



PWYLLGOR CYNLLUNIO

10.00 AM - DYDD MAWRTH, 7 GORFFENNAF 2020

O BELL TRWY TEAMS

RHAID GOSOD POB FFÔN SYMUDOL AR Y MODD DISTAW AR GYFER PARHAD Y CYFARFOD

Rhan 1

1. Datganiadau o fuddiannau
2. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

Adroddiad/au Pennaeth Cynllunio a Diogelu'r Cyhoedd

Adran A - Materion i'w Penderfynu

Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth

3. Cais Rhif. P2020/0415 - Ysgol Ystalyfera (*Tudalennau 5 - 22*)
Codi adeilad ystafell ddosbarth deulawr a gwaith cysylltiedig ar dir yn Ysgol Gymraeg Ystalyfera, Glan yr Afon, Ystalyfera.
4. Cais Rhif. P2020/0406 - 50 Commercial Road, Tai-bach (*Tudalennau 23 - 40*)
Cynnig i newid yn rhannol ddefnydd o siop (Dosbarth Defnydd A1) a fflat llawr cyntaf (Dosbarth Defnydd C3) i Dŷ Amlfeddiannaeth (HMO) i bum person (Dosbarth Defnydd A1), ynghyd â newidiadau i ffenestriad y prif adeilad a'r tŷ allan yn 50 Commercial Road, Tai-bach SA13 1LG.

5. Eitemau brys
Any urgent items at the discretion of the Chairman pursuant to
Section 100B(4)(b) of the Local Government Act 1972.

S.Phillips
Prif Weithredwr

Canolfan Ddinesig
Port Talbot

Dydd Mercher, 1 Gorffennaf 2020

Aelodaeth Pwyllgor:

Cadeirydd: S.Paddison

Is-Gadeirydd: S.Pursey

Aelodau: Councillors C.J.Jones, D.Keogh, R.Mizen,
S.Bamsey, R.Davies, S.K.Hunt, A.N.Woolcock,
C.Williams, S.Renkes a/ac M.Protheroe

Aelod Cabinet: Councillor A.Wingrave

Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio

Mae gan y cyhoedd hawl i fynd i'r cyfarfod ac annerch y pwyllgor yn unol â gweithdrefn gytunedig y cyngor sydd ar gael yn www.npt.gov.uk/planning.

Os hoffech siarad yn y Pwyllgor Cynllunio ynghylch cais yr adroddwyd amdano i'r pwyllgor hwn, mae'n rhaid i chi:

- Gysylltu â'r Gwasanaethau Democrataidd yn ysgrifenedig, naill ai drwy'r post yn: Y Ganolfan Ddinesig, Port Talbot SA13 1PJ, neu'n ddelfrydol drwy e-bostio: democratic.services@npt.gov.uk.
- Sicrhau eich bod yn gwneud eich cais i siarad ddau ddiwrnod gwaith cyn dyddiad y cyfarfod fan bellaf (erbyn 2pm ar y dydd Gwener blaenorol os yw'r cyfarfod ar ddydd Mawrth).
- Nodi'n glir rif yr eitem neu'r cais rydych am siarad amdani/o a chadarnhewch a ydych yn cefnogi'r cais neu'n ei wrthwynebu.

- Rhoi eich enw a'ch cyfeiriad (a fydd ar gael i'r cyhoedd oni bai fod rhesymau penodol dros gyfrinachedd).

Sylwer, dim ond un person sy'n gallu siarad ar ran pob 'categori' ar gyfer pob cais h.y. y gwrthwynebydd, y cefnogwr, yr ymgeisydd/asiant, y Cyngor Cymuned/Tref. Ceir manylion llawn yng ngweithdrefn gytunedig y cyngor.

Yn ogystal, os yw gwrthwynebydd yn dymuno siarad, hysbysir yr ymgeisydd/asiant gan y cyngor.

Os ydych yn dymuno trafod unrhyw agwedd ar siarad cyhoeddus, ffoniwch dîm y Gwasanaethau Democrataidd ar 01639 763313.

Cyflwyno sylwadau ar geisiadau cynllunio yr adroddir amdanynt i'r pwyllgor

Os ydych yn dymuno cyflwyno sylwadau ar gais a gyflwynir i'r Pwyllgor Cynllunio hwn, sylwer bod rhaid i'r Adran Gynllunio dderbyn y rhain erbyn 2.00pm ar y dydd Gwener cyn cyfarfod y pwyllgor fan bellaf (yn seiliedig ar y cyfarfod dydd Mawrth arferol). Os nad yw'r cyfarfod ar ddydd Mawrth, dylid eu derbyn erbyn 2.00pm ar y diwrnod gwaith olaf ond un cyn y Pwyllgor Cynllunio fan bellaf.

Caiff sylwadau a dderbynnir yn unol â phrotocol y cyngor eu crynhoi a, lle y bo'n briodol, gwneir sylwadau arnynt ar ffurf Taflen Ddiwygio, a ddsberthir i aelodau'r Pwyllgor Cynllunio drwy e-bost ar y noson cyn cyfarfod y pwyllgor, a'i chyflwyno ar ffurf copi caled yn y cyfarfod.

Mae'r dudalen hon yn fwriadol wag

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2020/0415	<u>DATE:</u> 21/05/2020
PROPOSAL:	Construction of two storey school classroom building and associated works.
LOCATION:	Land At Ysgol Gymraeg Ystalyfera, Glan Yr Afon, Ystalyfera
APPLICANT:	Director Of Education, NPTCBC
TYPE:	Full Plans
WARD:	Ystalyfera

SITE AND CONTEXT

The application site lies within the existing boundaries of Ysgol Gyfun Ystalyfera. The school has a frontage onto Glan Yr Afon to the east, and bounds the rear of properties on Ynysydarren Road to the west. To the north lie further residential properties on St Davids Road, and to the south lies an area of open space/playing fields, and further housing and sheltered housing.

BACKGROUND TO NPTCBC 21ST CENTURY SCHOOLS PROGRAMME AND STRATEGIC OVERVIEW

Members will be aware that the Authority has a wider strategic schools improvement programme, and to understand the context of this development a brief overview of the strategy and how this proposal links into that programme is set out below.

This application is for the relocation of the existing single form entry Welsh medium primary school Ysgol Gynradd Gymraeg Y Wern to the existing comprehensive school site of Ysgol Gyfun Ystalyfera, phase 2 of the school redevelopment.

Phase 1 was granted planning permission in February 2015. (P2014/1175). The first 2 phases of development form part of the Authority's Band A 21st Century schools programme. A further phase of the development provided a new lower school element for ages 3-11 on this site to accommodate up to 210 pupils and create a new "all through" Welsh medium school for this area. P2016/1090, approved in 2017, and now operational.

Members will also be aware that the demolition of the existing admin block on the site of the proposed lower school building has already been granted prior approval in November 2016.

DESCRIPTION OF DEVELOPMENT

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

The two storey school building is located to the north western corner of the wider school site. The building will comprise classrooms, canteen, a hall and activity studio alongside ancillary facilities. The layout of the building has been designed to reduce the potential for overlooking on properties to the west of the site ensuring a distance of 11m is kept between their curtilage and the building. The layout also incorporates area of hard and soft landscaping.

NEGOTIATIONS

As a 'major' development, the applicant undertook formal public consultation in accordance with the Town and Country Planning (Development Management Procedure)(Wales) (Amendment) Order 2016, and has provided a Pre-Application Consultation Report (PAC) setting out those responses, and how these have been addressed within the final submission.

PLANNING HISTORY

The application site has the following recent planning history: -

- P2014/1175 Demolition of existing 2/3 storey teaching block and construction of new 2/3 storey teaching block- Approved- 3/2/15
- P2015/0400 Details pursuant to the discharge of condition 4 (construction management plan) of planning permission P2014/1175- Approved- 11/06/15
- P2015/0450 Details pursuant to the discharge of condition 9 (Land contamination remediation) of planning permission P2014/1175- Approved- 23/7/15

- P2015/0947 Details pursuant to the discharge of condition 2 (external materials) of planning permission P2014/1175- Approved- 5/1/16
- P2016/0858 Details pursuant to the discharge of condition 3 (lighting) of planning permission P2014/1175- Approved- 11/10/16
- P2016/0961 Prior notification for the demolition of school admin block- Prior approval not required- 23/11/16
- P2016/1090 Construction of a 2 storey school building (for pupils age 3-11) together with associated parking, playground facilities, lighting and landscaping, plus highway works. Approved- 31.01.2017

CONSULTATIONS

Architectural Liaison Officer SW Police- No Objection, advice provided.

Head of Engineering and Transport, Highway Section- No objection, subject to conditions.

Head of Engineering and Transport, Drainage Section- No Objection, subject to conditions.

Contaminated Land - No Objection, subject to conditions.

Biodiversity Unit –No Objection, subject to conditions.

REPRESENTATIONS

The neighbouring properties were consulted on 22nd May 2020, with site notices also displayed on 22nd May 2020. The application was also advertised in the press on the 27th May 2020.

In response, to date no representations have been received.

REPORT

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

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

Local Planning Policy

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

Strategic Policies

- **Policy SP3** Sustainable communities
- **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 SP22** Welsh Language

Topic based Policies

- **Policy SC1** Settlement limits
- **Policy BE1** Design
- **Policy TR2** Design and Access of New Development
- **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 development
- **Policy W3** Waste management in new development.

Supplementary Planning Guidance:

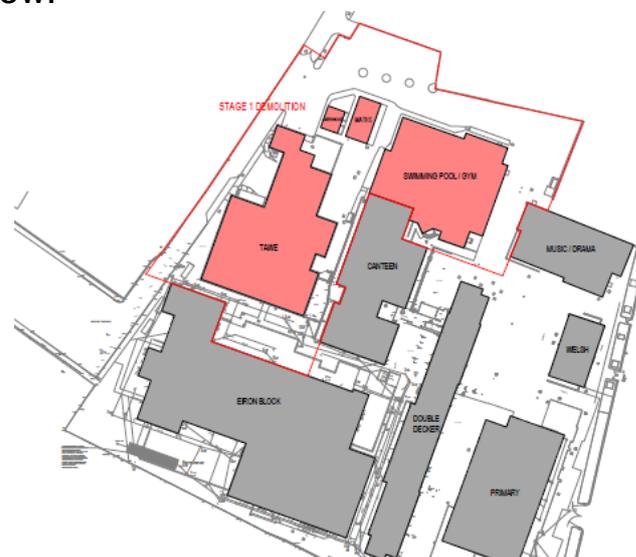
The [Parking Standards SPG](#) approved in October 2016 is also of relevance to this application.

Issues

Having regard to the above, the main issues to consider in this application relate to the impact on the visual amenity of the area, the amenities of neighbouring residents, highway and pedestrian safety, land contamination, impacts on welsh language and ecology.

Principle of Development

The application site lies within the wider curtilage of the existing school, and will replace buildings proposed for demolition, as identified in pink on the plan below.



Impact on Residential Amenity

The proposed development lies in a similar location as the existing buildings to be demolished, running parallel with the internal access road that runs to the rear of those properties adjoining the site.



The footprint of the building shown on the plan on the left, with the existing buildings to be demolished on the right, highlights how the reduction on floor space, accommodates additional areas of open space and play area.

Educational facilities are a key aspect of the character and appearance of the area. Other than the existing school the surrounding area is predominantly comprised of residential dwellings with complementary uses. The architecture within the surrounding area has no notable features with properties generally two storeys in height.

The proposed building is comprised of contemporary materials similar to those used in the earlier phases of the school sites redevelopment. The scale of the building is considered to be appropriate to the character of the area and will be smaller in scale compared to the former school building.

The site has residential dwellings directly adjoining the western boundary. The design and layout of the building has been sympathetically designed to ensure there is no detrimental impact to residential properties. The appropriate separation distances are included between the curtilage of residential properties and the

proposed school building while the site's boundary treatments will ensure a level of screening and privacy is maintained for the properties.

The proposed building will be replacing a former school building which is considered to demonstrate that the site can accommodate a school building with no detrimental impact towards surrounding residential amenities. Overall given the nature of typical school hours running between approximately 8:30am – 3:30pm it is considered that the impact towards existing residential properties in relation to their privacy and amenity will be negligible.

Therefore the proposal is considered to maintain the privacy and amenity of adjacent residential dwellings given the distance between the proposed building alongside the general school operational hours. The proposal is therefore compliant with PPW10, Technical Advice Note 12 and Policies SP3 (Sustainable Communities), SC1 (Settlement Limits), SP4 (Infrastructure) and BE1 (Design) of the LDP.

Parking and Access Requirements and Impact on Highway Safety

The proposal does not comprise any new parking or vehicular access arrangements as it will utilise the schools existing facilities. The proposals comprise the replacement of buildings which are no longer fit for purpose and is not intended to facilitate any increase in pupil numbers over and above the existing capacity so there will be no substantive increase in traffic generation as a consequence of the development.

In reality pupil and staff numbers on the Ystalyfera site will gradually reduce over the next three years to 650 pupils Yr 7-11, (Currently approx. 750 pupils). This reduction is primarily due to the opening of Ysgol Gymraeg Bro Dur, the school's south campus, which now provides Welsh Medium education for pupils from the South of the CBC. Although this will mean a reduction in pupil numbers, it will also mean fewer school buses, as the only pupils who will continue to travel from the south of the CBC, Neath, Port Talbot etc. will be senior pupils in Years 11-13. From Sept 2021 only pupils in the Sixth Form will travel from the South, this will see a further reduction in numbers of school buses on site.

The Head of Engineering and Transport, offers no objection subject to conditions.

Biodiversity / Ecology

Prior approval has previously been granted for the demolition of the existing buildings to make way for the development. Extensive Bat surveys have been undertaken and mitigation proposed within those documents which will be incorporated. A European Protected Species Licence has been granted for the demolition of the buildings and is dealt with outside of this planning application.

The ecology report undertaken identifies that the combination of desk study and field surveys undertaken at the site identified a limited range of habitat types dominated by, hard standing and buildings, with small areas of amenity grassland, planted shrubs and two trees making up the soft landscaping. With exception to the two mature Lime trees, the intrinsic ecological value of the habitats present on site is considered to be low. On that basis, trees should be the only features considered to be retained as far as practicable as they contribute to the maintenance of the limited habitat connectivity within and adjacent to the site.

The tree survey undertaken at the site identifies 3 trees (1 x category A and 2 x category B trees) within the site boundary. The report recommends the trees to be retained and are being retained as part of the proposal. The tree protection plan demonstrates that root protection areas of the trees will not be encroached.

The Biodiversity unit offer no objection subject to conditions regarding landscaping and artificial nesting for birds.

As such the proposal is compliant with Policies SP15 (Biodiversity and Geodiversity), EN6 (Important Biodiversity and Geodiversity Sites), EN7 (Important Natural Features) and SP16 (Environmental Protection).

Drainage

From 7th January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more required sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. This SAB consent process lies alongside, but separate to the planning process.

The Head of Engineering and Transport, Drainage Section, have clarified that this approval process will be required for this development.

Contaminated Land

The applicant has provided a Preliminary Risk Assessment / Desk Study (Q022/PRA) in support of the application, and clearly as the existing buildings will need to be demolished to undertake further investigation, these highlight the need for further assessment.

The development site is surrounded by sensitive receptors and historic data identifies historic land uses which could impact the proposed development site, previous land uses indicate possible issues with ground gas in particular VOCs.

The Land Contamination Section agree with recommendations made in the Preliminary Risk Assessment / Desk Study (Q022/PRA) that a follow up Phase II; Quantitative Risk Assessment / Site Investigation should be conducted, therefore they offer no objection, subject to conditions.

Energy

The applicant has provided an energy assessment as part of the application documents to address the client's aspirations for Breeam Excellent accreditation, and also to address Policy RE2 of the Local Development Plan. The applicant assess potential renewable energy propositions, but to achieve the required year round Breeam standard necessary, and the fact that this proposal relates to a new block on an existing site, with existing energy infrastructure, rather than a new build school, the most efficient way of achieving the clients aspirations are through the latent energy reduction of the fabric of the building.

Waste

Policy W3 of the Local Development Plan relates to the management of waste in new development, so both during the construction process, and post construction through the day to day operation of the site.

The applicant has submitted a waste management plan for the development at this stage, stating that waste will be stored, but segregated for recycling, within designated skips or receptacles on the site. A waste management plan for the development would however be required prior to first use, for the operation of the development.

Welsh Language.

Policy SP22 of the Neath Port Talbot Local Development Plan sets out to safeguard and promote the Welsh language in language sensitive areas.

The LDP states that “on the whole, Neath Port Talbot has a lower percentage of Welsh language speakers compared to the Welsh average. There are however, areas within the County Borough where the language is an integral part of the social fabric and an important element of day to day life. While these areas contain very high levels of Welsh speakers, the erosion of the language in recent years has become a great concern within these communities.

Previously, the former Welsh Language Board identified and designated a 'Language Development Area' in Neath Port Talbot which included the communities of Lower Brynamman, Gwaun Cae Gurwen, Cwmllynfell, Ystalyfera and Godre'r Graig. This area is of special linguistic significance, as the main language of daily life is Welsh. As a result of socio-economic factors however, the integrity of the language is under threat.

In addition, there are a number of other communities where a high proportion of the population speak Welsh and the language in these communities is also considered an intrinsic part of daily life. The strategy therefore seeks to protect the integrity of the Welsh language within the areas identified in the policy, where 25% or more of the population speak the language.”

The investment into turning this site into a 21st century through school for children of all ages within the catchment to receive education in Welsh clearly goes a long way in delivering and addressing the issues raised by this Policy objective. Whilst it is accepted that this phase of the development is a replacement of an existing facility, the overall phased redevelopment of this site, will ensure that Welsh medium education and the facilities provided will be maintained within this area.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless

material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011–2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on residential amenity, visual amenity, highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies BE1, TR2, EN6, EN7 & EN8 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies 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 Approve subject to conditions

Time Limit Conditions

1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason

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

List of Approved Plans

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

YGY-LAW-X-X-DR-A-062001_Proposed Elevations_P02

YGY-LAW-X-X-DR-A-040001_Proposed Site Demolition_P02

YGY-LAW-X-R01--DR-A-061003_Proposed Roof Plan_P01

YGY-LAW-X-X-DR-A-063001_Proposed Sections_P01

YGY-LAW-X-X-DR-A-069001_Proposed Site Plan_P02

YGY-LAW-X-U01-DR-A-061002_Proposed First Floor Plan_P02

YGY-LAW-X-G00-DR-A-061001_Proposed Ground Floor Plan_P02

APP3 SK03 - Site Delivery & Access Route Rev 1

APP7 - Construction Method Statement - Site Set up Logistics Rev 01

Construction Management Plan Rev 13 (as superseded in part by APP3 SK03 and APP7)

Site Waste Management Plan Rev 13

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.

4 Prior to any development taking place a drainage scheme/statement shall be submitted which shows the measurements are undertaken and implemented on site during the construction phase, that mitigate surface and ground water migration and displacement from causing a flooding nuisance and adversely affecting adjoining land and land downstream. This scheme as approved shall be fully implemented on site throughout the construction phase.

Reason

In the interests of amenity and pollution control and Policies EN8 of the 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
- 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.

Action Conditions

7 The applicant shall ensure strict compliance with the Construction Management Scheme and shall ensure that deliveries and construction vehicles shall access the site via the A4067 and enter St David Road only. In accordance with CMS dwg Nr SK/03 Rev 1 submitted on the 11/06/2020 throughout the construction phase.

Reason

In the interests of Highway and pedestrian safety, and Policy TR2 of the Local Development Plan.

8 Prior to any development of the superstructure of the building hereby approved, samples of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with these approved details.

Reason

In the interests of visual amenity, and Policy BE1 of the Local Development Plan

9 Prior to any external lighting being installed on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include all external lighting and security lighting together with lux levels and light spillage plans. The scheme as approved shall be fully implemented in accordance with these approved details, and retained as such thereafter.

Reason

In the interests of amenity, and Policy EN8 of the Local Development Plan.

10 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 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.

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 the first use of the development hereby approved a scheme shall be submitted to and approved in writing by the Local Planning Authority for a footway on the new build side of the highway within the site, to provide safe refuge for pupils, visitors and staff, whilst sustaining or allowing for a minimum of 3.7m width carriageway for buses, cars and emergency services. This scheme as approved shall be fully implemented on site prior to the first use of the development, and retained as such thereafter.

Reason

In the interests of Highway and Pedestrian safety, and Policy TR2 of the Local Development Plan.

13 Prior to the first use of the development hereby approved, an updated travel plan for the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include a monitoring regime that shall commence from first beneficial use of any building. Full monitoring shall be undertaken in the 1st, 3rd and 5th year, with an interim report in the 2nd and 4th year. After five years of operating the first travel plan, a further travel plan shall be submitted for approval by the local planning authority addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.

Reason

In the interests of Highway and Pedestrian safety, and Policy TR2 of the Local Development Plan.

14 Prior to the first use of the development hereby approved, full details of landscaping containing a majority of native and/or wildlife friendly species shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason

In the interests of Biodiversity, and to accord with Policy EN6 & EN7 of the Local Development Plan.

15 Prior to the first use of the development hereby approved a scheme for artificial nesting for birds shall be submitted to and approved in writing by the Local Planning Authority. Provision can be made in the form of manufactured bird bricks incorporated into the fabric of the building or artificial nest boxes placed on the outside of the building. The scheme as approved shall be implemented prior to the first use of the development and retained as such.

Reason

In the interests of biodiversity, and to accord with Policy EN6 & EN7 of the Local Development Plan.

16 Prior to first use of the development a operational Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the operational waste plan and the plan shall be implemented as approved.

Reason:

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

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2020/0406	<u>DATE:</u> 14/05/2020
PROPOSAL:	Proposed part change of use of shop (Use Class A1) and first floor flat (Use Class C3) to a five-person House of Multiple Occupation (HMO) (Use Class C4), together with alterations to fenestration to main building and outbuilding
LOCATION:	50 Commercial Road, Taibach SA13 1LG
APPLICANT:	Mr Job Gutteling
TYPE:	Full Plans
WARD:	Taibach

BACKGROUND INFORMATION

This application was requested by Cllrs Taylor (Ward Members) on 05/06/2020 to be determined at Planning Committee due to concerns with regard to the effect such proposals would have on the character of the area, the additional demands that a HMO would create situated in the retail centre, and lack of parking provision.

The 'call-in' Panel agreed that the application be determined at Planning Committee on the requested grounds.

SITE AND CONTEXT

The application site is located at 50 Commercial Road, Taibach.

The application site comprises a two-storey mid-terraced property currently used as a retail premises on the ground-floor with first-floor flat above. There is a two-storey detached outbuilding at the rear of the property.

The site is bounded by Commercial Road (A48) to the north, a Post Office with accommodation above to the east, a rear access lane to the south and a hot-food take-away with accommodation above to the west. The site is located within the Taibach District Centre, as defined by Policy R2/1.

DESCRIPTION OF DEVELOPMENT

This is a full planning application for the part change of use of the existing shop (Use Class A1) and first floor flat (Use Class C3) to a five-person House of Multiple Occupation (HMO) (Use Class C4), together with alterations to fenestration to main building and outbuilding.

It is noted from the plans that the existing ground-floor comprises a retail unit (approximately 86.9m² floor-space) at the front part, with office, lobby and outdoor WC to the rear. To the first-floor there is an existing 2-bedroom flat with outdoor decking. Within the rear yard there is a two-storey outbuilding comprising garage at ground-floor with pull-down stairs to a storage area above.

The proposed works involve the part change of use of the ground-floor from retail to HMO to create an access corridor through the former retail area (retaining approximately 50.5m² of floor-space), together with the creation of a new kitchen, lounge and bathroom area serving the new HMO. A new office and WC would also be created for the retail element.

To the first-floor internal alterations would create 5-bedrooms within the HMO plus a shower-room. There will also be minor alterations to the existing fenestration, and the removal of the outside decking area.

In respect of the existing outbuilding it proposes to retain part of the ground-floor as a car parking space, with the remainder turned into a secure bike and bin store (with new access door from the rear), with storage area to be retained on the first-floor.

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

NEGOTIATIONS

Not Applicable.

PLANNING HISTORY

The application site has the following relevant planning history: -

- P1979/2599 Change of Use – Office to Shop. Approved 11/07/79.

CONSULTATIONS

Head of Engineering & Transport (Highways): No objection.

Air Quality Section: No objection.

Environmental Health Section: No objection.

Contaminated Land Section: No objection, subject to a condition.

Natural Resources Wales: No objection.

REPRESENTATIONS

The neighbouring properties were consulted on 14/05/2020 with a site notice also displayed on 14/05/2020.

In response, to date 1 no. representation has been received, with the issues raised summarised as follows: -

- Concerns over the introduction of an HMO in a commercial area – especially as they cause problems with neighbour nuisances, rubbish dumping etc.
- Concerns with 5 separate tenants sharing facilities.
- Concerns regarding parking, which is already difficult, for another 5 users (and potentially partners) could mean an additional 10 cars.
- Concerns regarding potential overlooking – particularly from the first-floor window to the outbuilding, which could also result in people throwing items into the neighbouring property.

REPORT

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

National Planning Policy:

[Planning Policy Wales](#) (Edition 10) was extensively revised and restructured at the end of 2018 to take into account the themes and approaches set out in the Well-being of Future Generations (Wales) Act 2015, and to deliver the vision for Wales that is set out therein.

PPW10 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision making process.

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

- Technical Advice Note 12: Design
- Technical Advice Note 15: Development and Flood Risk

Local Planning Policies

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

Strategic Policies:

- **Policy SP7** **Housing Requirement**
- **Policy SP12** **Retail**
- **Policy SP20** **Transport Network**

Topic Based Policies:

- **Policy SC1** **Settlement limits**
- **Policy SC2** **Protection of Existing Community Facilities**
- **Policy R2** **Proposals Within Retail Centres**
- **Policy TR2** **Design and Access of New Development**
- **Policy BE1** **Design**

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- [Parking Standards \(October 2016\)](#)
- [Design \(July 2017\)](#)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of the development at this location, together with the impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

Background Information

As background, it is of note that in February 2016 the Welsh Government introduced changes to the Town and Country Planning (Use Classes) Order to create a new use class for Houses in Multiple Occupation (HMO) (Class C4). The Use Class C4 in broad terms covers shared houses or flats occupied by between three and six unrelated individuals who share basic amenities, such as the proposals set out within this submission.

The change to the Use Classes Order therefore served to bring the change of use of dwellings (which fall in Class C3) to HMO's within the control of Planning Authorities by making such changes subject to planning permission. The reason for the change in the Use Class Order followed a recognition that, in some parts of the Country, the number of HMOs within an area was having an adverse impact upon the character of an area.

Having regard to the above, it is acknowledged that concentrations of HMOs can, in some instances, lead to a range of cultural, social and economic changes in a community and that high concentrations have the potential to create local issues. The Council does not, however, have any specific local Policies aimed at preventing the spread of HMOs at present. This is due largely to the absence of any significant historical issue in the area, and the introduction of the C4 Use Class post adoption of the LDP.

Evolving National Policy Context

Welsh Government has issued [Planning Policy Wales](#) Edition 10 in December 2018 in a substantially revised form developed around the goals embodied in the Well-being of Future Generations (Wales) Act 2015.

This includes a significant emphasis on placemaking and the creation of sustainable places and their role in improving the wellbeing of communities. Indeed, PPW10 emphasises that one of the “Key Planning Principles” is “Creating & sustaining communities”, noting that:

“The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”

It goes further to add that Social Considerations include:

- who are the interested and affected people and communities;
- how does the proposal change a persons way of life, which can include:
 - how people live, for example how they get around and access services;
 - how people work, for example access to adequate employment;
 - how people socialise, for example access to recreation activities; and
 - how people interact with one another on a daily basis
- who will benefit and suffer any impacts from the proposal;
- what are the short and long-term consequences of the proposal on a community, including its composition, cohesion, character, how it functions and its sense of place; and
- how does the proposal support development of more equal and more cohesive communities.

When referring to housing (at 4.2.1), PPW also emphasises the need for Councils to *“make informed development management decisions that focus on the creation and enhancement of Sustainable Places”*. In this regard, it is considered that Planning has an important role in ensuring

not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

Evolving Local Context

Although it is emphasised that it is not directly relevant to this Authority or its decisions, it is also of note that the City & County of Swansea (CCS) adopted its LDP in February 2019, which now includes a HMO Policy, accepted by the LDP Inspectors, and based on local background evidence, notably a report by an independent company called Lichfields.

That background evidence report, while focussing on CCS, is nevertheless of relevance insofar as it identifies the wider national context.

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services.
- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

The analysis undertaken by Lichfields identified a correlation between areas with high densities of HMOs and community cohesion issues. These negative impacts were summarised as:

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;

3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

As a consequence of this research, CCS now has an adopted HMO Policy in their LDP. However, the complexity of assessing whether any proposed change of use has a harmful impact on local character or community cohesion is demonstrated by the varying criterion in their Policy, which includes a requirement (outside of their HMO Management areas – these being existing areas of high HMO concentration) for any proposal not to result in more than 10% of all residential properties within a 50m radius of the proposal being HMOs, and within ‘small streets’ for a proposal to not “create a disproportionate over-concentration of HMOs within that street”. In addition to specifying % rates within designated areas, the policy also requires an assessment of whether the development would have an unacceptable adverse impact caused by noise nuisance and general disturbance.

The supporting text to their Policy is also relevant to a wider understanding of the issue, insofar as it emphasises that there is a need for future HMO provision to be managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. These objectives are equally pertinent to consideration of this application.

It also emphasises that “National research has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can ‘tip’ from a balanced position

in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

Assessment of Current Application

While it is again emphasised that the CCS Policy context described above is not directly relevant to this assessment, the approach itself is considered to have merit insofar as it is an evidence-based approach that provides a robust rationale for applying a 10% threshold for all areas outside their HMO Management Area. This does not mean, however, that anything over 10% is unacceptable or harmful as a matter of principle - given the need to still demonstrate the harm of such concentrations and the absence of a policy within NPT.

In the absence of a HMO Policy, this application has to be determined in line with current LDP Policies. In this respect, it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a Class C4 HMO use as part of a mixed retail use rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts. This includes consideration of any potential wider impacts on local character and social / community cohesion created by Class C4 uses, as well as other amenity / highway issues.

The wider assessment of the principle, however, should have regard to the Local and National context described earlier, and it is especially notable that there is a need for this Authority to ensure that the years where there is a 'policy vacuum' between the adoption of our current LDP (in January 2016) and conclusion of the review (commencing 2020 and adoption in 2024) is not taken advantage of by developers to the extent that applications are progressed incrementally to the point where the character and cohesion of the local area could be irreparably harmed.

Within this context, based on the information accessible to the Council, whilst there are 9 properties along the length of the street/block within which the application site is located, none of them are currently occupied as HMOs. It should be noted that Policies or SPGs adopted by other authorities, including Swansea, have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone. In this case there are no other known HMOs within the zone (as shown on the plan below).



Having regard to the guidance in PPW (4.2.1), which emphasises the need for Councils to “*make informed development management decisions that focus on the creation and enhancement of Sustainable Places*”, it is considered that Planning has an important role in ensuring not only that new development creates places, and communities, but also that existing communities are protected and enhanced, and that cohesive communities are retained.

In this respect, while it is noted that there is often concern in the local community about the potential impact of HMOs on local character and social cohesion, there is no known HMO issue in this area, such that even in the absence of a specific HMO Policy within the LDP, there are no grounds to refuse this application relating to the impact on local character or community cohesion.

Turning to Policy R2 specifically, it is noted that the application site is located within the Taibach District Centre. Policy R2 would therefore apply. This Policy states:

“1. Within the designated retail centres, uses that would enhance the vitality, viability and attractiveness of the centre, including uses in classes A and D will be permitted where:

(a) The proposal integrates with and strengthens the layout, retail character and pedestrian flows of the centre; and

(b) Does not prejudice the effective use of upper floors; and

(c) Maintains a vibrant and attractive shopping street frontage.

2. Proposals for the redevelopment or conversion within a retail centre of retail, commercial, leisure or community premises to ground floor uses not complying with point 1 of this policy will only be permitted where:

(a) It is demonstrated that the existing use is no longer viable or appropriate in the location; and

(b) The proposal would not result in the loss of a supermarket, shop, café or public house which is important in terms of providing facilities to serve the community;

Or:

(c) The proposal would result in the redevelopment of derelict, unsightly, underused and vacant land / premises for alternative uses which would have significant social, community or regeneration benefits.

3. Within the designated Primary Shopping Streets in Neath and Port Talbot town centres, ground floor uses other than Class A1 (Shops) will only be permitted where:

(a) The proposal falls within Class A2 (Financial and Professional Services) or Class A3 (Food and Drink); and

(b) The proposal does not result in the over-dominance of any non-A1 use; and

(c) The proposal on its own and/or in combination with other proposals and commitments does not lead to:

(i) A material adverse effect on the retail function of the Primary Shopping Streets; or

(ii) A material reduction in the number and distribution of shop premises within the retail frontage that it will occupy and within the Primary Shopping Streets as a whole.

4. Within the district and local retail centres, proposals that would result in the over dominance of one use to the detriment of the vitality, viability and attractiveness of the retail centre will be resisted”.

The proposal includes works affecting an existing retail unit within a designated retail centre. The Policy states that such proposals will only be permitted where the existing use is no longer viable and would not result in the loss of a super market/shop or other such community facility.

The Business Rates Section has confirmed that the retail element has been closed since 31st August 2017. Although the proposal would result in the reduction in retail area from 86.9m² to 50.47m² (36.4m² reduction) as the retail element will be retained as part of the proposal and enhanced with an improved office and W/C and refurbished shop-front, it is considered that the proposal would not proposal to create an HMO to the rear of the currently-vacant shop and at the first-floor would comply with the requirements of Policy R2 and is therefore acceptable in terms of this Policy.

Finally, in respect of Policy SC2 (Protection of Existing Community Facilities), it should be noted that there would be a small reduction in the retail floor-space. However, as the A1 use (which is currently vacant and has been since 2017) would be retained on the ground-floor, it is considered that there would not be a loss of a facility and as such, the proposal would comply with the requirements of this Policy.

Impact on Visual Amenity

It is noted that the proposal would enhance the appearance of this property, which is currently vacant (and has been since 2017), with replacement windows and a refurbished shop-front etc. Furthermore, there would be minor changes to the fenestration to the rear elevation to facilitate the conversion, as well as the introduction of a new access door to the rear elevation of the outbuilding. In this respect, it is considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene.

Impact on Residential Amenity

In respect of potential overlooking, it is noted that the only additional (new) window would serve the first-floor shower-room. However, as that would face into the existing rear extension of Number 48 (which has no windows), it is considered that the proposal would not result in any unacceptable overlooking issues over and above that currently experienced.

With regards to potential overbearing and overshadowing, it is noted that no new extensions would be constructed and, in fact, the proposal would result in the demolition of the existing outside W/C structure. It is therefore considered that the overall development would not create any unacceptable overbearing or overshadowing issues.

Turning to potential noise and disturbance, whilst it is acknowledged that the use of the property will be for up to 5 persons, this number is not significantly different to that of many houses which are occupied by families. It is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be different when compared to a family property. Accordingly, it is considered that the proposed five-bed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds.

In light of the above it is considered that there are no justifiable grounds to refuse planning permission on residential amenity grounds, having particular regard to the fact that if any such issues arise in the future, these can be addressed by the Environmental Health Section under their statutory nuisance powers.

Parking and Access Requirements and Impact on Highway Safety

It is noted that the existing property comprises a ground-floor retail unit with 2-bedroom flat above. The existing car parking requirements (as quoted within the Parking Standards SPG for Zone 3) would therefore be 1 commercial space and 2 non-operational spaces for the retail element (1 space per 60m²), and 1 space per bedroom for the flat (which would be 2 spaces). The total requirement for the proposal would therefore be 5 spaces. Notwithstanding this however, it is noted that there is currently only 1 accessible parking space on site within the existing outbuilding/garage. It is noted that the proposed use would require 1

commercial space and 1 non-operational space for the retail element (due to the reduction in floor-space), and 1 space per bedroom for the HMO (up to a maximum of 3). The total for the proposed use would therefore be 5 spaces. However, in line with the current use, only 1 parking space is proposed within the existing garage. However, a new cycle and bin store is also proposed within this building.

The Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development. This is on the basis that the proposal is in an area with existing Traffic Regulation orders, minimising on street space for residents, whilst maximising the limited space for retail use. They also note that the application site is in a highly sustainable location. Given the likely low car ownership for residents in HMOs and the implementation of 'green travel' cycle provision as part of this proposal, as well as the fact that the existing and proposed uses would generate the same parking requirements, it is therefore considered that the overall proposal would be acceptable in terms of highway and pedestrian safety.

Flood risk / Drainage

It should be noted that the application site is located in a C2 flood zone. A Flood Consequences Assessment has been submitted in support of the application. This has been assessed by Natural Resources Wales who offer no objection to the proposal. However, they do note that the site is entirely within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and partially within the 1% (1 in 100 year) and entirely within the 0.1% (1 in 1000 year) annual probability flood outlines. They also note that the building already includes a highly vulnerable use, however, the proposal will bring more people into area of flood risk by changing the use from one first-floor flat to a HMO for a minimum of five people. They have therefore stated that it would be for the LPA to determine whether the risks and consequences of flooding can be acceptably managed in accordance with TAN15.

Having regards to the tests in Technical Advice Note 15, particularly relating to regeneration for the re-development of this vacant property located within a District Centre, and given the fact that there is no change in vulnerability at the property between the existing and proposed uses, the proposal is considered acceptable in terms of flood risk. Nevertheless, suitably worded conditions will be imposed on the application requiring flood warning and evacuation signs to be displayed

at the property, and requiring the property sign-up to NRW's Flood Warning Service.

Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject to a condition regarding unexpected contamination, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

Other Matters

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

- In respect of the concerns relating to the introduction of an HMO in a commercial area as they can cause neighbour nuisances, it should be noted that, while potentially more intensive, that an HMO would be akin to a residential use and would therefore be acceptable in principle.
- With regards to the concerns relating to the number of tenants sharing the facilities it should be noted that the Environmental Health Officer has assessed that proposal and notes that the submitted plans show that the proposed HMO has sufficient space and shared amenities to accommodate up to 5 persons, and the fire safety provisions detailed on the plans are comprehensive and in line with current requirements for a House in Multiple Occupation. Provided that a suitably worded condition limiting the occupants to 5 is imposed on the application it is therefore considered acceptable.
- Finally, with regards to the concerns regarding overlooking these have been addressed in the report above. In respect of the first-floor window to the side of the outbuilding it should be noted that this is existing and would remain the same as part of this proposal. As no habitable accommodation is proposed within the outbuilding it is considered that there would be no unacceptable issues from this window over and above those currently experienced.

CONCLUSION

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

It is considered that the proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, SC2, R2, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies 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 – Approve with 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:
Dwg. No. 01 - Existing Plans.
Dwg. No. 02 - Existing Elevations and Section.
Dwg. No. 03 - Proposed Plans.

Dwg. No. 04 - Proposed Elevations and Section.
Flood Consequences Assessment (May 2020).

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the first beneficial use of the HMO hereby approved, the car parking, cycle and bin storage, as detailed on Dwg. No. 03, shall be fully implemented on site, and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety, Green Travel and residential amenity and to comply with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 4 Prior to the first beneficial use of the HMO hereby approved Flood Warning and Evacuation Signs shall be clearly displayed throughout the property advising tenants of emergency procedure during an extreme flood event, and these shall be retained on display thereafter. In addition, the property shall be registered with Natural Resources Wales Floodline Warning Service on Tel: 0345 988 1188.

Reason:

In the interest of the occupiers of the proposed HMO as it is located within a C2 Flood Zone and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 5 The materials to be used in the construction of the external surfaces of the development hereby permitted when making good shall match those used in the existing building.

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.

- 6 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.

Regulatory Conditions

- 7 The House of Multiple Occupation hereby approved shall be occupied by a maximum of 5 people only.

Reason:

In the interest of clarity, and to ensure compliance with the Town and Country Planning (Use Classes) Order 1987 as amended, and Policy BE1 of the Neath Port Talbot Local Development Plan.