours of 08:00 to 22:00 Monday to Saturdays to 10:00 to 16:00 on Sundays and bank holidays.



Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 21 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of the first dwelling or commercial unit and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 22 Demolition or construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:00 to 13:30 on Saturdays and not at all on Sundays or Bank Holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 23 The development shall not be occupied until facilities for the secure storage of bicycles have been provided in accordance with details shown on drawing 1487-PL-04 Rev c and such facilities shall thereafter be retained as approved at all times.

Reason:

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

- 24 The car parking spaces as shown on drawing 1487-PL-04C shall be provided prior to the first beneficial use of the development hereby permitted commencing and a minimum of 10% of the parking spaces shall be provided with Electric Vehicle Charging facilities, and shall thereafter be used solely for the benefit of the occupants of the dwelling units and commercial units of which it forms part and their visitors and for no other purpose and shall be retained as such thereafter.

Reason:

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

- 25 The demolition and construction works associated with the proposed development shall be in full compliance with the submitted documents Construction Environmental Management Plan 1487:PL1:CEMP, The Demolition Method Statement 1487 CEMP APP C. The Site Management Plan 1487-PL1-12 with the site gates annotated at the wheel washing facilities amended to be of a type that open inward only and do not open out over the public Highway.

Reason

In the interests of highway and pedestrian safety and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

- 26 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason.

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and in accordance with policy BE1 of the Neath Port Talbot Local Development Plan.

- 27 The ground floor of the hereby approved development shall be used for A2 - financial and professional services uses and for no other purpose (including any permitted change of use to other purpose in class A1- retail of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.