

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2023/0265	<u>DATE:</u> 05/06/2023
PROPOSAL:	Construction of 15 no. light industrial/commercial units (Use Class B2/B8) with associated parking, servicing, hard and soft landscaping and drainage works
LOCATION:	Land to the north of Old Foundry Road, Pontardawe
APPLICANT:	Mr Paul Markey, Bluefield Land Ltd
TYPE:	Full Plans
WARD:	Pontardawe

BACKGROUND

This application is reported to Planning Committee because the application site is allocated for a housing development within the Adopted Neath Port Talbot Local Development Plan. The recommendation to approve this application for the development of new light industrial/commercial business units therefore materially departs from policies contained within the LDP.

SITE AND CONTEXT

The application site comprises an overgrown, brownfield site of approximately 0.76ha in size (site of a former foundry, demolished in circa.2014) located on the Alloy Industrial Estate to the east of Pontardawe Town Centre, approximately 5km to the north of Neath and 12km to the north east of Swansea. The site is accessible via the A4067, which connects to the M4 approximately 6.5km to the south. The application site is well connected to nearby public transport links and pedestrian access to the amenities in Pontardawe town centre.

The land immediately surrounding the site to the north east and south east is predominantly employment/industrial use. There is a small section of residential use on Old Foundry Road immediately to the south west of the site. The site is bounded to the north west by Swansea Canal footpath, with residential uses beyond. Nearby Pontardawe town centre includes a range of retail and community facilities. The surrounding land uses is a mix of commercial/industrial and residential, although the immediate context of the site itself is more industrial in nature.

DESCRIPTION OF DEVELOPMENT

As set out in the description of development, full planning permission is sought to provide a series of light industrial/commercial units with associated vehicle access doors and external parking to meet a growing demand for start-up businesses. The proposed development is for 15, single storey units each with a gross internal floor area of 129m² including office and welfare facilities, and set out in three separate blocks, which equates to an overall site density of approximately 20 units per hectare. Each individual unit has 2 dedicated car parking spaces and a larger space for a long wheelbase van in front of the roller shutter vehicle access door. Each individual unit has the facility for an electric charging point to serve both car parking spaces and the van space as well as gigabit capable broadband infrastructure all

located immediately to the front to each individual unit. There are communal bin storage and cycle storage areas to serve each block of units.

The proposed site layout has three separate blocks. The block nearest to the residential properties to the west comprises Units 1-3. There is then a central block comprising Units 4-11 and a third block comprising Units 12-15 at the eastern end. All the units face internally to the site, which is accessed via a single access near the centre of the site. A new pedestrian/cycle link to the town centre is provided in the north-west corner connecting to Holly Street and Arthur Terrace and the existing canal towpath. An existing belt of mature trees and the embankment to Swansea Canal is retained along the site's northern boundary. The southern boundary is proposed to be soft landscaped and form the basis of the separate surface water (SuDS) drainage proposals with a new footway to connect with existing footways on either side of the site. A new tactile pedestrian crossing is proposed either side of the proposed vehicular entrance point.

The application is accompanied by a suite of drawings and supporting technical documents/reports including:

- Flood Consequences Assessment ('FCA')
- Arboricultural Report
- Preliminary Ecological Appraisal ('PEA')
- Drainage Concept Plan
- Design & Access Statement ('DAS')
- Pre-Application ('PAC') Report
- Construction Environmental Management Plan ('CEMP')
- Noise Impact Assessment
- Air Quality Report
- Site Investigation Report
- Welsh Language Action Plan
- Renewable Energy Assessment

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

NEGOTIATIONS

Pre-application planning advice was given on the need to evidence why an industrial development of the application site is more acceptable than a residential development as well as the suite of supporting technical documents that would need to be provided to bring forward a development of the site. Post-submission improvements were sought in respect of a renewable energy assessment, electric vehicle charging and gigabit capable broadband infrastructure provision.

PLANNING HISTORY

Relevant Planning History

The application site has the following relevant planning history:

Ref.	Description	Decision	Date
P2019/5708	CONSTRUCTION OF 36 AFFORDABLE RESIDENTIAL UNITS, HIGHWAYS ACCESS, PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE WORKS	Withdrawn	16.03.2020
P2014/0550	PRIOR APPROVAL FOR THE DEMOLITION OF REDUNDANT FOUNDRY BUILDING	Prior notification not required	01.07.2014
P2008/1337	REMOVAL OF CONDITION 11 OF PLANNING PERMISSION P2007/0215 IN RESPECT OF PROVISION OF AFFORDABLE HOUSING	Refused	22.12.2008
P2007/0215	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND ENGINEERING WORKS	Appeal Allowed	12.05.2009
P2007/0215	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ASSOCIATED ACCESS AND ENGINEERING WORKS	Approved	30.06.2008
P2005/0061	OUTLINE PLANNING APPLICATION - DEMOLITION OF EXISTING WORKS BUILDINGS AND CONSTRUCTION OF MIXED RESIDENTIAL DEVELOPMENT	Disposed of	11.04.2006
L1995/0162	USE OF DISUSED CHURCH BUILDING AS A PATTERN SHOP WITH ATTENDANT LANDSCAPING AND CAR PARKING	Refused	27.07.1995
L1986/0106	PROPOSED CONSTRUCTION OF CAR PARK DEMOLITION OF VESTRY CONSTRUCTION OF ACCESS	Approved	14.05.1986

CONSULTATIONS

Pontardawe Town Council: No comments received.

Highways: No objection. Recommend a number of conditions.

Drainage: SAB approval required – a pre-application has been submitted and advice given.

Sustainable Transport: No adverse comments. Query required level of cycle parking in adopted parking SPG compared to newer active travel guidance.

Biodiversity: No objection, subject to conditions.

Tree Officer: There are two B category trees T1 and T2 which are near Unit 10 which due to their condition should be retained. Due to the existing topography and site conditions there is a very low risk of any root damage or interference to the root system on the south side of the trees but to avoid any excessive root damage any alteration in the existing ground levels within the RPA'S must be avoided. If the guidance in the ArbTS report and BS5837:2012 are followed I have no objections.

Environmental Health (Noise): The Noise Impact Assessment that has been included only relates to deliveries. There is no further information on how 15 B2 / B8 uses may affect the area, what sound reduction insulation would be required for the units, hours of use, layouts. I would therefore recommend that each unit has a separate Noise Impact Assessment carried out that is approved by the Local Planning Authority.

Environmental Health (Air Quality): No Objection, subject to conditions.

Land Contamination: No Objection, subject to conditions.

PRoW Officer: No registered rights of way are affected.

DOC0 (Police Design Out Crime): The whole site should be protected by security fencing and gates. The Active travel route should ideally be designed out - if not, it should be open to pedestrians only when the site is occupied. I would ask for the whole site especially the vehicle and pedestrian entrances onto the site, entrances into the units, the vehicle parking areas and bike and bin stores to be protected by CCTV and signage. The whole development, especially the vehicle parking areas, would benefit from lighting that meets the British Standard 5489. Recommends various building security design features for walls, doors and windows and alarm systems.

DCWW (Welsh Water): Site is crossed by an abandoned 300mm foul water sewer which affects operational development within 3m either side of its centreline. Exact location to be determined prior to commencement of any works on site.

CRT (Canal & River Trust): We have concerns relating to slope stability and flood risk/drainage. Use of the site for light industrial/commercial units gives us less cause for concern than the previous residential scheme to which we objected. Whilst we would prefer to have additional site investigation information prior to determination, if you are minded to approve the application we recommend a number of pre-commencement conditions are imposed. We will need to agree the types of piles, vibration levels and foundation designs and construction methodology for the walls and units within the zone of influence of the Swansea Canal. Technical Advice Note 15: Development and Flood Risk (TAN 15) identifies flood risk from canals and identifies the need to consider their capacity to cause local flooding where overflow channels fail to operate, or an embankment fails or is breached. It is noted that the applicant is intending to design the buildings to be flood resistant and resilient but the LPA should be satisfied that the risk of flooding is acceptable.

NRW (Natural Resources Wales): No adverse comments but have concerns in respect of flood risk and contamination which need to be controlled by conditions. Not fully TAN 15 compliant but it is for the LPA to determine whether the risks and consequences can be managed to an acceptable level. Defer to LPA ecologist on submitted ecology report.

GGAT (Glamorgan Gwent Archaeological Trust): We have consulted the regional Historic Environment Record (HER) and note the proposal is partially located on the site of an iron foundry opened in 1865 and depicted on the 1st edition Ordnance Survey map. However the construction and subsequent expansion of the foundry is likely to have had an adverse effect on any potential archaeological remains that may have been located on the site. No objections. As the record is not definitive, features may be disturbed during the course of the work, in which case we should be contacted again.

Mid & West Wales Fire Authority: No objection.

Wales & West Utilities: Major accident hazard pipeline apparatus within the vicinity of the site.

REPRESENTATIONS

The Ward Members were notified on 14 June 2023.

The neighbouring properties were consulted on 14 June 2023.

A site notice was also displayed on 14 June 2023.

The application was also advertised in the press (major/departure) on 24 June 2023.

In response, to date no representations have been received.

REPORT

Relevant Planning Policies

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.

The Historic Environment (Wales) Act 2016 enhances the protection and sustainable management of the wider historic environment for the cultural, social, economic and environmental benefit of future generations.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or shops and services.

The Environment (Wales) Act 2016 places a duty on the Council to maintain and enhance biodiversity, promote the resilience of ecosystems and increase their ability to adapt to events such as the impacts of climate change.

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

Policy 8 - Flooding

Policy 9 – Resilient Ecological Networks and Green Infrastructure

Policy 12 – Regional Connectivity

Policy 13 – Supporting Digital Communications

[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.

The following guidance is of particular relevance in the assessment of this planning application:

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.'

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- *address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;*

- *not create areas of poor air quality or inappropriate soundscape; and*
- *seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.*

6.7.7 To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.

The Placemaking Charter, of which Neath Port Talbot Council are a signatory sets out the following principles:

People and community

The local community are involved in the development of proposals. The needs, aspirations, health and well-being of all people are considered at the outset. Proposals are shaped to help to meet these needs as well as create, integrate, protect and/or enhance a sense of community and promote equality.

Location

Places grow and develop in a way that uses land efficiently, supports and enhances existing places and is well connected. The location of housing, employment and leisure and other facilities are planned to help reduce the need to travel.

Movement

Walking, cycling and public transport are prioritised to provide a choice of transport modes and avoid dependence on private vehicles. Well designed and safe active travel routes connect to the wider active travel and public transport network and public transport stations and stops are positively integrated.

Mix of uses

Places have a range of purposes which provide opportunities for community development, local business growth and access jobs, services and facilities via walking, cycling or public transport. Development density and a mix of uses and tenures helps to support a diverse community and vibrant public realm.

Public realm

Streets and public spaces are well defined, welcoming, safe and inclusive with a distinct identity. They are designed to be robust and adaptable with landscape, green infrastructure and sustainable drainage well integrated. They are well connected to existing places and promote opportunities for social interaction and a range of activities for all people.

Identity

The positive, distinctive qualities of existing places are valued and respected. The unique features and opportunities of a location including heritage, culture, language, built and natural physical attributes are identified and responded to.

PPW 11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 11: Noise

- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk
- Technical Advice Note 18: Transport
- Technical Advice Note 23: Economic Development

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:

In addition to national guidance contained within Planning Policy Wales and national planning policies contained within Future Wales: The National Development Plan 2040 (February 2021), any application would be considered against the Policies within the Adopted Neath Port Talbot Local Development Plan, details of which are available on the Council's web site by visiting www.npt.gov.uk/ldp .The relevant local plan policies would include:

Strategic Policies :

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP6** Development in the Valleys Strategy Area
- **Policy SP7** Housing Requirement
- **Policy SP8** Affordable Housing
- **Policy SP9** Gypsies and Travellers
- **Policy SP10** Open Space
- **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
- **Policy SP22** Welsh Language

Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy H1** Housing Sites*
- **Policy OS1** Open Space Provision
- **Policy EC2** Existing Employment Areas
- **Policy EC3** Employment Area Uses
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **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
- **Policy BE3** The Canal Network
- **Policy WL1** Development in Language Sensitive Areas

* **H1/LB/32 Holly Street, Pontardawe** - The brownfield site offers a redevelopment opportunity close to the centre of Pontardawe:

- *Highways* - highway improvement works required together with Traffic Regulation Orders; Transport Assessment submitted alongside planning application.
- *Affordable Housing Provision* - requirement.
- *Contamination* - ground investigation works required.
- *Environment* - scheme for the eradication of invasive species required; an appropriate 7 metre buffer to the canal required; Flood Consequences Assessment submitted alongside planning application.

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [Parking Standards](#) (October 2016)
- [Pollution](#) (October 2016)
- [Open Space & Greenspace \(July 2017\)](#)
- [Renewable and Low Carbon Energy \(July 2017\)](#)
- [Design](#) (July 2017)
- [Development and the Welsh Language](#) (July 2017)
- [Biodiversity and Geodiversity \(May 2018\)](#)
- [The Historic Environment](#) (April 2019) (incl. [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 has not been screened in accordance with the requirements of Schedule 3 of the Regulations.

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 is not required.

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of an industrial development, together with the impact on the visual amenity and character of the area, the impact on the amenities of neighbouring residential properties, the impact on highway safety as well as ecology, environmental risk/pollution control, flood risk (including canal safety) and Welsh Language considerations.

Principle of Development

The application site is allocated for housing in the Adopted LDP (reference H1/LB/32 Holly Street). A previous application to develop the site for residential purposes was submitted in 2019 (application reference P2019/5708) however this was withdrawn prior determination. Pontardawe has experienced high levels of Nickel above European targets in previous years and this was one of the primary factors in the withdrawal of this previous application. The Council, in partnership with NRW and businesses in the area, have invested a considerable amount of time and money to try to resolve the issue of nickel emissions, nevertheless the issue remains and accordingly to advance the principle of a residential development would be to accept that its future residents would be exposed to an unacceptable level of air pollution. Policy EN8 of the LDP states that *'Pollution of all types can cause significant damage to human health, biodiversity, quality of life and residential amenity'* and Policy EN8 is intended to ensure that developments *'will not exacerbate existing problems, cause new problems or result in more people being routinely exposed to unacceptable pollution levels of any type'*. A residential development on the application site would therefore be contrary to these policies and increase the long-term human exposure to poor air quality.

The emerging revisions to both PPW Edition11 and TAN 11 (expected late 2023/early 2024) will increase the importance of air quality in planning assessments of appropriate land use and indicates Welsh Government's commitment to improving air quality standards for the benefit of future generations.

In addition due to the site lying in proximity to other commercial uses, noise impacts upon proposed additional residential uses would need to be considered. The impacts upon residential amenity, and the potential for residential development to impact subsequently in restricting existing uses already within the area. To mitigate these impacts would require significant mitigation through site design, including the need for acoustic barriers and exclusion zones that would have made the development visually unacceptable and contrived.

Accordingly, for this reason, it is accepted that a non-residential development which is not so sensitive to existing air quality/pollution concerns at the site should be accepted. The surrounding land use is predominantly industrial – with adjoining land allocated for employment use in the LDP (Policy EC2/18 Alloy Industrial Estate) - and the site itself was a former foundry (a form of industrial use). Therefore it is recommended that a departure from LDP Policy H1 be accepted in this case and the principle of an industrial use allowed, as a more suitable use of the site at this time, considering existing site constraints.

Impact on Visual Amenity/Character of the Area

The proposed industrial units follow a fairly functional pattern, comprising metal clad sheeting on a brick plinth with large roller-shutter access doors. The site layout has been informed by the requirement to provide a maximum amount of S and SW facing roofs to accommodate Solar PV. The proposed terrace of units also gives maximum flexibility in available unit sizes through the potential for combining units, depending on the demand.

There is a large amount of soft landscaping which provides amenity open space – as required by LDP Policy OS1 – in the form of an existing embankment and mature trees to the north and new SuDS features to the south. This provides a softening to site boundaries which compensates for the otherwise predominance of hard landscaping features to provide functional parking, access and delivery space to serve the units. The proposed units are considered to be entirely appropriate for the site context, given the extent and number of existing industrial developments already located on this established industrial estate.

The arrangement of the blocks of units creates a sense of enclosure within the site whilst still maintaining an outward looking development that welcomes visitors in. The prime elevations are visible from the main industrial estate road (old Foundry Road) while the rear plainer elevations are mostly obscured by the steep embankment and mature trees to the north of the site. Additional soft landscaping to the eastern and western boundaries will further soften the appearance of the site from wider vantage points.

The recommendations of the designing out crime advisor are noted, however it is not considered appropriate to design out the active travel route (as this links the site to the town centre and canal towpath thereby improving accessibility for non-car users). Retaining an open plan within the site itself is considered essential for the layout to function but the site boundaries can be secured with a sympathetically designed mesh fencing, reinforced with additional soft landscaping, all of which can be controlled by conditions.

Subject to control over materials/finishes for the buildings, site boundaries and trees/landscaping, it is considered that the development will have an acceptable impact on the character and appearance of the area.

Impact on Residential Amenity

The nearest residential properties are located to the west of the site, on Holly Street. There will be some adverse impact on the outlook of the nearest properties which will overlook the rear elevation of proposed Units 1-3. The fact the residential properties are located at a higher ground level does mitigate this impact to a certain degree however it remains that they currently overlook an undeveloped site therefore the introduction of Units 1-3 close to their curtilage boundary will have some adverse impact, albeit the 'active' frontage (and associated noise from deliveries etc.) would be furthest away from the residential property. A greater separation distance from the boundary was sought, however this would have had an adverse impact on manoeuvring capabilities at the front of these units, which also provide a key active travel link via the north-west corner of the site. Accordingly it is considered that additional noise survey of these units is necessary to manage the impact on residential amenity, together with additional landscaping to the western boundary to

reinforce the separation between the residential and industrial land uses. Historically, secondary vehicular access to the foundry was obtained via Holly Street therefore the proposed development with its sole vehicular access from Old Foundry Road and pedestrian/cycle access only from Holly Street is considered to provide a betterment to residential amenity in this respect.

In conclusion, the introduction of new industrial/commercial units on an undeveloped site will inevitably cause some harm to the residential amenity of adjacent residential occupiers, however the impact is not considered to be so harmful as to warrant a refusal of the application, subject to additional noise control measures and boundary treatments.

Parking and Access Requirements and Impact on Highway Safety

The site is proposed to be accessed off Old Foundry Road by way of an upgraded and widened crossover in the location of the original site access. The radii of the kerbs has been revised to 6m to ensure all vehicles can safely enter and leave the site as shown on the submitted vehicle tracking drawings. The widened entrance and the new radii ensure that the required visibility splays can be provided. The proposed parking numbers are in accordance with the Parking Standards SPG, which requires 1 van space and 2 car spaces per unit up to 235m². Secure cycle parking and electric vehicle charging spaces are provided for all units in excess of the number required to comply with current policy and standards.

New tactile paving has been included on the existing pavement to ensure the access is safe for pedestrians. 2m wide adoptable standard footpaths have been included which provide safe access for pedestrians into and out of the site to increase connectivity. These footpaths link to 1.3m wide internal footpaths within the site which provide access to the blocks at either end of the site where dedicated pedestrian routes across the parking/service areas provide further links to the units. The SW safe route provides a link to a modified connection to the existing access from Holly Street, which provides a shorter pedestrian link to the Town Centre. This also provides a link, via the footpath on Holly Street, to the canal towpath. These safe walking routes will be clearly marked on the surface finish to improve safety for pedestrians. This makes the service areas a shared space for pedestrians and vehicles which is in accordance with the principles of Manual for Streets and helps ensure that on site vehicular speeds are reduced.

The Council's Highways Officer raises no objection to the application, subject to conditions. Accordingly the development is considered to have an acceptable impact on highway and pedestrian safety.

Biodiversity / Ecology

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

The application is accompanied by a 2023 Preliminary Ecological Appraisal, which has updated an earlier 2019 version, including a ground-based assessment of trees and reptile survey. The report found that the main significant change at the site was the continuing development of woody scrub, with areas dominated by young

common gorse (not found in 2019), silver birch, alder and goat willow. Buddleia is also abundant. Japanese knotweed remains present throughout with a concentration on the northern boundary adjacent to the canal embankment. The ground based tree survey found no significant changes to the condition of trees although there had been continued ivy growth presenting a denser appearance on some trees compared to 2019. One tree, a mature oak T3, was considered to be of high potential to support roosting bats meaning further survey is necessary if works were likely to affect it, however the proposal is to maintain all mature trees with the layout designed to this affect. In 2019 a reptile presence absence survey was undertaken which proved negative. At that time it was considered the site was largely isolated from suitable habitat. It is considered this remains the situation and no further reptile survey is recommended. Therefore it is concluded that there are no apparent ecological reasons that would prevent the proposed development from going ahead.

In line with the Council's duties under the Environment (Wales) Act 2016 and the requirements of Future Wales Policy 9, there is a requirement to secure enhancements for biodiversity on all new developments. The proposed scheme has included areas of landscaping associated with SuDs drainage which will increase the flora on the site and potentially encourage insects and birds to the site. In addition, the buildings themselves will incorporate bat and bird boxes within their façades to encourage new species to the site. 3 no. Beaumaris Bat boxes will be installed at high level on the South and/or West facing elevations of each of the blocks as shown on the site plan. These enhancements can be secured by condition. The Council's Ecologist raises no objection to the application, subject to conditions. Accordingly the development is considered to have an acceptable impact on biodiversity.

Environmental Risk / Pollution Control

The Council's Land Contamination Officer has confirmed that the proximity of the application site to historical industrial uses requires that a detailed site investigation for potential contaminants is necessary. The submitted ground investigation report was deemed to be unsatisfactory as it had not been updated to reflect the proposed change of land use and accordingly this desk-top survey will need to be updated to comply with LDP Policy EN8 and the Adopted 'Pollution' SPG in this regard. NRW also insist on an 'unexpected contamination' condition being applied to address their concerns. These requirements can be secured by condition.

As described above, Pontardawe has experienced high levels of Nickel above European targets in previous years and this was a principal factor in the withdrawal of the previous scheme for a residential development of this site submitted in 2019. Environmental Health is working hard with local business operators, Welsh Government and other stakeholders to improve the air quality and reduce emissions in the area.

In order to understand any impact that the proposed development will have on existing air quality, it will be necessary to provide air quality assessments for the type of industrial use that will be occupying the site. Therefore rather than request an air quality assessment at this stage which could be over precautionary and restrictive,

Environmental Health are recommending that the assessment is made for the specific use to give a better understanding of any impact on local air quality. As such, we are recommending that all units are restricted to B1 (Business/Light Industry) until such time it has been demonstrated that the proposed B2/B8 use would not detrimentally impact the air quality and thereby undo any of the current work to improve air quality.

The application seeks planning permission for new industrial units. The Town & Country Planning (Use Classes) Order 1987 (as amended) sets out the following description for industrial uses:

B1 (Business/Light Industry) comprising B1(a) Offices, B1(b) Research & Development, and B1(c) Any industrial process which can be carried out in a residential area *without causing detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit*;

B2 (General Industry) comprising industrial processes other than those falling within Class B1 (excluding incineration, chemical treatment, landfill or hazardous waste); and

B8 (Storage & Distribution) (excluding radioactive material)

In other words, B1 are generally 'cleaner' business uses such as offices or light industrial processes that do not generate noise, dust or smell, whereas B2 are generally dirtier and/or noisier business operations/processes that can lead to noise, odour and amenity complaints. B8 uses are generally reliant upon large and often heavy goods vehicles. It is possible to change from B2 and B8 uses to a B1 use without the need for express planning permission but it is not possible to change from a B1 use to a B2 use (B8 is subject to floorspace area). This way, dirtier/noisier B2 businesses can change to cleaner B1 businesses without the need to make a planning application, but cleaner B1 businesses cannot change to dirtier/noisier B2 businesses unless a planning application is submitted and approved.

As the end users of the proposed new units is not yet known – it being a speculative development which seeks maximum flexibility for uses - it is not clear how many units will be occupied by each use class, which in turn brings uncertainty over the air quality impact of the development. Given the investment that has already been undertaken to improve air quality in this area, it is considered be a retrograde step to allow polluting new industries to undermine the progress that has been made to date. Further air quality monitoring and a precautionary approach is therefore necessary to ensure the development can be accommodated here without exacerbating existing poor air quality. To allow an industrial development to proceed whilst mitigating the potential harm it may cause, it is therefore recommended that an air quality assessment is undertaken which measures the emissions from the proposed end users. To this end, it is recommended that use of the units be

restricted to the 'cleaner' B1 uses only unless and until an air quality report has been submitted that demonstrates that B2 and/or B8 can be accommodated without adversely impacting upon air quality, e.g. by considering the level of particulates and the type of plant/equipment that will be used at the site. A satisfactory air quality impact report would then allow B2 and B8 uses to be carried out. Given the 'permitted development rights' that exist for industrial developments, it is also necessary to impose a condition requiring any associated extraction/plant/machinery to be subject to a planning application so that the impact of these on air quality can be monitored and controlled. The Council's Environmental Health Officer raises no objection to the application on this basis.

A noise survey, prepared in support of the previous residential application (a use deemed to be a more sensitive receptor to noise) is included to demonstrate any potential noise issues for the commercial proposal can be mitigated by standard construction methods. LDP Policy EN8 states that *'potentially noisy proposals should not be located close to sensitive uses (such as hospitals, schools and housing) and new noise-sensitive developments should not be located near to existing noisy uses (including industry and existing or proposed transport infrastructure) unless it can be shown that adverse effects can be dealt with through mitigation measures incorporated into the design'*. By designing the units in an internally facing arrangement, it both helps to shield the site from external noise and creates a natural buffer to any noise made on site to residential receptors beyond the site boundary. As the end user(s) of each of the 15 units is unknown at this stage, a condition requiring further noise survey(s) of those units (1-3) closest to existing residential properties on the western end of the site is recommended, to ensure there is no detriment to their residential amenity.

Flood Risk / Canal Safety

The application is supported by a Flood Consequences Assessment (FCA) commissioned in December 2022, which includes updated policy and modelling for an industrial/commercial development and updated site levels.

The site falls within Zone C1 of NRW's Development Advice Map ('DAM'). Zone C1 describes areas of the floodplain served by significant flood defence infrastructure. However the site is mainly located in Flood Zone 3 in the new Flood Map for Planning ('FMfP'). Flood Zone 3 (areas of higher risk) represents areas which have a greater than 1 in 100 (1%) chance of flooding in a given year with a consideration of climate change impacts. Localised parts of the site fall into Flood Zone 2 (undefended areas of low risk) which represents areas which have a less than 1 in 100 (1%) but greater than 1 in 1000 (0.1%) chance of flooding in a given year, including an allowance for climate change. Therefore the site is at risk of flooding.

A residential development in nature is classified as 'highly vulnerable development' as defined in TAN-15 whereas an industrial development as proposed, is considered

'less vulnerable' and the latter is permitted within areas of risk of flooding, subject to the application of a justification test, including acceptability of consequences. The flood-risk element is considered to be an additional reason for promoting an industrial development over a more vulnerable residential development of this site, as bringing forward a housing development in an area of risk of flooding is both undesirable and at contrary to TAN 15 requirements.

The justification tests are set out in Section 6.2 of TAN 15 which states that:

“Development, including transport infrastructure, will only be justified [in areas of risk of flooding] if it can be demonstrated that:-

*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; **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.”

In this particular case, given that there is a shortage of suitable industrial premises, particularly for start-up businesses and SMEs, within the County Borough, it is considered that the provision of these units will contribute to maintaining and enhancing local employment opportunities within the Pontardawe area, which in turn is beneficial to the maintenance of economically active members of the population (see also the positive impact on Welsh Language, below). The development will therefore help to sustain the existing settlement and accords with criteria 6.2.ii.

Criteria 6.2.iii is also met as this is a brownfield site, sustainably located close to an existing Town Centre and with active travel links to the Town Centre provided as part of the development.

In order to comply with criteria 6.2.iv, the application is accompanied by a Flood Consequences Assessment. NRW have identified some concerns with the conclusions contained within submitted FCA, particularly predicted flood depths exceeding the limits recommended within paragraphs A1.14 and A1.15 of TAN 15. NRW advise that whilst the majority of the site is within tolerable conditions, with flood depths predicted to a maximum of 1.2m AOD along the boundary of Old Foundry Road and 1.7m without raising floor levels, the proposal does not comply with A1.15.

However, NRW have not objected to the application and consider it for the local planning authority to determine whether the risks and consequences can be managed to an acceptable level. This requires flood resilient design to the construction of all the buildings, including a finished floor level of 33.95m Above Ordnance Datum (which is higher than the 32.8m AOD figure suggested in the FCA but which also takes into account modelling in the event of a canal breach, see below). These requirements will need to be secured through conditions in order to manage the risk to an acceptable level and comply with TAN 15 requirements. It is

noted that the main access and egress to the development floods in all flood event scenarios, however, access routes along Holly Street to the north of the development remain operational during all conditions which with the new active travel connection provides a viable means of escape for future occupiers of the new units.

An additional source of flood risk in this case derives from the site's proximity to the Swansea Canal, which has a past (in 1998) incident of flooding not very far from this site. The development is bounded along its north-western side by an embankment supporting the Swansea Canal, a key transport corridor and historic asset that is afforded protection by the LDP Policy BE3. Engineering work on or near to the canal embankment there has to be carefully considered to ensure it does not undermine the structural integrity of the embankment which in turn could lead to leakage and subsequent breach of the canal waters.

From the base of the canal embankment the site is generally level with some shallow banded spoil heaps. The rear of the development is proposed to be bounded by the side elevation of Units 1 and 12 and the rear of Units 4-11. The side elevation of Unit 1, adjacent to the historic foundry access onto Holly Street, at the western end of the site, and south of Holly Street and the bridge abutment of the road bridge spanning over the canal. As such, it is beyond the influence of the canal and adjacent embankment. Some changes in level and retaining walls will be required in this area to provide the proposed pedestrian/cycle access from the development onto Holly Street and the town centre and beyond. The side elevation of Unit 12 is within a shallow spoil heap area with a level between 32.4m and 32.9m for a zone of 6m between the proposed building and the base of the canal embankment, which itself is typically between 32.88m and 33.18m in this area, where there is an existing freestanding wall. As such, the proposed development is beyond the influence of the canal and adjacent embankment.

The rear elevation of Units 4-11 are parallel with the bank of the canal, which is typically 14m to 16m from the units. The units will have a 1.5m access zone to the rear for construction and long-term maintenance. The scenario on site is a level area adjacent to the canal followed by a boundary wall or steep slope, historic concrete access road from the foundry to Holly Street and a steep slope into the development site. The proposed development would require a retaining wall to the rear of the 1.5m maintenance zone to the rear of Units 4-8, of up to 1.3m. The theoretical line from the canal bank to the 1.5m access zone (set at 32.45m), would result in a 1 in 2.7 slope which is within the generally accepted gradients, and be the theoretical case during the retaining wall construction phase. Supplementary to the initial assessment above, further consideration and assessment will be undertaken during detailed design relating to the canal and the existing embankment, for both construction stage and the proposed permanent works.

The Canal & River Trust, who are responsible for the management of Swansea Canal, have accepted that the proposed industrial/commercial land use gives less cause for concern than the previous application for a residential development of the land, both in terms of the sensitivity of the end use and the extent of engineering work required. They have requested further investigation of the slope stability and long term maintenance and management of the embankment, both of which can be secured by imposing pre-commencement planning conditions.

Welsh Language

LDP Policy WL1 establishes that industrial and commercial development proposals exceeding 1000sqm within identified language sensitive areas will be required to submit a Language Action Plan, setting out the measures to be taken to protect, promote and enhance the Welsh language. The application is accompanied by a Language Action Plan which states that, due to the 'start-up' target occupiers, it is anticipated that the new industrial units would be occupied/staffed by people local to the Pontardawe area and there would therefore be a mix of English and Welsh speaking staff. Given this and in line with the expectations of policy at the local level, the aim to encourage the use of the Welsh language in the workplace and in interactions with customers, the public and other employees, including signposting new occupiers to the various established Welsh language groups and events that exists in the locality. It is also suggested that naming the new development in Welsh, e.g. Parc Hen Ffordd Ffowndri, would be a tangible way in which the scheme could support the language openly as well as in terms of creating a Welsh sense of place for the development. This can be secured by condition.

In conclusion, it is considered that the proposed development will provide a range and choice of new commercial units in a location already active for that purpose. It will as a result, offer the opportunity for retention and enhancement of local employment opportunities, which in turn will help retain local Welsh speakers in the area, thereby supporting and sustaining the economic and social viability of local facilities and services, including Welsh language and culture. It is therefore considered that the proposed development will not adversely impact upon the linguistic character of the Pontardawe community.

Section 106 Planning Obligations

Local Development Plan Policy SP4 (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”*.

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, no planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Other Matters

Local water and gas utility companies have identified underground assets in the vicinity of the application site which will require further investigation by the developer prior to commencement of any works. However the location of these assets do not appear to be on or near any proposed buildings therefore an advisory note to remind the developer of their separate obligations in this regard is considered to be sufficient.

GGAT have advised that, notwithstanding the historic significance of the site, the construction and subsequent demolition of the foundry means that the ground has

already been disturbed. Therefore they consider it unlikely that the proposals for the application site will encounter any significant archaeological features.

The submitted Renewable Energy Assessment – required by LDP Policy RE2 – concludes that a combination of solar PV and air source heat pumps ('ASHPs') are likely to be the most viable low or zero carbon ('LZC') systems to use based on the characteristics of the site in addition to their cost effectiveness for the carbon savings they provide. These LZC benefits can be secured by condition.

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 development proposal represents an appropriate form of development that would have no unacceptable impact on the character and appearance of the area, residential amenity, highway and pedestrian safety, environmental factors, ecology, Swansea Canal or the Welsh Language. Accordingly, whilst the development fails to accord with Policy H1/LB/32, in all other respects the proposed development is in accordance with Policies SC1, EN6, EN7, EN8, RE2, TR2, BE1, BE3 and WL1 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 – Approval, Subject to conditions.

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:

Drawing no. 1618:PL1-04 Revision B - Proposed Site Plan

1618:PL1 05 - Proposed Block/Layout Plans
1618:PL1-08 - Site Sections
1618:PL1-06 - Proposed Elevations (sheet 1)
1618:PL1-07 - Proposed Elevations (sheet 2)
P:14834_900 Rev.04 - Vehicle Tracking
P:14834/C700 Rev.03 - Vehicle and Pedestrian Site Access Scheme
P:14834_510_Rev.02 - Drainage Concept Plan
1618:PL1 03 -Existing Site Topo Plan
Preliminary Ecological Appraisal (January 2023)
Planning Statement (JPW1985 1 - 24 March 2023)
1618-PAC:DAS -Design & Access Statement
Pre-Application Consultation (PAC) Report (JPW1985 1 - 24 March 2023)
1618:PL:CEMP - Construction Environmental Management Plan
Arboricultural Report (21st July 2019)
Flood Consequence Assessment (February 2023)
Noise Impact Assessment (Reference: 10286/BL)
Renewable Energy Assessment (June 2023)
Welsh Language Action Plan (May 2023)
Air Quality Compendium (May 2023)
Site Investigation Report (12360/RAH/19/SI)
1618-PL1-02 - Analysis Plan
1618-PL1-01 - Site Location Plan

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the erection of any external lighting, a lighting scheme for the site (including lux contour and mitigation to prevent light spillage onto foraging habitats and the adjacent canal corridor) has been submitted to and approved in writing by the Local Planning Authority and any lighting shall be implemented as approved. The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation.

Reason:

To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2017 are adequately protected; and to ensure compliance with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

- 4 Details of a scheme showing integral bat and bird boxes as recommended in Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter installed in accordance with the approved details prior to occupation of the units. The integral bat and bird boxes shall thereafter be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity, and to mitigate to loss of foraging habitats and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 5 As recommended in Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023, gaps must be created in any fencing proposed on site if it would act as a barrier for hedgehogs or other small mammals to commute/forage in the area. Details of this provision shall be submitted to the Local Planning Authority for approval pursuant to condition 25 of this planning permission prior to the installation of any fencing and implemented in accordance with the approved details prior to occupation of the units.

Reason:

In the interests of biodiversity, and to maintain habitat and corridors in accordance with Policy EN7 of the adopted Neath Port Talbot Local Development Plan.

- 6 Prior to the commencement of development, a detailed scheme and method statement for the treatment and disposal of soils affected by any invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be in accordance with current best practice. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason:

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 7 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

Reason:

In the interests of 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.

- 8 Prior to the first occupation of any unit hereby approved, a landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, 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 units, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 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 the trees/scrub on the canal bank shown to be retained in the Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023 and the drawings hereby approved. The approved protection scheme shall include an appropriate buffer to protect root protection zones which must be protected by the erection of suitable protective fencing.

The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

To ensure all existing trees/scrub are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies BE1 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 10 Prior to the commencement of any development a further check and consideration for the presence of Otters within or immediately adjacent to the site shall be undertaken by a suitably qualified ecologist and the findings reported to the Local Planning Authority. If Otters are discovered NRW should be contacted immediately as a licence may be required to continue with the works.

Reason:

To ensure conservation of protected species and their habitats, and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

11 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
- 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.

12 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.

- 13 Prior to commencement of development, details of the proposed excavations, earth movement removal and foundations, including risk assessments and methodology to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 14 Prior to commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction works shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 15 Notwithstanding any other details which may be given in the plans hereby approved, details of all existing and proposed ground levels, including cross-sections from the canal to road level through blocks 4-11 and 12-15 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 16 Prior to the occupation of Units 1-3, an updated Noise Assessment shall be undertaken, the methodology for which shall be first submitted to and approved in writing by the Local Planning Authority prior to construction of these units and which measures the noise output from the intended business occupier(s). The assessment shall include details of how the units can be constructed / adapted so as to provide sound insulation against internally generated noise to protect the residential amenity of neighbouring properties. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with BS 4142:2014 Method for rating and assessing industrial and commercial sound. The sound insulation and attenuation works shall be completed as approved before the use of the building begins and thereafter retained as such in perpetuity.

Reason:

To ensure that the amenities of occupiers of residential properties in the vicinity are protected, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 17 Notwithstanding any other materials details which may be given in the plans hereby approved, prior to their use in the construction of the development, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted, including sample panels of the external materials provided, for the written approval the Local Planning Authority.
The development shall thereafter 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.

- 18 No development shall commence until a 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.

- 19 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

- 20 Notwithstanding any other details which may be given in the plans hereby approved, a scheme indicating the positions, height, design, materials and type of all boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall accord with the requirements of condition 5 of this permission and any gates fronting onto the highway shall be of a type which open inwards only and can be seen through. The boundary treatment(s) shall be completed, as approved, prior to the first beneficial occupation of the units and thereafter retained as such in perpetuity.

Reason:

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

- 21 Prior to development commencing on site, details of the proposed refuse/recycling arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority, which shall include whether it will be a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme. If the local authority's service is to be used then provision must be made for the storage and location of the refuse /recycling receptacles directly adjacent to the public highway and details of this included in the submission. Alternatively, if a private contractor is to be used then the proposed locations of the bin store along with a swept path analysis of the contractors' vehicle accessing the site shall be included in the submission.

Reason:

To ensure the provision of satisfactory refuse/recycling services, in the interests of amenity and highway safety and to accord with Policies BE1 and W3 of the Adopted Neath Port Talbot Local Development Plan.

- 22 Notwithstanding any other details which may be given in the plans hereby approved, prior to commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Construction details for the internal access routes; and
- A scheme for replacing the proposed stepped pedestrian access with a ramped access, including retaining works, gradient and surfacing

The details as approved shall be implemented in their entirety prior to first beneficial occupation of the development and thereafter retained as such in perpetuity.

Reason:

To promote sustainable active travel, in the interest of highway safety and to ensure the development complies with Policies SP20, BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 23 All turning and manoeuvring facilities as annotated on drawing No.14834_900 R04 hereby approved shall be kept free of any vehicles to enable all vehicles facilitating the development to enter and egress from the site in a forward gear.

Reason:

In the interest of highway safety and to ensure the development complies with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 24 Prior to occupation of any of the units, secure cycle parking shall be provided on site in accordance with the plans hereby approved and thereafter retained for use as such in perpetuity.

Reason:

To promote sustainable active travel, in the interests of highway safety and the well-being of future occupiers of the site and to ensure the development complies with Policies SP20, BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 25 Prior to the beneficial occupation of any unit, that unit shall be provided with 3 no. on-plot parking spaces, including electric vehicle charging capacity, in accordance with the site layout plan hereby approved. These parking spaces shall be surfaced in a porous or permeable material, to a maximum gradient of 1 in 9 in order to control surface water. Thereafter these spaces shall be used solely for the parking of vehicles associated with the occupation of the unit to which they form part and their visitors and for no other purpose and shall be permanently retained as such.

Reason:

In the interest of highway safety and to ensure the development complies with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 26 Prior to the first beneficial occupation of the development hereby permitted, 2.4m x 90m visibility splays shall be provided in either direction at the point of access to the site which shall thereafter be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason:

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

- 27 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 12 shall have been 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.

- 28 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.

- 29 The development shall be carried out in accordance with the recommendations in the 'Old Foundry Road Flood Consequence Assessment' hereby approved. Notwithstanding any other details which may be given in the FCA and/or plans hereby approved, the units shall have a flood resilient design to a minimum level of 33.4m AOD and a minimum finished floor level of 33.95m AOD.

Reason:

To minimise and manage the risk of flooding to an acceptable level.

- 30 The development hereby approved shall be carried out strictly in accordance with the recommendations of the 'Old Foundry Road Welsh Language Action Plan' hereby approved. For the avoidance of doubt this recommends that occupiers take positive steps to:

- encourage the use of the Welsh Language in the workplace and in interactions with customers, the general public and other employees;
- signpost occupiers to existing Welsh Language groups and events in the local area; and
- name the overall development in the Welsh Language, e.g. Parc Hen Ffordri

Reason:

To preserve the historic and cultural heritage of the Welsh Language in the local area and to comply with Policies SP21, SP22 and WL1 of the Adopted Neath Port Talbot Local Development Plan.

- 31 The development shall be carried out in accordance with the conclusions of the 'Renewable Energy Assessment' hereby approved. For the avoidance of doubt this confirms that the site/development is suitable for Solar PV and Air Source Heat Pumps to be used as effective Low and Zero Carbon Technologies within the scheme. Construction and specification details of these LZCs shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall thereafter only be carried out in

accordance with the approved details. The approved LZCs must be installed prior to occupation of the units and thereafter retained as part of the development in perpetuity.

Reason:

To enable the development to make a positive contribution towards increased energy generation from renewable and low carbon sources, in the interests of protecting the environment and amenity of the local area and to comply with Policies SP18 and RE2 of the Adopted Neath Port Talbot Local Development Plan.

- 32 Prior to occupation of any of the units, gigabit capable broadband infrastructure from the site boundary to the units hereby permitted shall be provided on site in accordance with the plans hereby approved and thereafter retained as part of the development in perpetuity.

Reason:

To support the roll-out of digital communications infrastructure and to comply with Policy 13 of Future Wales: The National Plan 2040.

Regulatory Conditions

- 33 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended for Wales)(or any order revoking and re-enacting that Order with or without modification), use of the units hereby approved shall be restricted to B1 only with no B2 or B8 uses permitted unless and until the following has first been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any B2 or B8 uses:

- an updated Air Quality Assessment to identify potential air pollution sources, the methodology for which shall be first agreed in writing by the Local Planning Authority prior to the Assessment being undertaken;
- a description of baseline conditions and any air quality concerns affecting the area, and how these could change both with and without the proposed B2 and B8 uses;
- the assessment methods to be adopted and any requirements for the verification of modelling air quality;
- acceptable mitigation measures to reduce or remove adverse effects; and
- measures that could deliver improved air quality.

Development of any B2 and B8 uses shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure that the amenities of occupiers of properties in the vicinity are protected from further erosion of air quality in this area, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 34 Notwithstanding the provisions of Class A of Part 2 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), unless expressly granted by condition 20 of this permission, no further fences, gates or walls or other means of enclosure shall be erected around the perimeter of the site or within or around the curtilage of any individual unit without the prior, express planning permission of the Local Planning Authority.

Reason:

In order to safeguard the visual amenity of the area and highway safety by enabling the Local Planning Authority to consider whether planning permission should be granted for such enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1, TR2 and SC1 of the Neath Port Talbot Local Development Plan.

- 35 Notwithstanding the provisions of Class B 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 external extraction equipment, plant or machinery shall be installed on the site/units without the prior express grant of planning permission from the Local Planning Authority.

Reason:

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

- 36 The development shall be carried out strictly in accordance with the Construction Environmental Management Plan (1618:PL:CEMP) hereby approved.

Reason:

In the interest of highway and pedestrian safety, the environment, and to ensure accordance with Policies BE1, EN8 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 37 The means of vehicular access to the units/development hereby approved shall be from Old Foundry Road only, with pedestrian and/or bicycle access only permitted from Holly Street.

Reason:

In the interests of highway safety and the amenity of adjoining residential properties and to ensure the development complies with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.