



## **PWYLLGOR CYNLLUNIO**

**10.00 AM - DYDD MAWRTH, 31 AWST 2021**

### **Y BELL TRWY TEAMS**

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

#### **Rhan 1**

1. Croeso a galw'r rhestr
2. Datganiadau o fuddiannau
3. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 10*)  
20/07/2021  
27/07/2021  
10/08/2021
4. Gwneud cais am ymweliad(au) safle gan y ceisiadau a gyflwynwyd

#### **Adroddiad/au'r Pennaeth Cynllunio a Diogelu'r Cyhoedd**

#### **Adran A - Materion i'w Penderfynu**

#### **Ceisiadau Cynllunio wedi'u hargymell ar gyfer Cymeradwyaeth**

5. Cais Rhif. P2021/0226 - Afan Lido (*Tudalennau 11 - 52*)  
Adeiladu 137 o anheddau ynghyd â gwaith ffyrdd, parcio, tirlunio ac isadeiledd cysylltiedig ar hen safle Afan Lido a thir i'r de-ddwyrain, gerllaw Ffordd y Dywysoges Margaret.
6. Cais Rhif. P2021/0567 - 4 Stryd Dalrymple, (*Tudalennau 53 - 60*)  
Newid defnydd o anhedd-dŷ (C3) i gartref plant (C2) yn 4 Stryd Dalrymple, Aberafan, Port Talbot SA12 6DY.

7. Cais Rhif. P2021/0584 - 49 Heol Talbot (*Tudalennau 61 - 68*)  
Newid defnydd y lloiau cyntaf a'r ail lawr o swyddfeydd i lety  
lloches brys yn 49 Heol Talbot, Port Talbot SA13 1HN.
  
8. Eitemau brys  
Unrhyw eitemau brys yn ôl disgrisiwn y Cadeirydd yn unol ag  
Adran 100B(4)(b) o Ddeddf Llywodraeth Lleol 1972.

**K.Jones**  
**Prif Weithredwr**

**Canolfan Ddinesig**  
**Port Talbot**

**Dydd Mawrth, 24 Awst 2021**

## **Aelodaeth Pwyllgor:**

**Cadeirydd:** S.Paddison

**Is-Gadeirydd:** S.Pursey

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

**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](http://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](mailto: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.

## PWYLLGOR CYNLLUNIO

(Y BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 20 Gorffennaf 2021

**Cadeirydd:** Aelod S.Paddison

**Is-gadeirydd:** Aelod S.Pursey

**Cynghorydd:** D.Keogh, R.Mizen, R.Davies, S.K.Hunt,  
A.N.Woolcock, S.Renkes a/ac M.Protheroe

**Aelodau Lleol:** Aelod C.James (Briton Ferry East;)

**Swyddogion yn bresennol:** C.Morris, S.Ball, M.Shaw, J.Griffiths, S.Evans,  
G.White a/ac T.Davies

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### 1. COFNODION Y CYFARFOD BLAENOROL

**PENDERFYNWYD:** Cymeradwyo cofnodion y cyfarfod blaenorol a gynhaliwyd ar 8 Mehefin 2021 fel cofnod cywir.

### 2. GWNEUD CAIS AM YMWELIAD (AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD

**PENDERFYNWYD:** Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

### 3. TAFLENDDIWYGIADAU

Sylwer: Dosbarthwyd taflen ddiwygio mewn perthynas â chais rhif P2019/0637 cyn y cyfarfod, yr oedd y Cadeirydd wedi rhoi amser digonol i'r aelodau ei darllen, mewn perthynas ag eitem y cais ar yr agenda a gyhoeddwyd. Roedd y Cadeirydd wedi rhoi caniatâd iddi gael ei dosbarthu/hystyried yn ystod y cyfarfod heddiw am y rhesymau a'r amgylchiadau arbennig canlynol: nid oedd am ohirio unrhyw geisiadau ac roedd am sicrhau bod aelodau'n ystyried yr holl

wybodaeth berthnasol ychwanegol cyn gwneud unrhyw benderfyniad yn ystod y cyfarfod.

4. **P2021/0637 - 161 NEATH ROAD, LLANSAWEL, CASTELL-NEDD**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Newid o ddefnydd preswyl (Defnydd Dosbarth C3) i dŷ 5 ystafell wely Amlfeddiannaeth (HMO) (Defnydd Dosbarth C4) yn 161 Neath Road, Llansawel, Castell-nedd SA11 2BX) fel y manylir yn yr adroddiad a ddosbarthwyd.

Roedd aelod y ward lleol yn bresennol i roi ei sylwadau.

**PENDERFYNWYD:** Yn unol ag argymhellion y swyddogion, a'r amodau a nodir yn yr adroddiad a ddosbarthwyd, y dylid cymeradwyo Cais Rhif P2021/0637.

## CADEIRYDD

# PWYLLGOR CYNLLUNIO

(YBELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 27 Gorffennaf 2021

**Cadeirydd:** Aelod S.Paddison

**Is-gadeirydd:** Aelod S.Pursey

**Cynghorydd:** D.Keogh, R.Mizen, S.Bamsey, R.Davies,  
S.K.Hunt, A.N.Woolcock a/ac S.Renkes

**Aelod CDU/CDLI:** Aelod A Wingrave

**Aelodau Lleol:** Aelod D.Cawsey

**Swyddogion yn bresennol:** S.Ball, M.Shaw, R.MacGregor, J.Griffiths,  
S.Evans, D.Thomas, G.White a/ac T.Davies

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1. **GWNEUD CAIS AM YMWELIAD (AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

**PENDERFYNWYD:** Peidio â chynnal unrhyw ymweliadau safle ar y ceisiadau a gyflwynwyd i'r Pwyllgor heddiw.

2. **CAIS RHIF P2021/0327 – CANOLFAN RAGORIAETH FYD-EANG AR GYFER RHEILFFYRDD.**

Gwnaeth swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Datblygiad Canolfan Ragoriaeth Fyd-eang ar gyfer Rheilffyrdd) a fydd yn cynnwys dau drac prawf cyfluniad dolen a fydd yn drac profi wagenni cyflymder uchel wedi'i drydanu, 6.9km o hyd, a thrac profi isadeiledd cyflymder isel wedi'i drydanu o 4.5km, gyda chyfarpar gwifren uwchben (OLE) ac amgylchedd profi gorsaf platfform deuo; ynghyd â swyddfeydd gweithrediadau a rheoli (gan gynnwys llety a lles staff), 2 gaban siyntwyr, ymchwil a datblygu, addysg a hyfforddiant, cilffyrdd storio wagenni a chyfleusterau cynnal a chadw/glanhau/datgomisynu; a draeniad cysylltiedig, mynedfeydd

mewnol i gerbydau, cysylltiad rheilffordd llinell leol, parcio i staff ac ymwelwyr, goleuadau, isadeiledd trydanol (gan gynnwys is-orsafoedd a chyflenwadau ategion a newidyddion ymyl y llinell, ffensys (diogeledd y perimedr, gwrth-acwstig ac i rwystro anifeiliaid), gwella'r tir a thirlunio caled a meddal, ynghyd â dymchwel adeiladau/adeileddau sy'n bodoli (cais traws-ffiniol sy'n effeithio ar dir o fewn ffiniau gweinyddol Castell-nedd Port Talbot a Chyngor Sir Powys) gweler Cais CS Powys, cyfeirnod 21/0559/OUT) ar Dir yn Safle Glo Brig Nant Helen, Powys ac o'i gwmpas a Chanolfan Ddosbarthu Onllwyn, Castell-nedd Port Talbot.) fel y manylir yn yr adroddiad a ddosbarthwyd.

Roedd yr Aelod Ward lleol yn bresennol i wneud ei sylwadau yn ogystal â'r asiant a'r ymgeisydd, y siaradodd y ddau ohonynt ynghylch y cais.

**PENDERFYNWYD:** Yn unol ag argymhellion y swyddogion, a'r amodau a nodir yn yr adroddiad a ddosbarthwyd, y dylid cymeradwyo Cais Rhif P2021/0327.

## CADEIRYDD

# PWYLLGOR CYNLLUNIO

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 10 Awst 2021

**Cadeirydd:** Aelod S.Paddison

**Is-gadeirydd:** Aelod S.Pursey

**Cynghorydd:** S.K.Hunt, A.N.Woolcock, S.Renkes,  
M.Protheroe, R.L.Taylor a/ac C.Williams

**Aelodau Lleol:** Aelod N.T.Hunt (Aberavon) a/ac S.Lynch  
(Aberavon)

**Swyddogion yn bresennol:** C.Morris, R.MacGregor, J.Griffiths, R.Borthwick,  
M.Fury a/ac T.Davies

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## 1. DATGANIADAU O FUDDIANNAU

Gwnaeth yr aelod canlynol ddatganiad o fudd ar ddechrau'r cyfarfod:

Y Cynghorydd S Renkes	Parthed: Cais Cynllunio Rhif P2021/0406, gan mai hi yw'r Aelod Ward Lleol a alwodd y cais i'r Pwyllgor Cynllunio. Nid oedd o'r farn bod ei fudd yn niweidiol felly roedd yn gallu pleidleisio a siarad.
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## 2. COFNODION Y CYFARFOD BLAENOROL

**PENDERFYNWYD:** Gohirio cofnodion y cyfarfodydd blaenorol a gynhaliwyd ar 20 Gorffennaf a 27 Gorffennaf, 2021, i'w hystyried mewn cyfarfod yn y dyfodol.

3. **TAFLEN DDIWYGIADAU**

Sylwer: Dosbarthwyd taflen ddiwygio mewn perthynas â chais rhif P2021/0406 cyn y cyfarfod, a rhoddodd y Cadeirydd amser digonol i'r aelodau ei darllen, mewn perthynas ag eitemau'r cais ar yr agenda a gyhoeddwyd, rhoddodd y Cadeirydd ganiatâd i'w dosbarthu/hystyried yn ystod y cyfarfod heddiw, oherwydd y rhesymau a'r sefyllfa benodol lle nad oedd am ohirio unrhyw geisiadau ac i sicrhau y gall aelodau ystyried yr holl wybodaeth berthnasol ychwanegol cyn gwneud unrhyw benderfyniad yn ystod y cyfarfod.

4. **CAIS RHIF. P2021/0406 - 3 FERNFIELD, BAGLAN**

Gwnaeth swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Cynnydd yn uchder crib y byngalo presennol i ddarparu llety yn y to, estyniadau cefn deulawr ynghyd â garej drwy'r ystlyslun â theras ar y to, a gwaith cynnal cysylltiedig yn Bayview, 3 Fernfield, Baglan, SA12 8AL.) fel y manylir yn yr adroddiad a ddosbarthwyd.

Gwnaed sylwadau gan siaradwr cofrestredig, a gweithredodd asiant yr ymgeisydd ei hawl i ymateb.

**PENDERFYNWYD:** Yn unol ag argymhellion y swyddogion, a'r amodau a nodir yn yr adroddiad a ddosbarthwyd, yn ogystal â'r diwygiadau sydd wedi'u cynnwys yn y Daflen Ddiwygio, y dylid cymeradwyo Cais Rhif. P2021/0406.

5. **CAIS RHIF. P2021/0567 - 4 STRYD DALRYMPLE, ABERAFAN**

**RESOLVED:** That Application No. P2021/0567, be deferred for consideration at a future meeting.

6. **GWNEUD CAIS AM YMWELIAD(AU) SAFLE GAN Y CEISIADAU A GYFLWYNWYD**

**PENDERFYNWYD:** Gohirio Cais Rhif P2021/0567, i'w ystyried mewn cyfarfod yn y dyfodol.

**CADEIRYDD**

Tudalen10

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2021/0226</b>	<b><u>DATE:</u> 14/04/2021</b>
<b>PROPOSAL:</b>	Construction of 137 dwellings and associated, roads, parking, landscaping and infrastructure
<b>LOCATION:</b>	Former Afan Lido Site and land to the South East, adjacent to Princess Margaret Way
<b>APPLICANT:</b>	Persimmon Homes West Wales
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Sandfields East

### BACKGROUND INFORMATION

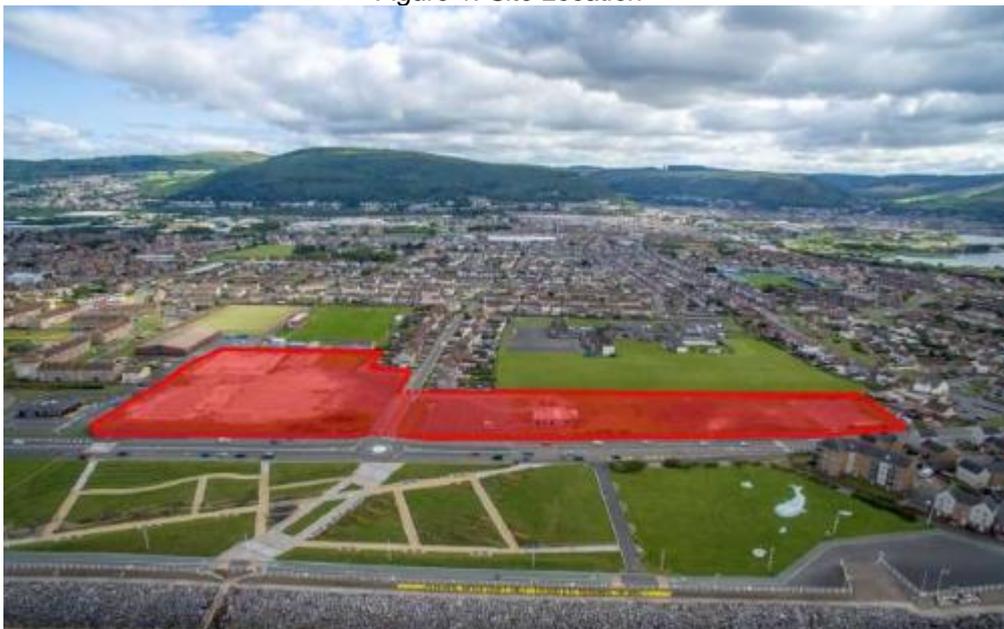
This application is reported to Members as a major application of public interest, and for transparency due to the fact that the site is currently owned by the Council.

### SITE AND CONTEXT

The application site is a brownfield site measuring 3.1 Ha which lies towards the Southern end of Aberavon beach and incorporates the former Afan Lido Leisure Centre site and land to the south of Channel view, including an area which has been used for overspill car parking.

The site is divided into two parcels of land which is divided by Channel View. The proposed development will front onto Princess Margaret Way which is the main route along the seafront. The outline of the site is shown below in figure 1.

*Figure 1: Site Location*



The site will front onto the sunken gardens and play area at Aberavon Beach, while to the rear of the site is Sandfields which is a large residential area and Tywyn school.

The site is considered to be in a sustainable location, well served by public transport with a cycle route and the Wales Coastal Path running along the entire seafront. The site is also located with easy walking distance of shops, restaurants, a cinema, swimming pool, football ground, play facilities and parks and gardens. The area comprises a mix of terraced and semi-detached houses and block of flats up to 4 storeys in height which are finished in a range of materials, including brick, stone, concrete cladding, render and spa dash (see figure 2).

Figure 2: Existing dwellings within the area



Members should note that the site (which was the former Afan Lido and overspill car park) is currently owned by Neath Port Talbot Council (NPTCBC). This planning application is a result of the Local Authority's procurement exercise where developers were invited to bid for a development opportunity at Aberavon Seafront. NPT considered that this site would provide an excellent opportunity for a developer to enhance the regeneration of the seafront.

## DESCRIPTION OF DEVELOPMENT

The development proposes 137 dwellings comprising 15 two bed, 79 three bed, 19 four bed houses and 24 two-bedroom apartments which will provide a varied street scene with a mix of 2, 2 ½ and 3 storey dwellings as well as 4 storey flats. The proposals also include sustainable drainage proposals, landscape planting, a small local area of play, car parking and associated infrastructure.

The larger parcel of the site will have its sole access off Channel view with a loop configuration with all dwellings served via this access. The longer site will have two accesses, the main one off channel view and a small access of Princess Margaret Way that serves 7 dwellings (these are not interconnected). It should be noted that no properties will have private vehicle access off Princess Margaret Way. Parking has been provided in accordance with the Neath Port Talbot Parking Standards Supplementary Planning guidance.

In addition to car parking, pedestrian and cycle linkages are proposed along the northern, western and southern boundaries making for a permeable development that provides opportunities for future occupiers to access local facilities by modes other than

the private car. Moreover, these connections provide the perfect opportunity for occupiers of this well located site to enjoy the nearby active travel routes. Facilities have also been provided within apartments to safely store equipment such as cycles and mobility scooters and all houses have rear access.

The proposal has been designed to allow all houses and apartments to front Princess Margaret Way providing a strong building line, with the 4 storey apartment block located at the North Western End near the commercial properties and framing the centre either side of channel view. This will provide natural surveillance of all public spaces.

The houses and apartments will vary in height and design and will be finished in a combination of brick and high quality coloured cladding that will vary along the frontage to provide visual interest. The layout is shown on the site plan below (figure 3):

Figure 3: Site Layout



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

## NEGOTIATIONS

Officers have had extensively engaged in pre-application discussions covering a number of planning issues including layout, scale, density, design, open space, access and parking requirements.

## PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 Pre-Application Consultation (PAC) was also carried out by the developer. The consultation exercise took place between 24<sup>th</sup> December and 28<sup>th</sup> January 2021 (extended to 2<sup>nd</sup> February due to a request for hard copies). The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees.

18 representations were received at PAC stage (5 support, 2 support with concerns and 11 objections), the objections raised are as followed:

- Not sustainable development, site should be used for alternative mixed use scheme/play areas to create jobs tourism and revenue;
- The proposal will not boost the local economy/ lack of jobs/ local facilities on the area;
- The scheme does not add to or complement the existing culture of the area; Aberavon seafront is meant to be a mixed use regeneration scheme;
- Flats should not be used on the scheme, they do not enhance the area and do not sell/let;
- Site should not be sold to persimmon homes;
- Lack of services on the scheme, 25% of the scheme should be shops/cafes space and events space;
- The development does not adhere to the existing building line on channel view this would affect visibility;
- Concerns that sharing access to their existing garage with a plot on the scheme could lead to access issues;
- Concerns of the historical bund adjacent to channel view, plans show a house build on the lower level of the bund;
- Boundary wall concerns;
- Parking issues relating to the loss of car park;
- Concerns over the heights of the flats creates a barrier from the sea and the mountains;
- The homes could be more sustainable or eco homes;
- The number of properties proposed could cause parking issues;
- More social housing is required;
- The impact on local schools should be considered;
- Traffic generation from the development would increase already congested and inaccessible road especially during school times;
- Inclusion of flats overlooking schools;
- The development does not comply with LDP Policy BE1

The applicant has sought to address these issues during this process and the applicants comments are made within the PAC report.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- **P2004/1699** Advertisement signs comprising of 2 x wall signs and 1 free standing sign illuminated Approved 02/03/2005
- **P2005/1937** Upgrade of main entrance to provide separate in and out entrances with electrically operated doors Approved 02/02/2006
- **P2010/0608** Siting of temporary building for sports centre for 4 years Approved 20/08/2010
- **P2010/1078** Variation of condition 3 (landscaping scheme) of application P2010/0608 to allow the start of development

- **P2011/0632** prior to the submission of the scheme Approved 30/11/2010  
Prior notification for the demolition of the Afan Lido sports complex Prior notification not required 12/08/2011

## **CONSULTATIONS**

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

**Head of Engineering and Transport, (Drainage):** No objection subject to SAB.

**Biodiversity Unit:** No objection subject to conditions.

**Natural Resources Wales:** No objection.

**Contaminated land:** No objection subject to conditions.

**Welsh Water:** No objection subject to conditions, informative and SAB

**Environmental Health (Noise):** No objection subject to conditions

**Environmental Health (Air Quality):** No objection subject to conditions

**Environmental Health (Lighting):** No objection subject to conditions

**Crime Prevention Design Advisor:** has raised some concerns with certain aspects of the design and layout

**Rights of Way:** No registered public rights of way are affected

## **REPRESENTATIONS**

The neighbouring properties were consulted on 15/04/2021 and 06/07/2021 and a site notice displayed on 20/04/2021 and 06/07/2021. The application was also advertised in the South Wales Evening Post on 30/04/2021 and 08/07/2021.

In response, to date 6 no. representations have been received, with the issues raised summarised into the following categories: -

### *Principle of Development*

- More tourism is needed in the area and not more housing to increase an already densely populated estate. We have limited attractions in the area especially for children, and building more housing will deter any future growth in our local economy.
- It would be more fitting to have the beach front looking more of a beach front i.e.: Static funfair, Beach shops, more toilet facilities and extra parking.

### *Publication/Communication*

- The first communication, received from Persimmon, announcing the Pre application consultation (PAC), was dated 24th December. This letter, and the significance of its contents, were lost in the Christmas/New Year festivities and concerns over rising cases of corona virus. I like many people did not take the time to review the plans because they had other things on their mind, I therefore did not have an opportunity to raise concerns at this time.

### *Residential Amenity*

- The development includes 3 and 4 storey buildings which will have a negative impact on the level of privacy and amenity of existing residents.
- Plots 80, 83 and 84 back onto and overlook the rear gardens of 47 and 45 Channel View. This condition could be improved if the proposed boundary is reinforced with additional screening such as planting and trees.
- Increasing the already overcrowded population will result in an increase in crime specifically anti-social behaviour. Which is already having an adverse impact in our area

### *Visual Amenity*

- The footprint of the proposed houses along Channel View has been stepped forward, these houses are out of line with the pattern of the rest of the properties in the street which impact upon their amenity
- Most of the houses along Channel View have pitched roofs of 30-40 degrees and are 2 storeys. If the plots along Channel View are greater than 2 storeys and have a steeper pitched roof of 45 degrees, they will be inconsistent with the existing street context and appear bulky.
- The proposal would be out of line with the current scale/mass of the existing properties in the street and would have a negative impact on the overall appearance of the area and, possibly, a resulting reduction in the value of existing Channel View homes.
- The inclusion of flats don't bring anything to the area especially as they are on the entrance to channel view
- Hope that the end result will be of a high standard & that finishes will be hard wearing to deal with our weather which consists of combination of salt / sand /ore dust etc.

### *Highway and Pedestrian safety*

- The development will cause a significant increase in the level of traffic into the area. This will not only affect the existing nearest to the development but all the houses in Channel View - traffic will be impacted by people turning in/out of the development on both sides of the road. There are health and safety risks associated with such an increase in traffic in what is essentially a small residential street and especially with the school entrance that is often already very congested at certain times of the day.

- Consideration should be given to providing additional points of vehicular access to the Northern Site. It has low permeability and poor connectivity with only one point of access for a large majority of the dwellings on this portion of the site and will cause a significant amount of congestion/noise/air pollution directly opposite 47 and 45 Channel View.
- The second point of vehicular access on this part of the site is limited as it does not provide a connection through and segregates access between the affordable and market rate housing.
- I would like to see a third entrance into the development, located off Princess Margaret Way to alleviate traffic in Channel View and improve traffic circulation within the estate. A third access would double the amount of scope to get in and out of the development. Multiple entry points into a development are surely a fundamental element of good design.
- The area has already seen a much increased level of vehicular traffic on this road following other developments such as Mariner's Point and Mariner's Quay
- At the moment we are seeing long queues of traffic leading up to the lights at the junction of Victoria Road and Hospital and New Bridge Roads, as well as the lights at the junction of Victoria Road and Afan Way.
- Unlike other roads leading to Aberavon Beach, Victoria Road has no traffic calming measures, and thus is heavily used by the Emergency Services, as well as buses and visitors to the beach. Beach-goers actually park on Victoria Road (presumably to avoid parking charges and the 2-hour limit in the parking bays on Princess Margaret Way).
- There is an opening on Victoria Road, which leads to Tywyn Primary School. This is manned morning and afternoon by a Crossing Patrol Officer, but is not manned at lunchtime when children are leaving morning nursery, and arriving for afternoon nursery. Extra traffic will present further concern for parents/grandparents crossing at this point.
- Whilst parking issues for new builds has been addressed, where people are supposed to park their cars when visiting residents already living on channel view.
- This planning application would take away a vast amount of parking spaces which are already at stretching point during the holiday season, bank holidays and school closures!

#### *Noise and disturbance*

- Concerns over impacts including vibration from development.

#### REPORT

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

## National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

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

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

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

Paragraph 4.2.17 states “Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites”

PPW 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 (2009)
- Technical Advice Note 11: Noise (1997)
- Technical Advice Note 12: Design (2016)
- Technical Advice Note 16: Sport, Recreation and Open Space (2009)
- Technical Advice Note 18: Transport (2007)

## 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 SP1 Climate Change

- Policy SP2 Health
- Policy SP3 Sustainable Communities
- Policy SP4 Infrastructure
- Policy SP5 Development in the Coastal Corridor Strategy Area
- Policy SP7 Housing requirement
- Policy SP10 Open Space Provision
- 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

### Detailed Policies

- Policy SC1 Settlement limits
- Policy CCRS1/3 Coastal Corridor Regeneration Schemes
- Policy I1 Infrastructure Requirements
- Policy H1/18 Housing allocation
- Policy OS1 Open Space Provision
- Policy EN7 Important Natural Features
- Policy EN8 Pollution and land stability
- Policy RE2 Renewable and Low carbon Energy in New development
- Policy W3 Waste management in new development
- Policy TR2 Design and Access of New Development
- Policy BE1 Design

### *Supplementary Planning Guidance:*

The following SPG were approved in October 2016 and are of relevance to this application: -

- Planning Obligations SPG (October 2016)
- Parking Standards SPG (October 2016)
- Design SPG (July 2017)
- Open Space SPG (July 2017)
- Pollution SPG (October 2016)

### EIA and 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.

The proposed development is not located within a zone of influence for any SAC, 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

The main issues in the consideration of the application concern the principle of the proposed development having regard to development plan policy, along with the impact upon the character and appearance of the surrounding area, residential amenity, highway safety, drainage, land contamination and ecology.

## Principle of Development

Strategic Policy SP3 Sustainable Communities states “The delivery of Sustainable healthy and cohesive communities and the conservation of the countryside will be promoted”, with Policy SC1 - Settlement Limits – stating that “Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the settlement hierarchy will be acceptable in principle.”

This site is allocated by Policy H1/18 (“Afan Lido and land to the rear of Tywyn School”) within the LDP for residential development consisting of 150 dwelling units. Accordingly, the principle of residential redevelopment has already been accepted.

It is noted that the site also forms part of the Coastal Corridor Regeneration Schemes (Policy CCRS1/3) which identifies that this site is allocated for a mixed use regeneration scheme for residential and tourism/recreation uses. The proposals, however, relate to a solely residential scheme, and therefore while the development proposes residential development which accords with the Policy H1/18, the scheme does not propose any uses associated with tourism and recreation and therefore does not accord with the mixed use regeneration scheme anticipated under CCRS1.

Nevertheless, the site has been marketed by the Council on more than one occasion, with the opportunity for tourism or recreation not having been realised through such process. Moreover, it is considered that since the adoption of this policy within the LDP the area has benefitted from significant public and private investment, including the Aberavon Leisure and Fitness Centre development, which has enhanced its attractiveness to visitors. While this has not generated interest in this site for leisure or recreation uses, the opportunity to develop the site for a wholly residential use would have the dual benefit of delivering much-needed new housing (under Policy H1) which would in itself visually enhance this end of the seafront and bring more people to live within this area, which in turn will provide more footfall to the existing businesses within the area.

Accordingly, and while noting several objections have been received in terms of the principle of this development, it is considered that the scheme is acceptable in principle even without the inclusion of recreational or tourism.

## *Density*

In respect of density, it is also noted that the site falls within the Coastal Strategy Area where Policy BE1 (8a) requires a minimum of 35 dwellings per hectare. The site is approximately 3 hectares and estimates 150 units could be provided seeking a density far higher than normally requested. This application is for 137 units which would provide a density of 44.1 dwellings per hectare, and whilst this would comply with BE1 (8a) it

would fall short of the suggested allocation for this site. However the slight reduction in units was necessary to ensure a satisfactory scheme in terms of visual and residential amenity, and highway and pedestrian safety. As such it is considered a density of 44.1 per hectare is satisfactory for this site and is therefore considered acceptable.

### Visual Amenity

Planning Policy Wales emphasises the need to embrace the concept of placemaking in order to achieve the creation of sustainable places and improve the well-being of communities, noting (at 3.3) that 'Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area'.

Strategic Policy SP21 seeks to conserve and enhance the built environment and historic heritage, with Policy BE 1 - Design – expecting all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. The Policy then provides the following criteria which need to be met where relevant: -

1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;
6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well-lit environments and areas of public movement);
7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
8. It uses resources, including land and energy, as efficiently as possible through:
  - a. Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare

- in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;
- b. The layout and form of the development does not preclude the reasonable use of other adjacent land;
  - c. Developing brownfield land in preference to greenfield land where possible;
  - d. Minimising building exposure while maximising solar gain.
9. Its drainage systems are designed to limit surface water run-of and flood risk and prevent pollution;
10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.

Technical Advice Note 12: Design, July 2014, also refers to the need to consider local context and character, but at a broad level. In reference to the layout of development on page 19 states that;

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

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

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

The site is presently a derelict brownfield site and, therefore, it is accepted that the proposed housing development would significantly alter its character permanently. However, as detailed above, the principle of developing the site for residential purposes has been established with the housing allocation under Policy H1/18 of the Local Development Plan, and the allocation of this land for residential use has already taken into consideration the wider contextual character issues with regard to the use of the land.

Within this overarching Policy context, and noting especially the need to embrace the principles of placemaking, it is clear that this development has at its heart a determination to not only improve the visual appearance of the area, but more importantly to improve the quality of the area and create a desirable place to live. The principles behind such a scheme are thus wholeheartedly supported, albeit the assessment below seeks to ensure that the general scale, form and finished layout

would not only accord with such aspirations but also have no unacceptable local impacts.

The site has been sensitively designed having regard to the surrounding areas and incorporated several features of nearby development such as front facing feature gables and porches. The applicant has taken on board comments made by Officers during pre-application discussions, and from comments during the PAC process to ensure the scheme would have no unacceptable impacts. Views from the area would be greatly improved as a result of the proposal with a strong and colourful building line provided along Princess Margaret Way. The variations in height between the units within the development have been used to punctuate key areas. The layout has been designed to respond to the Aberavon Sea front location and provide a strong street scene. Street scene elevations are shown below in figure 4:

**Figure 4: Street scene elevations**



### **Materials**

The existing houses within the area have a wide range of materials such as facing brickwork, smooth painted render and spa dash. As such the architectural design has been informed by the character assessment carried out on the existing residential dwellings within the vicinity and discussion with the Local Planning Authority. The site will incorporate details and material choices inspired by neighbouring properties and its seafront location which will include:

- Tileworks Anthracite roof tile
- Cusworth Riven facing brick with Rothesay Riven detail brick (or similar approved);

- RCM Supertech Cladding (mix of light grey, lilac blue and blue grey or similar approved)
- Pitched roofs with gables to the front on some house types (no gables fronting Princess Margaret Way;
- Restrained detailing
- A combination of on-plot parking to the front, side and rear with integrated or detached garages on selected units;
- Upvc windows;
- IG Composite Doors;
- Pitched and gabled porches on urban housetypes, flat porches on contemporary housetypes;
- Permeable Paving on the roads, Macro-Pervious Paving on the driveways and tarmac on footpaths

Samples of the colour pallet can be seen below in figure 5.



It is considered that the material palette will complement the vernacular of the local area. It will also help to create a sense of place, albeit a condition is recommended to ensure samples of these materials are submitted to ensure their suitability.

### *Landscaping*

The existing site is relatively sparse in relation to trees and vegetation however as part of the proposed development the submitted landscaping plans (TDA.2569.01 Rev D) illustrate planting across the site as well as the inclusion of a Local Area of Play (LAP). Planting will be used to break up the frontage parking where necessary through the planting of street trees, hedges and low level shrubbery all of which will also provide defensible space and make a distinction between public and private space. It is also noted that the parking areas have been sensitively designed and broken with strategic planting.

To the front of the site along Princess Margaret Way, it is proposed to provide drainage swales which will be planted with trees and shrubs. These swales forms part of the SAB application however will provide a pleasant landscaped buffer between the development and the main road. Pathways will cross the swales at set locations providing pedestrian linkages to and from the development. It is considered that the proposed landscaping will significantly enhance the area, not only in terms of visual amenity but also biodiversity interest (addressed later in this report).

An objector has raised an issue about maintenance of these areas, and it is emphasised that a condition is imposed to provide details of the maintenance and management of these areas to ensure they are maintained to a high standard. This will ensure the

longevity of landscaping and biodiversity enhancement proposed for this development which are key to providing an attractive development.

To conclude it is considered that the layout, scale, density, and the use of hard and soft landscaping for the proposed development would result in the creation of an appropriate form of development which would enhance local character.

#### *Means of enclosure*

Drawing BTP-01 Rev B (Boundary Treatment Plan) shows private gardens/amenity areas will incorporate lawns and patios which will be enclosed. Means of enclosure from publicly viewed area will be finished to a higher standard and will either be a 1.8m high brick screen wall or a 1.8m high screen wall with fencing panels. The rear of gardens and between gardens not viewable from public vantage points will be a 1.8m high timber hit and miss fence. A condition can be imposed to ensure these are provided.

The front of the site along Princess Margaret Way in part will have a small retaining wall as the houses will be set higher than the road level this will be finished in facing bricks. The front boundary of these dwellings will have a small wall with bow top railings, (although the applicant is currently looking into changing the railing). As such, a condition can be imposed to ensure these details are provided to ensure these retaining walls and railing are acceptable in terms of their robustness and design and appearance.

Overall it is considered subject to condition the means of enclosures proposed will complement the development and be acceptable addition to the area and therefore be acceptable in terms of visual amenity.

#### *Bin Storage*

All dwellings have rear access and apartment blocks have bin storage areas. Whilst a plan of the storage building has been submitted, however no details of their finish has been provided. Given that some of these will be in a prominent location a condition can be imposed to provide full details of their design and finish to ensure they are in keeping with the development and do not unacceptably detract the area it is considered a pitched roof building finished with a facing brick would be appropriate. The Head of Engineering and Transport has advised that no bin store area doors shall not open out over the public highway. A condition can be imposed

#### *Secure storage areas and clothes drying areas for apartments.*

Each of the apartments will have a secure storage building for cycles and mobility scooters etc. The details show a timber building measuring 2m wide by 3.75m in length by 2.3m in height with a double entrance door. Given that these buildings will be in a prominent location a condition can be imposed to provide full details of their design and finish to ensure they are in keeping with the development and do not unacceptably detract the area. It is considered a pitched roof building finished with a facing brick would be more appropriate.

It is also considered that a boundary treatment should be erected around the amenity area for this apartment block not only around the storage building, but also the clothes

drying areas. This would screen the storage areas and hide the washing lines. A condition can be imposed to provide a suitable boundary around this location

Several objections have been made in relation to visual amenity which are addressed as follows:

- *In relation to the houses along Channel View being stepped forward, and that these houses are out of line with the pattern of the rest of the properties in the street.* The existing building line along Channel View is not consistent when viewing the properties from Sunnybank Road to the development site. Houses are set at different angles to the road some sitting forward of others. As such the proposed siting of housing along Channel view are considered to be in keeping with the pattern of development on this road.
- *Most of the houses along Channel View have pitched roofs of 30-40 degrees and are 2 storeys. If the plots along Channel View are greater than 2 storey's and have a steeper pitched roof of 45 degrees, they will be inconsistent with the existing street context and appear bulky.* The development has been designed taking into consideration design features from all properties within the area where there are a multitude of designs and roof angles. It is considered that the proposed house types would not detract from the street scene and ridge height between the proposed and existing dwelling on Channel view are similar and therefore considered to be acceptable.
- *The proposal would be out of line with the current scale/mass of the existing properties in the street and would have a negative impact on the overall appearance of the area and, possibly, a resulting reduction in the value of existing Channel View homes.* The site is allocated for housing under Policy H1/18 of the adopted Local Development Plan. This allocation shows the site having an area of 3.1ha and estimates for the provision of 150 units (high density). The scheme is for 137 residential units which is lower than the estimate that could be provided on this site.
- *In relation to the flats not bring anything to the area especially as they are on the entrance to channel view.* The development is allocated as a high density housing development, the apartment blocsk not only help achieve the higher density but also add height to parts of the development to provide a strong frontage to Princess Margaret way and also to be in keeping with the other apartment blocks within the immediate area.
- *In relation to the high standard materials being able to deal with the seaside environment,* this has been discussed at length at pre applications and the palette of materials have been chosen not only for their type and colour but also because of their robustness.

### *Visual Amenity Conclusion*

This brownfield site has been mostly derelict for some time (apart from the temporary car park) and undoubtedly has an adverse impact on the character of the seafront. The proposed development will in effect finish off this end of the seafront with a residential development and in so remove this unsightly area of land. The layout, design and landscaping will ensure that the overall siting, design and form is appropriate, significantly improving the overall character of the site the wider area. As such the scheme reflects the wider place making aspirations of Planning Policy Wales.

Accordingly, it is concluded that the proposed development will have a positive impact upon the character and appearance of the area and be in accordance with Policies SP21 and BE1 of the Local Development Plan.

### Residential Amenity

#### *Overlooking, overbearing and overshadowing issues with the existing in relation to the existing dwellings surrounding the site*

The applicant has paid particular regard to the layout and taken advice from Officers at pre-application stage, thus ensuring adequate distances between boundaries and habitable windows are kept. There are several areas where residential dwellings adjoin the site, these are channel view where houses 36 and 47 side onto the development with 36, 34 and 32 also backing onto the site, while 'Kinsale' is a detached house which adjoins the development in the South East. Jersey Quay is a residential development that sits across Princess Margaret Way, and No 1 and 2 Afan Lido house (semis) sit to the North West of the site.

#### *Channel View*

In terms of overbearing and overshadowing impacts, Plot 2 is the closest dwelling to 36 Channel view, these side onto each other with a separation distance of 6m to the single storey side extension (8.5m to the original dwelling), it is considered that this is sufficient distance to ensure there is no unacceptable overbearing and overshadowing.

In relation to No 47, this sides onto the side of plot 80. No 47 has a two storey side extension that is approximately 2.5m to the side of Plot 80 (5.3m to the original house). The front and rear of these properties are more or less in line with each other and there are no habitable windows on the side of the extension. It is considered that the 2.5m separation distance is sufficient to ensure there is no unacceptable overbearing or overshadowing. In relation to the other houses that front the development on channel view, these are all in excess of 21 m and across the road and therefore raises no issues with overbearing and overshadowing.

In terms of potential overlooking, there are no habitable windows proposed on the sides of plots 2 and 80, and the front facing habitable windows that look across the road to houses on channel view are in excess of 21m away and therefore raises no issues of overlooking between habitable windows. In terms of Plot 3 and 36 to 32 Channel view; the side of plot 3 where there are no habitable windows is 6m from the rear boundary of these dwellings, as such raises no issues.

In terms of overlooking of private amenity space plot 83 rear habitable windows on the first floor that face the direction of the rear garden of No 47 , however these are in excess of 10m, as such they are considered to be acceptable as they are in accordance with the Neath port Talbot Design Guide. There are no habitable windows in close proximity to any of the other gardens on channel view.

An objector stated plots 80, 83 and 84 back onto and overlook the rear gardens of 47 and 45 Channel View. This has been addressed above however to reiterate the upper floor windows on plots 83 to 84 that face this property are in excess of 10m away. Plot

80 which sides onto No 47 upper floor windows will indirectly look to their rear garden of no. 47, however this is considered synonymous with most housing development where upper floor windows on adjoining neighbouring properties can see into the garden of their neighbour. This is no different from the relationship the existing houses on channel view currently have and is unavoidable, however the relationship between these plots is considered to be acceptable and is not justified to warrant a reason for refusal of this application.

An objector also queried how far the trees will be from their boundary of 32 to 36 Channel View, however the landscaping plan show ornamental planting along this rear boundary with no trees being planted.

#### *Kinsale on Princess Margaret Way*

In terms of overbearing and overshadowing impacts, Plot 134 sides onto Kinsale and is positioned approximately 6.5m from the single storey side extension and 14m from the side of the main dwelling house, it is considered that this is sufficient distance to ensure there is no unacceptable overbearing and overshadowing.

In terms of potential overlooking, there are no habitable windows proposed on the side of plot 134, as such there is no issues of overlooking between habitable windows. In terms of overlooking of private amenity space plots 135 to 137 rear habitable windows on the first floor that face the direction of the rear garden of Kinsale, however these are in excess of 10m away and therefore are considered to be acceptable.

#### *Afan Lido House*

The rear elevation of Plot 21 and 22 are the closest to Afan lido house and is positioned in excess of 21m from the side elevation of No 2 and across a road. It is considered that this is sufficient distance to ensure there is no unacceptable overbearing and overshadowing or overlooking impact to habitable rooms of private garden areas.

#### *Jersey Quay*

Plots 129, 130 133 and 134 are the closest to Jersey Quay and is positioned in excess of 21m from these flats and also across the main road. It is considered that this is sufficient distance to ensure there is no unacceptable overbearing and overshadowing or overlooking impact to habitable rooms of private garden areas.

It is noted that an objector has stated that the 3 and 4 storey buildings will have a negative impact on the level of privacy and amenity of existing residents. This is not considered to be the case, the 3 block of flats proposed are located along princess Margaret way and are the nearest block in excess of 36 metres away from the closest dwelling, which is 47 Channel view, the flats would not have any unacceptable impact in terms of residential amenity to any existing residents.

It is noted that an objector has expressed concern that the houses on the other side of the proposed buildings get the sunlight from this direction only, and that building high rise flats closer to them will deprive them from it. However, the impact on these properties has been assessed in detail above and it is considered that separation

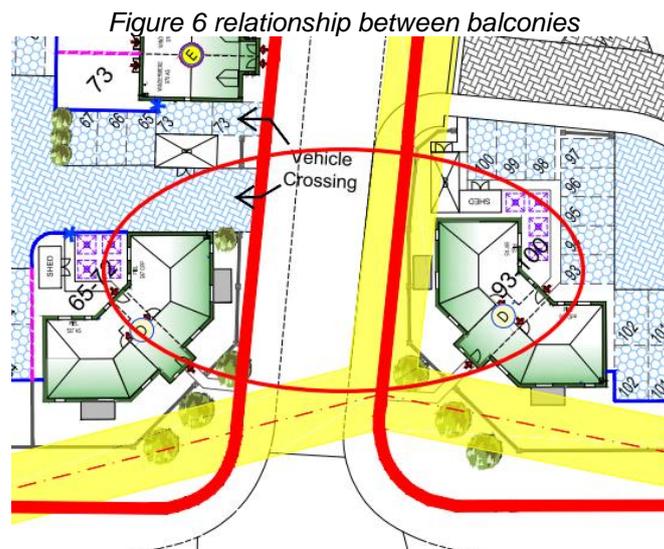
distances are sufficient to ensure there would be no unacceptable impacts in relation to overshadowing or overbearing impacts on the existing properties surrounding the site.

In relation to increasing the already overcrowded population and therefore increase crime, the area has been allocated for housing as such the increase in population and its impacts this will have, would have already been considered as part of the Local Development Plan allocation. Nevertheless the site is considered to be well designed and well overlooked. Issues relating to crime have been addressed later.

*Overlooking, overbearing and overshadowing issues within the proposed development.*

In terms of potential overlooking within the development, the scheme has been designed to allow an acceptable distance between units to ensure that the proposal will safeguard the residential amenities of future occupiers. While the relationship between some windows fall marginally short of the councils 21m distance between habitable room windows, this only happens on some of the corner plots and the two blocks of flats at either side of Channel view and is marginal. The worst instance is on plots 20 and 41 where the distance between windows would be 16m. In this case this is considered to be acceptable as these dwellings are on opposite side of the street with parking in-between, as such this is considered to be acceptable.

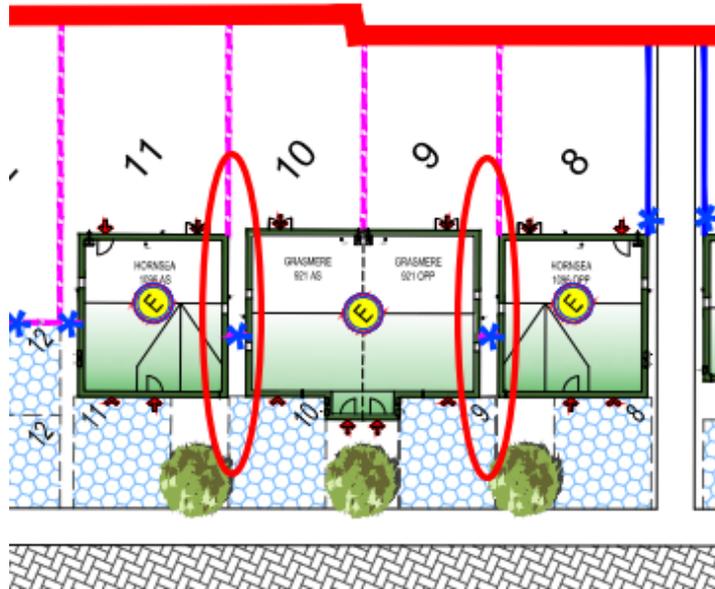
A similar situation occurs with the two sets of balconies on the apartment blocks on channel view (Plots 65 to 72 and 93-100: see figure 6 below) .The distance between the balconies is 16.5m and the distance between a balcony and the habitable room window opposite would be 18.2m. However these are across Channel View and views would be partially restricted by the balcony enclosure themselves (details of which can be conditioned prior to use). Whilst this distance does not meet the Local Authorities guidelines it is considered that the reduced distance would not have an unacceptable impact and would not warrant a reason for refusal. Furthermore this only occurs with the new builds and not any existing dwellings.



Overall it is considered that the distance between habitable rooms is acceptable and these minor breaches would not warrant a reason for refusal.

In terms of potential overshadowing and overbearing impacts, for the most part the development has been designed to ensure there is no unacceptable impact, however the development does present some instances where there would be slight impact upon overshadowing, and this is where the space between the side elevation of the dwelling of some plots is 1m. An example of this is shown below in figure 7.

Figure 7: Example of space between some units



Where this occurs there are no habitable windows on the side elevation and the housing i.e. the front and back are generally in line with each other so the overshadowing would be limited to the pathway/space between the dwellings. The instances where this occurs is not unacceptable and would not warrant a reason for refusal on residential amenity grounds. It should also be noted this site is allocated as high density housing site. As stated previously the Planning section has worked in depth with the applicant on the design and layout of this scheme to ensure visually attractive high density housing development is provided without having any unacceptable impacts upon residential amenity.

*Amenity Space, Secure storage areas and clothes drying areas for apartments.*

With regard to amenity space, it is considered that the proposed layout provides adequate private amenity space for future occupiers. Communal spaces and drying areas are also well overlooked providing a safe environment for occupiers of the apartments plus each apartment has a small balcony area with sea views which will benefit occupant’s health and wellbeing. As mentioned earlier a condition can be imposed to ensure a boundary wall is positioned around the drying area and storage building at plots 90 to 103 and a more appropriately designed storage building is provide.

*Noise*

In relation to noise the applicant has submitted a Noise Constraints Assessment. The dominant noise source in the area is road traffic noise with additional contributions from the sea and the sports pitch. The report recommends that given the sites location next to the local road network there will be areas within parts of the site where the relevant

BS 8233 criteria will be exceeded when windows are open. However mitigation can be achieved through a suitable glazing and ventilation strategy. A condition can be imposed to ensure these mitigation measures are suitable and imposed.

The report also states consideration will need to be given to screening from the adjacent road network and sports pitches through the use of building orientation and / or barriers such as close boarded fences. Again this can be conditioned to ensure suitable boundary treatments in relation to noise mitigation are provided along Princess Margaret Way, Channel View and to the rear of the Sports Fields.

In terms of noise/vibration from construction (which has been raised by an objector), it is generally accepted that during construction there would be some disturbance from this development to residents however this would be transient in nature. The applicant has advised that they will manage the works and have submitted a Construction Method statement and Construction Management Plan. This shows methods to reduce construction noise and also shows the proposed site layouts showing that the construction compounds and materials stores have been set away from the residential properties that are in close proximity to the site. This has been assessed by the Local Authority's Environmental Health officer (noise) who has advised the CMS is acceptable in terms of nuisance. A condition can be imposed to ensure this is adhered to through the construction process.

The Local Authority's Environmental Health officer has advised it is not clear if piling etc. is proposed. As such they have recommended a Piling method statement be provided should piling be required. This can be imposed via a suitably worded condition.

In respect of potential noise and disturbance from the development, it is acknowledged that there will be more traffic generated from the development which has the potential to increase activities in closer proximity to the residents immediately surrounding the area. Nevertheless, on their own, and in the context of the scheme as a whole, it is considered that any noise generated from this type of development would not be unacceptable.

### *Lighting*

The site is located adjacent to the Afan Lido Football Club which has floodlit sports pitches. As there is a significant light source in close proximity to the site a light survey and a light monitoring verification report has been undertaken to assess the impact light would have upon the development. A further lighting survey was also undertaken to include any additional effect the lighting on the neighbouring astroturf pitch may have upon the development. The conclusion from the surveys was that lighting levels at the proposed receptors would be over the ILP criteria of 10lux. To overcome this issues the Local Authority Estates Section have recently replaced all the flood lighting with a new LED lighting system.

This was then surveyed again and it was identified that the majority of the proposed residential development would be below 10 lux. The areas identified to be over 10lux on the north eastern corner of the site exceeded due to existing footway security lighting outside of Afan Lido Football Club.

The extract from the lighting survey below shows the area affected in red.

Figure 8 lighting spill diagram



The Local Authority Estates Section has advised that that light source will be removed when the development site comes forward. It should however be noted however that these areas were only where gardens are proposed and not the facades of the properties themselves and should the light not be removed it would not be considered a justified reason to refuse the development.

As such it is considered following the re-installation of floodlighting at Afan Lido Football Club that the proposed residential development south of the football pitches will be below ILP pre-curfew criteria of 10lux for all residential dwelling houses therefore considered to be acceptable.

In terms of external street lighting, no details have been provided with this application. As external lighting may be required for such a development, including external areas and footpaths, it is necessary to impose a condition to ensure adequate details are provided prior to any lighting being installed to ensure any future lighting does not have an unacceptable impact upon the amenity of surrounding residential properties. This would also ensure that there is no unacceptable light spill onto neighbouring properties.

### *Designing out crime*

South Wales Police Designing out crime officer has assessed the proposal and is generally happy with the scheme however has raised the following points which have also been addressed below:

- Has requested that the path between plots 7 and 8 is narrow. Therefore it should be designed out as it is narrow as such paths between properties on other developments have caused issues. This path has been provided at the Councils request to provide access to the football club, it measure 2m in width and has a 500mm verge either side. It is considered that this path is the same width as all the other public footway within the development and therefore considered to be acceptable in this instance

- The footpaths adjacent to plots 51 and 119 are to one of the properties and adjacent to parking bays this has the potential to cause issues and in all probability would cause anti - social behaviour or crime to occur. The link between plots 65-72 and 93-100 would be sufficient. The applicant has had extensive pre applications with the Local Planning Authority on this development, it was considered that providing these links pedestrian links between the sea front to ensure a permeable development was essential. These paths are all 2m wide and are not immediately adjacent to housing or parking there is either a buffer or landscaping. As such they are considered to be acceptable and key to ensuring the aspirations for this site are met. The road links adjacent to channel view alone would not be sufficient
- The parking area to the rear of plots 80-82, it is partly overlooked by the apartment block (93-100) at a distance and this is not ideal and neither is the overlooking by the first floor windows of units 101-103. This is again at a distance and would people in these properties react if they saw something. In any case it is unlikely they would as they would probably only occupy the upper floors when they are in bed. Natural surveillance from those passing by on foot/ bicycle and car is not guaranteed and again not ideal. It is considered that the parking areas have enough natural surveillance and whilst the concerns raised are understood it is not considered a just reason to refuse the development. Furthermore this type of relationship occurs in many development in NPT when parking is provided to the rear of a property.
- The driveways should be provided to the rear of plots 101-130 should be gated. The parking to the rear of these properties for the most part are relatively open plan with landscaped areas to break up the hardstanding areas. To completely enclose these areas with a fence would have an unacceptable detrimental impact upon the character of the development and not to say cause unacceptable issues with pedestrians and vision splays. This layout has been scrutinised by the planning section and highways at pre-application stage and the layout works and is visually acceptable. The parking spaces are all well overlooked and as such there should be no issues in relation to crime.

### *Residential Amenity Conclusion*

Having regard to the above, it is concluded that the proposal would introduce some units that would create overshadowing between the dwellings and create some issues minor issues of overlooking (not outside of the development). However it is considered the overshadowing of these spaces between and the minor breach in overlooking distances would not be sufficient reason to warrant a reason for refusal of the application, notably having regard to the numerous other benefits the development would have in relation to the providing high quality homes and this prominent seaside location, and the wider regeneration a development such as this would have upon the Seafront area.

As such it is considered that the proposed redevelopment of this site would have no unacceptable impact on residential amenity and would comply with Policies BE1 and EN8 of the LDP.

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

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

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

The development proposes 137 dwellings comprising 15 two bed, 79 three bed, 19 four bed houses and 24 two-bedroom apartments. The larger parcel of the site will have its sole access off Channel view with a loop configuration with all dwellings served via this access. The longer site will have two accesses, the main one off channel view and a small access of Princess Margaret Way that serves 7 dwellings (these are not interconnected). It should be noted that no properties will have private vehicle access of Princess Margaret way. Parking has been provided in accordance with the Neath Port Talbot Parking Standards supplementary Planning guidance.

In addition to car parking, pedestrian and cycle linkages are proposed along the northern, western and southern boundaries making for a permeable development that provides opportunities for future occupiers to access local facilities by modes other than the private car. Moreover, these connections provide the perfect opportunity for occupiers of this well located site to enjoy the nearby active travel routes. Facilities have also been provided within apartments to safely store equipment such as cycles and mobility scooters and all houses have rear access. 22 dwellings will have electric vehicle charging points (EVCP) which is 16% of the development.

The proposal would result in the loss of a small temporary carpark which serves the beach, however the site is allocated for housing and there is no requirement to keep this parking area as it is considered that there is sufficient parking provided with other car parks and parking areas in the area.

The application has been accompanied by the following information in relation to highways and pedestrian safety issues:

- Transport Assessment
- Sustainability Appraisal
- Construction method statement V2
- Construction management plan
- Engineering plans
- Section 278 plans
- Parking layout
- Parking dimension plan
- Tracking layout

The Transport Assessment (TA) (Feb 2021) by Asbri Transport provides details of the traffic and transportation issues associated with the development proposals and addresses the following issues:

- Policy Review
- Existing situation
- Development Proposals
- Travel Characteristics
- Impact of the development programme
- Conclusion

Based on the data and analysis presented within the report, the following conclusions have been made:

- The site is allocated for residential development in the Authority's Local Development Plan.
- In terms of Safety, the local highways network for the most recent 5-year period benefits from a good safety record.
- In terms of Active Travel the development will provide the necessary pedestrian and cyclist infrastructure within the site to encourage residents to walk and cycle, with 2m wide footways included on both sides of the carriageway for both sites A and B and prioritising the needs of pedestrians and cyclists over that of vehicles. There are opportunities for residents of the proposed development to undertake trips by alternative modes of travel to the private car and that the site is closely situated within proximity to existing bus services and several local amenities. There are also retail and leisure opportunities located in proximity to the site.
- Car parking and cycle parking will be provided for the development in accordance with Neath Port Talbot's adopted Parking Standards.
- It is estimated based on the Trip Rate Information Computer System (TRICS) analysis undertaken that the proposed development could generate up to 76 vehicle movements (two-way) in the AM peak period and 84 vehicle movements (two-way) in the PM peak period. It is envisaged that the proposed development will have a marginal impact on the performance of the local highway network during the AM and PM peak hour periods, or throughout the course of the day.
- Junction analysis has shown that the Channel View priority junction with Sunnybank Road will perform well and also shown that the Channel View mini-roundabout junction will operate within capacity. All other junctions within the study area adopted for the TA, are considered to be acceptable.

To conclude the transport assessment states this residential development is proposed on an allocated site, is appropriate and acceptable in sustainability, traffic and transport terms. Traffic movements and movement by other modes associated with the development proposals could be accommodated on the highway network and local infrastructure and will not adversely affect the operational performance of the local highway network

The application has been assessed by the Head of Engineering and Transport (highways) who has raised no objection subject to conditions relating to a scheme for the off-site highway works, the size of parking spaces, bin Stores, carriageway

construction, Construction Phase programme, ensuring Construction Method Statement is followed, a Street lighting scheme, visibility splays are provided and protected, gates, garage conversions, driveways, shared drives, and tree planting within 2m of a footway. These can be imposed via suitably worded conditions or informatives.

In response to several objection on highway matters, the following comments are made:

- *In relation to the development causing a significant increase in the level of traffic into the area.* This has been assessed within the TA which states this is not the case and the Head of engineering and Transport has raised no objection.
- *In relation to additional points of vehicular access to the Northern Site.*  
The application has been submitted with one access which has been shown to be acceptable in terms of highway and pedestrian safety. The Head of engineering and transport has not advised that a second access is required.
- *In response to the second point of access not provide a connection through the site and segregates access between the affordable and market rate housing.* There is no affordable housing provision on this development and there is no requirement to link these accesses
- *I would like to see a third entrance into the development, located off Princess Margaret Way to alleviate traffic in Channel View and improve traffic circulation within the estate.* A third access would double the amount of scope to get in and out of the development. Multiple entry points into a development are surely a fundamental element of good design. As stated above this is not required and the one access points as proposed are considered to be acceptable.
- *The area has already seen a much increased level of vehicular traffic on this road following other developments such as Mariner's Point and Mariner's Quay.* The application is accompanied by a TA which has assessed the impact of this development would have which is considered to be acceptable.
- *At the moment we are seeing long queues of traffic leading up to the lights at the junction of Victoria Road and Hospital and New Bridge Roads, as well as the lights at the junction of Victoria Road and Afan Way.* As stated above, the proposal has been assessed by a TA and the impact upon the surrounding networks are marginal and no objection has been received by the Head of Engineering and Transport.
- *Unlike other roads leading to Aberavon Beach, Victoria Road has no traffic calming measures, and thus is heavily used by the Emergency Services, as well as buses and visitors to the beach. Beach-goers are parking on Victoria Road (presumably to avoid parking charges and the 2-hour limit in the parking bays on Princess Margaret Way).* This is not a material planning matter.
- *There is an opening on Victoria Road, which leads to Tywyn Primary School. This is manned morning and afternoon by a Crossing Patrol Officer, but is not manned at lunchtime when children are leaving morning nursery, and arriving for afternoon nursery. Extra traffic will present further concern for parents/grandparents crossing at this point.* As stated earlier traffic levels to the surrounding networks are marginal and considered to be acceptable
- *Whilst parking issues for new builds has been addressed, where people are supposed to park their cars when visiting residents already living on channel view.* Parking has been provided to this development in accordance with the NPT parking SPG. No private parking has been displaced by this development

- *This planning application would take away a vast amount of parking spaces which are already at stretching point during the holiday season, bank holidays and school closures.* The site is allocated for housing as such the principle of housing has already been established, there is no requirement under the allocation to provide parking areas to serve the beach, it is considered there is sufficient parking in the area as well as being excellent pedestrian and cycling facilities in the area.

To conclude on highway matters, it is considered that provided appropriate controls are imposed through the detailed conditions referred to above, that the development would not have an unacceptable impact upon highway and pedestrian safety, and that the proposals would accord with Policies SP20 and TR2 of the Neath Port Talbot Local Development Plan.

### Pollution:

#### *Ground Contamination*

The Local Authority's Land Contamination Officer is satisfied that no ground gas protection will be required, however the site is in a radon affected area therefore radon protection will be required. The above site investigation reports have identified heavy metal, Polycyclic aromatic hydrocarbons (PAHs) and asbestos contamination in the soil which will need to be addressed in a Remediation Scheme for the site. As such they have advised that a Remediation Scheme will need to be submitted along with a verification report and a condition relating to unexpected contamination. These can be imposed via suitably worded conditions. NRW have assessed the submission and have raised no objections.

#### *Air Quality*

The Local Authority's Air Quality Officer has advised that the site falls outside of the Air Quality Management Area (AQMA), however there could be issues with dust during the construction phase. They have advised that this has been adequately addressed within the Construction Method Statement and as such considered to be acceptable.

### Drainage

#### *Surface Water*

The proposed new development will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB), and must be approved prior to any work commencing.

The application has been assessed by the Head of Engineering and Transport (Drainage) who has advised that they have no objection to the proposal subject to the applicant obtaining SAB approval

Welsh Water have also advised of their standard notes, the applicant has been advised of Welsh Water's comments, however their informative can be noted on the planning application.

### *Foul Water*

Welsh Water advised during PAC that the existing foul network could accommodate the development and that the site is crossed by a public sewer. They have recommended a foul water drainage scheme is submitted, which is conditioned. They have also noted the possible requirements to divert the sewer crossing the site however the applicant has advised that this will no longer be necessary and the site plan shows the easement to the sewer being unaffected.

### *Drinking Water*

Welsh Water advised during PAC that a Hydraulic Modelling Assessment (HMA) would be required of the potable water supply network to establish an adequate supply to the site. A suitably worded condition can be condition can be imposed ensure this is provided.

### Flooding

Natural Resources Wales's (NRW) online Development Advice Map (DAM) shows that the site is predominantly located within the TAN 15 Development and Flood Risk Zone A (areas considered to be at little or no risk of fluvial or coastal/tidal flooding) however regardless of this NRW advised during the PAC process, that a Flood Consequences Assessment would be required to ensure flooding can be acceptably managed over the lifetime of the development. The applicant submitted a FCA by JBA Consulting dated 8 April 2021.

NRW reviewed the FCA and advised they are satisfied with the submission and therefore offer no adverse comments with regards to tidal flood risk at the application site.

### Ecology

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

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

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

- *Preliminary ecology appraisal was undertaken by Hawkeswood Ecology Dated June2020*
- *Landscaping Plans (TDA.2569.01 ReV D)*

The Site consists of two areas separated by a road. The former Aberavon Lido Site is dominated by hard-standing and disturbed ground including small areas of former amenity. The amenity area at the front of the former Lido part of the Site is heavily disturbed and has been in part cleared of vegetation during recent works. The second area consists of two metalled car parks with a heavily stoned and disturbed area of short grassland between them. There are also the remains of what were probably once managed shrubbery's along a low roadside wall at the frontage of the Site. Between the wall and the road is an area of mown amenity grassland and a footpath. The site supports no obvious botanical interest

The Council's Ecologist has advised that no further survey work on the site is required however they have advised that full details of biodiversity enhancements are required in accordance with Welsh Government guidance. It is considered that with the correct planting that appropriate habitat creation will mitigate and enhance the site, providing a habitat which is considered to be more botanically diverse than existing and increasing biodiversity value. As such the following conditions will be required to ensure this is delivered.

- Full details of the landscaping, which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (This should contain a majority of native and/or wildlife friendly species) the species used in the landscaping must be able to tolerate coastal conditions and native to the area, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme.
- A landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas,
- Details of integrated artificial nesting sites for birds to compensate for the loss of potential bird nesting/foraging habitat.(preferably integrated starling boxes)

A note will also be attached advising no site/vegetation clearance/demolition should take place between 1st March to 31st July inclusive to minimise the potential for nesting birds to be disturbed.

### *Protected Species*

An assessment of the Site with regard to protected species noted little potential on the Site. The former shrubbery area is overgrown with bramble and this may support breeding birds; it is however a small area. On a wider scale, there is limited potential for reptiles, particularly on the Aberavon Lido area. The car park areas are extremely isolated from surrounding habitats; this part of the Site is enclosed by a high wall preventing easy immigration of animals and does not support a particularly good mosaic of habitats

The Council's Ecologist and NRW advise that they have no objection.

To conclude subject to conditions the applicant has demonstrated there is no unacceptable impact upon ecology or protected species and has demonstrated that the biodiversity will be maintained and enhanced and as such accords with PPW11, Technical Advice Note 5 (Nature Conservation and Planning) and Policies SP15 and Policies ENV7 of the LDP.

### Renewable Energy

Policy RE2 requires the submission of an 'Energy Assessment' for any proposal where developments result in 100 or more dwellings, and new floor space of 1,000 square meters or more. Schemes that are shown by the assessment to be viable will be required to be implemented as part of the development. In order to meet the requirements of Policy RE2, the approved SPG sets out the matters required for an Energy Assessment.

The submitted sustainable energy statement identifies that dwelling and apartments will follow a 'fabric first' approach to construct energy efficient buildings with insulation standards, thermal bridging and air leakage all improved beyond the minimum compliance levels within the Building Regulations. This will lead to significant benefits to the occupiers of the dwellings, including a reduction in energy bills and improved thermal comfort, as well as ensuring that these CO2 reductions are embedded into the lifetime of each home. It is estimated that a reduction in CO2 emissions of around 36.41% will be achieved compared with current the Part L 2006 baseline year, improving energy efficiency and mitigating the impacts on climate change for the lifetime of the dwellings.

In addition to this the 3 No apartment blocks will incorporate a Photovoltaic PV systems on the SE/S/SW facing roof areas. The PV systems will meet the specific requirements of the planning conditions should the scheme be approved. Full details of this scheme has not been provided as such a condition can be imposed to ensure a suitable PV system is provided as part of the development.

It should be noted that Welsh Government planning policy recognises an energy hierarchy. The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out within Planning Policy Wales (edition 11). Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources. This is particularly important in supporting the electrification of energy use, such as the growing use of electric vehicles as all aspects of the energy hierarchy have their part to play, simultaneously, in helping meet decarbonisation and renewable energy targets. The applicant has advised that they will be providing electric vehicle charging points (EVCP) in all properties that have integral garages, namely the Hornsea and Grasmere, providing a total of 22 dwellings with EVCP (16% of the development).

Conditions can be imposed to not only provide further details of the low energy design system and solar PV system set out within the renewable energy report but also to ensure the electric charging provision within the site is provided. As such with the above conditions it is considered the applicant has demonstrated that the development would

comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

### Section 106 Planning Obligations

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

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

In this case, the proposal relates to a planning application for the development of the site for 137 residential units.

A development of this size would normally be required to make contributions towards affordable housing, open space and education. However, Members of the Council have previously formally made the decision to use the equivalent sum of money normally secured for onsite affordable housing contribution to subsidise the provision of the replacement Lido development (since completed), which incorporates additional facilities over and above what was considered essential. Therefore the affordable housing target has been set at 0% for this site.

In relation to education, whilst a contribution is not required a consultation exercise was undertaken with the Education department in relation to school provision within the area. They advised that this development will have no significant impact on education provision at the schools likely to be affected namely Tywyn Primary, YGG Rhosafan, Ysgol Bae Baglan and YG Ystalyfera Bro Dur. There would be deficit places stipulated at YGG Rhosafan from January 2024 however these will be mitigated by new building works that are programmed.

In addition to this the Council will not require the developer of this site to make separate 106 contributions for open space (apart from an onsite provision for informal space) or education as part of their planning permission as these matters will be dealt with internally by the council, with any necessary costs being taken from the sale of the land.

### Other Matters

The above report has sought to address the nature of objections to the development, but the following issue has not been addressed, and is covered below: -

- *In relation to the Pre-Application Consultation (PAC) communication, received from Persimmon, being dated 24th December and the significance of its contents, being lost in the Christmas/New Year festivities and concerns over rising cases of corona virus.* The PAC can be undertaken at any time and this was carried out in accordance with The Planning Applications (Temporary Modifications and Disapplication) (Wales)(Coronavirus) Order 2020. Furthermore the consultation time was also extend to the 2nd February as one person requested hard copies

of documents. 18 representations were received at PAC stage. Moreover, this is not a Local Authority matter, and this application has been the subject of the necessary statutory publicity, including on site and in the local press.

### Conclusion

The decision to recommend granting 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.

For the reasons given above, it is concluded that the development of this site, which is allocated for housing within the Neath Port Talbot Local Development Plan, will contribute towards the delivery of housing within the County Borough in a sustainable location, and that subject to the imposition of conditions, the proposed development would have no unacceptable impacts upon the character and appearance of the surrounding area, on residential amenity or on highway and pedestrian safety. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP5, SP7 SP8, SP10, SP15, SP16, SP18, SP19, SP20, SP21, SC1, CCRS1 I1, H1, OS1, EN7, EN8, RE2, W3, 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: Approval subject to conditions

### Conditions

#### Time Limit

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.

### Approved Plans

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

LP01 – Site Location Plan  
PL01 Rev H – Site Layout Plan  
Boundary Treatment Plan Rev B  
Dimensions Plan Rev B  
Detail Soft Landscape Proposals Rev D Sheets 1  
Detail Soft Landscape Proposals Rev D Sheets 2  
10267 - 100 - 01G – Engineering

10267 - 100 - 02G – Engineering  
10267 - S278 - 00 - Site Location  
10267 - S278 - 01 - General Arrangement  
10267 - S278 - 02 - Kerbs & Finishes  
10267 - S278 - 03 - Highway Construction Details  
10267 - S278 - 04 - Site Clearance  
10267 - S278 - 05 - Signs & Road Markings  
10267 - S278 - TRO Plan  
Aberavon - Tracking Layout  
Bin Stores - BS01 Rev A  
Garages 6X3 3X6 SG and DG  
Railing Details  
Screen Wall With Timber Infill Panels  
Street Scene - Plots 44-72 Rev B  
Street Scene - Plots 93-119 Rev A  
Street Scene - Plots 123-134 Rev A  
Timber Hit and Miss Fence  
0638 Alnwick plans elevations (S)  
0761 Barton plans elevations (E)  
0762 Moseley plans elevations (AA)  
0921 Grasmere plans elevations (E)  
0969 Derwent plans elevations (G)  
0970 Windermere Contemporary Planning Elevations (A)  
0970 Windermere plans elevations (G)  
0980 Carleton Contemporary Planning Elevations (A)  
0999 Lockwood Corner plans elevations (E)  
1096 Hornsea plans elevations (E)  
1097 Ullswater Contemporary Planning Elevations (Rev F)  
1222 Coniston Comtemporary+ Planning Eleavtions (J)  
1222 Coniston plans elevations (J)  
Afan Lido - Corby Planning Elevations Rev C  
Afan Lido - Piel Planning Elevations Rev C  
Afan Lido - PPE02 (Piel Planning Elevations)

Reason:  
In the interests of clarity.

### Pre-Commencement

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. Notwithstanding the submitted plans, no development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the site is served by a suitable potable water supply.

5. Notwithstanding the submitted plans, no development shall commence until a foul water 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 flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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.

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 agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

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

7. Notwithstanding the submitted plans, no development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- a) A statement setting out the design objectives and how these will be delivered;
  - b) Details of delivery and timing and implementation;
  - c) earthworks showing existing and proposed finished levels or contours;
  - d) other vehicle and pedestrian access and circulation areas;
  - e) hard surfacing materials;
  - f) minor artefacts and structures (e.g. furniture, play equipment, signs, etc.),

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (which should be native), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program.

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 any work commencing on site a detailed scheme for the off-site highway works shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: -
- Construction Phasing Programme
  - Full drainage network details inclusive of the position of any existing gullies.
  - Relocation of existing gullies / upgrading where necessary of any existing pipework.
  - New footways / footway connections.
  - Tactile crossing points.
  - Radii junction details.
  - Highway markings (white lining TRO lining).
  - Traffic Regulation Order Scheme.
  - Relocation of any existing street furniture / signage to facilitate the development.
  - Relocation of the existing bus stop on the south side of Channel View.
  - Full Traffic Management Scheme.
  - Timetable for implementation

All works shall thereafter be undertaken in accordance with the approved details prior to the occupation of the final unit of the development, or in accordance with the approved timetable for implementation.

Reason:

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

#### Action Conditions

9. No residential property shall be occupied until such time as a scheme demonstrating noise mitigation measures (as set out within the noise constraints assessment by WYG dated March 2020) for all properties in proximity to The Princess Margaret Way, Channel view and the sports field has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all noise mitigation measures shall be implemented in full accordance with the approved scheme prior to the occupation of any affected residential property identified within the scheme, with all such measures thereafter retained in accordance with the approved scheme.

Reason:

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

10. There shall be no piling activities related to the construction of the development hereby approved unless a piling method statement has first been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be carried out in accordance with the approved method statement.

Reason:

In the interest of residential amenity during the construction phase and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

11. The apartment blocks hereby approved shall not be occupied until such time as a photovoltaic solar system has been installed (as identified within the Sustainable Energy Statement dated 16/06/21 Rev. 2) in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated in accordance with the approved details and retained as such thereafter.

Reason:

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

12. All dwellings and apartments shall be constructed in accordance with the Fabric first approach as set out within the Sustainable Energy Statement dated 16/06/21 Rev. 2 and retained as such thereafter.

Reason

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

13. Prior to the first occupation of any dwelling unit hereby approved, a landscape management plan, including the 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 within the site and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan

14. Prior to the first occupation of any dwelling unit hereby approved a scheme to provide integrated artificial nesting sites for birds (preferably starling) shall have been submitted to and approved in writing by the local planning authority. The scheme shall include detail and locations of the integrated bird nesting boxes spread throughout the site. All approved artificial nesting sites shall be implemented in accordance with the approved details prior to the first occupation of each building to which it relates.

Reason

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

15. Prior to the first beneficial use of each associated dwelling, Electric Vehicle Charging Points (EVCP) shall be provided to house types Hornsea and Grasmere and as shown on drawings PL01 Rev H in accordance with the Sustainable Energy Statement dated 16/06/21 Rev2, with such EVCP retained for such use thereafter.

Reason

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

16. Notwithstanding the submitted plan, and prior to the first beneficial occupation of any residential unit within the apartment blocks, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design, finish and internal layouts of the bin storage buildings and storage buildings serving the apartment blocks (which shall also ensure no bin store area doors shall open out over the public highway). The secure storage building and bin storage buildings identified on the approved scheme / plans shall be completed prior to the first beneficial occupation of any unit within the apartment block that they serve, with such storage buildings retained for such use thereafter.

Reason:

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

17. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development, including details of the balustrade for all balconies, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

18. Notwithstanding the submitted plans, prior to the first beneficial use of the development a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority.

- a) the location and design of the 1.1m high wall and railings to be positioned along Princess Margaret Way and Channel View
- b) Details of the boundary around the external washing line area to plots 93-100
- c) Details of all retaining walls, including their finish
- d) Details of the solid brick facing wall along the Northern Boundary
- e) Details of the boundary along the sport pitch to the North East

The scheme as agreed shall be erected prior to the first beneficial occupation of each plot they are located on, and retained as such thereafter

Reason:

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

19. Notwithstanding the requirements of condition 18, the boundary treatment as detailed on BTP-01 Rev. B - Boundary Details (excluding the details required under condition 18) shall be completed, as approved, prior to the first beneficial use of the plot(s) they are located on and retained as such thereafter.

Reason:

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

20. Prior to first beneficial use of the proposed development, 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 agreed in writing by the Local Planning Authority.

Reason:

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

21. 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

22. Prior to the occupation of any residential unit, a public lighting scheme for the site as a whole shall be submitted to and agreed in writing by the Local planning Authority . The approved lighting scheme shall be implemented on site prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of providing adequate street lighting, highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan

## Regulatory

23. The submitted Construction Method Statement document titled Construction Method Statement – The Former Afan Lido, Aberavon Seafront, Port Talbot (February 2021) and submitted plan referenced Construction Plan – Afan Lido, including all hours of construction and measures identified therein, shall be adhered to throughout the demolition and construction phase of the development as a whole.

Reason:

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

24. The car parking spaces/ driveways/ garages hereby approved shall be constructed in accordance with drawing number PL01 Rev H – Site Layout Plan and Dimensions Plan Rev B, prior to the first beneficial occupation of any part of the development to which they relate, and shall thereafter be retained for access and parking of vehicles only.

Reason:

In the interest of highway and pedestrian safety, to ensure that the development is served by sufficient parking and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

25. Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 buildings shall be erected on plots 17 to 19, 21 to 26, 52 to 64 and 101 to 134 other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

26. Notwithstanding the provisions 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 fences, gates or walls (other than those expressly authorised by this permission) shall be erected within the curtilage of Plots 52 to 64 and 101 to 130 and 133 and 134 forward of any wall of that dwelling house which fronts onto a highway, carriageway, shared driveway or footpath.

Reason:

In order to safeguard the amenities of the area 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 and SC1 of the Neath Port Talbot Local Development Plan.

27. Notwithstanding the provisions 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 doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors / windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

28. Notwithstanding the provisions 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), there shall be no extension or external alteration to Plots 52 to 64 and 101 to 130 and 133 and 134 hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

29. As detailed on the submitted plans drawing number T20.101 Appendix C, the proposed vehicular access points off Channel View and Princess Margaret Way shall retain visibility splays of 2.4 metres by 43 metres in either direction where nothing over 600 mm in height shall be constructed or allowed to grow.

Reason:

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

30. Any gates shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

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

31. No detached garage is to be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any conversion works commencing.

Reason:

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

32. No trees shall be planted within the footway nor any trees be planted within 2m of the back of footway unless a suitable root barrier has been provided.

Reason:

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

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2021/0567</b>	<b><u>DATE:</u> 07/06/2021</b>
<b>PROPOSAL:</b>	Change of use from a Dwellinghouse (C3) to a children's home (C2)
<b>LOCATION:</b>	4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY
<b>APPLICANT:</b>	Mr Simon Bujega - Bespoke Care Group Ltd
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Aberavon

### BACKGROUND

Cllr Stephanie Lynch requested on 14<sup>th</sup> July 2021 that this application be determined at Planning Committee having regard to the proposal potentially creating anti-social behaviour and its effect on highway and pedestrian safety by virtue of its limited parking provision.

The 'call-in' Panel subsequently met and agreed on 2<sup>nd</sup> August 2021 that the application should be determined at Planning Committee on the above grounds.

The Planning Committee resolved on 10<sup>th</sup> August 2021 that the application be deferred for consideration at a later meeting. There have been no changes made to the report, other than the single typographical error highlighted in the previous amendment sheet.

### SITE AND CONTEXT

The application site relates to a terraced residential property located at 4 Dalrymple Street, Aberavon, Port Talbot, SA12 6DY.

Council records show the premises has historically been occupied as a House of Multiple Occupation (HMO) between at least 2000 until 2019 with all of the enforcement interactions concerning the property by the Environmental Health, Housing Enforcement Team having been conducted on the basis of it being a HMO. Therefore it should be noted that for most of the last 2 decades, multiple occupancy has been the norm at this premises, although in planning terms its authorised use is a Class C3 dwelling (not a Class C4 HMO which came into effect in 2016),

### DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the change of use of the property from a residential unit (Use Class C3) to a children's home (Use Class C2).

The existing plans (below) identify that the property has three existing bedrooms at first floor, with the submitted documentation not detailing any external alterations to the property, with the only internal alterations comprising changing one of the bedrooms to an office.

The application forms state that there will be four staff, with the applicant having verbally confirmed that only two staff would be present at any one time.



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

## NEGOTIATIONS

None

## PLANNING HISTORY

The application site has no relevant planning history.

## CONSULTATIONS

**Environmental Health:** No objections

**Head of Engineering and Transport (Highways):** No objections

## REPRESENTATIONS

The neighbouring properties were consulted on June 7<sup>th</sup> 2021

In response, to date 7 no. representations have been received, with the issues raised summarised as follows: -

- Concerns from neighbouring properties with regard how close their houses are to the change of use.
- A Children's home is completely inappropriate to be positioned at this location.
- Noise and disturbance generated as a by-product of the use.
- Increase vehicular congestion given the limited parking provision offered on the street.
- It is an inappropriate location for 15-19 year old children released from the Criminal justice system to reside
- The affect the development will have on resident's mental well-being.

- The area is already housing a lot of societies vulnerable families, drug users and has a number of shared housing
- Gangs of youths already hang around the Chip Shop, this development will increase their numbers.
- The street already has a property which is classed as shared accommodation.
- Not all properties in the street were notified. This was an attempt by the council to deal with the planning application without disruption. This is against the rules.
- Anti-social behaviour.
- What guarantees can you give that the workers will be able to control the young people's behaviour?
- Children will always be noisy
- Privacy issues with regard to the rear gardens of the immediate neighbouring properties.

## REPORT

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

### National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

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

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

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

## 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:

### Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy OS1** Open Space Provision

The following SPG is of relevance to this application: -

- Planning Obligations (October 2016)
- 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 development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, highway safety

### Principle of Development

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Port Talbot. Policy SC1 'Settlement Limits' states:

*Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.*

In view of the above, it is considered that the proposal adheres to this policy given the scale and form of the building remains untouched externally and its use is considered to be an appropriate land use in terms of the settlement limit location.

It is noted that objections have been raised locally in respect of the use being for the care of children resident at the property (with staff present). The use would remain residential, however, and matters raised in respect of the likely occupants and potential for anti-social behaviour etc. are not considered to be land use planning matters that would affect such conclusion. In addition, the presence of another property in shared accommodation in the street would not result in any unacceptable concentration of non-C3 residential uses which might lead to any concerns based on local character or community cohesion. In any event, it is also noted that the evidence available to the Council indicates that the property has been used for many years as a House of Multiple Occupation, with the proposed use (even noting the presence of staff at all times) unlikely to have any additional impact on local character.

A condition is recommended, however, to restrict use of the property to no more than two children in care, with no more than two staff present on site at any one time (other

than staff changeovers), to control the intensity of use of the property in the interest of local amenity.

Accordingly, the use of the property is considered to be appropriate and in accordance with Policy SC1 of the Local Development Plan.

#### Impact on Visual Amenity

This proposal does not include an external alterations to the building, and accordingly the proposal will have no visual impact be it negative or positive on the host property nor on the established character and appearance of the streetscene or wider area.

#### Impact on Residential Amenity

There is no conflict between distances allowable between habitable room windows or the overlooking of private space. In the absence of any proposed external alterations and extensions to the applicant property, any potential issues regarding overbearing and overshadowing have been eliminated.

Although concerns have been raised locally, the use of the property as a Children's home use is considered to be similar in terms of noise and disturbance to that of a residential C3 Use, and thus it is considered that the residential properties immediately adjacent to the property will not suffer any noise and disturbance over and above what is currently enjoyed on site. Indeed, it is also noted that the number of bedrooms is to be reduced by 1 from three to two, and thus the intensity of use and thus impact could even reduce.

It is also important to consider when determining this application that for the previous 2 decades this premises was utilised as a House of Multiple Occupation, with the Council's Environmental Health Officer (housing) noting that the property would have had at least three tenants living at the property (as the HMO definition in the Housing Act 2004 requires there to be at least 3 tenants living at the premises for the HMO specific powers in the Act to be applied).

With this in mind, the proposed development only includes 2 bedrooms which is a less intensive use of the property than its previous use as a HMO, whilst retaining the same communal space and amenities as during its use as a HMO. This gives further credence to the comments made in the previous paragraph that the proposed use is less intensive and disruptive (noise wise) than the uses that came before it, whether it was in the form of a C3 dwelling or a C4 HMO.

The Environmental Health Officer (housing) has also assessed the proposal and noted such previous use and has offered no objections to the development.

It is noted that the proposal would include the comings and goings of staff, however again there are not considered to be materially different to the use as a dwelling, an certainly not to such an extent that this would materially change the character or nature of use to such an extent that it would have an unacceptable impact on local amenity.

In view of the above, there is not considered to be any adverse impact on residential amenity.

## Parking and Access Requirements and Impact on Highway Safety

The Head of Engineering and Transport (Highways) has assessed the proposal and has not offered any adverse comments.

The existing residential use would require 3 off-street parking spaces, and (based on no more than two staff being on site at any one time), it is considered that the proposed use would have no additional parking requirement over and above the existing use.

The existing site relies mainly on street-parking on Dalrymple Street and adjoining roads, but does have a large garage accessed off the rear lane. Given the presence of staff at the use, it is considered appropriate to require that garage to be retained and available at all times for the parking of vehicles associated with the site (or an alternative parking scheme to be provided at the rear), and a condition is proposed to that effect.

Therefore in view of the above, it is considered that there will not be any negative impact on highway and pedestrian safety subject to the imposition of such a condition to secure one off-street parking space within the rear of the site, accessed from the adopted rear lane.

## 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:

- Impact on existing residents' wellbeing due to the development are not considered to be a material planning consideration.
- There is no statutory requirement to notify all properties within a street, and the consultation process followed the standard protocol that is utilised for all planning applications submitted.

## CONCLUSION:

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on residential and visual amenity and highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1, OS1 and TR2 of the Neath Port Talbot Local Development Plan.

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

RECOMMENDATION: Approve subject to conditions

Conditions:-

Time Limit Conditions

- 1 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:

- Location plan 2115-01
- Existing floor plan 2115-02
- Proposed floor plan 2115-03
- Block plan 2115-04

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to first use of the proposed change of use, the existing garage serving the property shall be made available for the parking of vehicles associated with the use hereby approved OR one off street car parking space shall have been provided within the rear of the site to be accessed from the adopted rear lane in accordance with a scheme which shall first have been submitted to and approved in writing by the local planning authority. The garage or approved parking space shall thereafter be retained clear of obstruction and available at all times for the parking of vehicles associated with the use hereby permitted.

Reason

In the interest of highway safety and to comply with Policy BE1 of the Local Development Plan.

Regulatory Conditions

- 4 The use hereby permitted shall be occupied by no more than two children in care, with no more than two staff present on site at any one time (other than staff changeovers).

Reason:

To control the intensity of use of the property, in the interest of local amenity and highway safety, and to accord with Policy BE1 of the Local Development Plan.

Mae'r dudalen hon yn fwriadol wag

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u> P2021/0584</b>	<b><u>DATE:</u> 07/06/2021</b>
<b>PROPOSAL:</b>	Change of Use of First & Second Floors from Offices to Emergency Refuge Accommodation
<b>LOCATION:</b>	49 Talbot Road, Port Talbot, SA13 1HN
<b>APPLICANT:</b>	DGP Properties
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Port Talbot

### BACKGROUND

Due to the nature of the application, local objections and engagement with the local Ward Members, a decision has been made by Officers to report this application to Planning Committee for a decision.

### SITE AND CONTEXT

The application site relates to a detached property known as 49 Talbot Road, Port Talbot SA13 1HN. The building is set off the western flank of the A48, Talbot Road close to Port Talbot town centre.

The building consists of three-storeys in total. The ground floor contains large shop-front style windows with two access doors. The upper floors have previously been in use as offices and are now under renovation. The eastern gable of the building faces onto a small access lane which allows for limited off-street parking (outside of the application site boundary). To the rear of the building lies private staff parking for Port Talbot Parkway station, which is located less than two hundred metres distant.

### DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the change of use of the first and second floors from office accommodation to Emergency Refuge Accommodation.

Accommodation would comprise 12 individual units, with 7 units and a laundry room and WC at first floor, with 5 further units on the second floor, along with storage rooms.

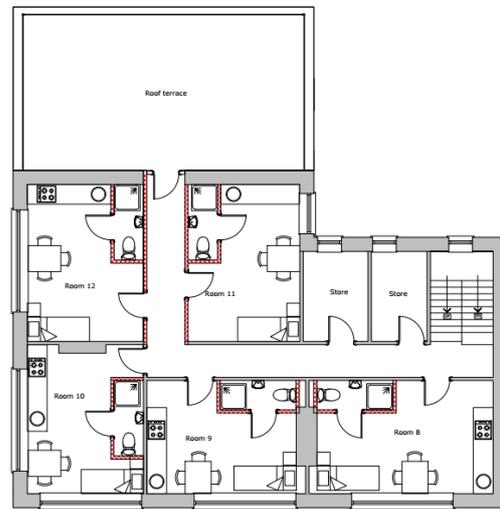
Each unit looks to provide everything that is required for an overnight or temporary short stay. Each room contains a bed, small kitchenette and seating area. There is also an en-suite which contains a shower, toilet and sink within each room (see plan extracts below).

The proposed rooms will accommodate vulnerable individuals who are seeking emergency temporary refuge. The applicant has confirmed that the accommodation will be managed by the same registered charity who intend to occupy the ground floor offices. The registered charity will provide counselling and welfare support for the vulnerable individuals.

The emphasis is upon limited stays of only a couple of nights, with the limited individual floor space impractical to offer anything more than that timescale. The applicant's intent is to offer a temporary solution to an individual's homelessness, and to guide and steer that individual to more permanent accommodation elsewhere in association with local authority and housing association support networks.



First Floor



First Floor

The proposed change of use will not require any external works or physical extension of the building, with the accommodation being contained within the current floor layout of the building, and the structure of rooms being subdivided to create individual occupant spaces.

## NEGOTIATIONS

While there have been no negotiations, the applicant has on request provided a Management Plan, which is considered further below.

## PLANNING HISTORY

The application site has the following relevant planning history: -

- P2012/0168 – COU from Office and training building to financial and professional use (A2): Approved.

## CONSULTATIONS

**Environmental Health:** No objections

**Head of Engineering and Transport (Highways):** No objections

## REPRESENTATIONS

A site notice was displayed on June 6<sup>th</sup> 2021. In response, to date 8 no. representations have been received, with the issues raised summarised as follows: -

- Increased crime levels, specifically drug use, alcohol abuse and criminal damage
- Concerns for the mental well-being of the inhabitants of the area, especially the children given the proximity of the schools
- The area does not really need more of the proposed use, given what is already present in the area.
- Clarity on the type of individual to be housed at the development
- There is alternative accommodation in the nearby YMCA

## REPORT

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

### National Planning Policy:

[Planning Policy Wales](#) (Edition 11) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, [Future Wales - the National Plan 2040](#) and to deliver the vision for Wales that is set out therein.

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

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

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

### 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:

## Topic Based Policies :

- **Policy SC1** Settlement limits
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design
- **Policy OS1** Open Space Provision

The following SPG is of relevance to this application: -

- [Planning Obligations](#) (October 2016)
- [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 development, together with the impact on the visual amenity of the area, the amenities of neighbouring residents, and highway safety.

## Principle of Development

For the purposes of the adopted Local Development Plan, the site is located within the defined settlement limits of Port Talbot. Policy SC1 'Settlement Limits' states:

*Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.*

In view of the above, it is considered that the proposal adheres to this policy given the scale and form of the building remains untouched externally and its residential use is considered to be an appropriate land use in terms of the settlement limit location.

Notwithstanding the above, it is acknowledged that the Local Development Plan does not contain any direct planning policies for Special Housing or Emergency refuge accommodation. In such unique circumstances each proposal will be treated on its own individual merits.

Having regard to the proposal for short-term emergency accommodation, it is noteworthy that Julie James, the Minister for Climate Change, has very recently issued a letter (August 2021) to all Welsh Local Authorities emphasising that throughout the Covid-19 pandemic Welsh Government, working closely with local authorities, have taken unprecedented steps to support people experiencing homelessness to ensure they have been able to access accommodation together with the support they need to stay safe. This has included specific guidance and additional funding to support an inclusive approach to ensure no-one is left without accommodation and support.

The Minister also identifies that the Welsh Government's recently published [Programme for Government](#) makes clear their commitment "to fundamentally reform homelessness services to focus on prevention and rapid rehousing" and that a Green Paper will be developed for publication next year to set out the legislative mechanisms required to support this change. She further emphasises that "as well

*as fundamental reform of homelessness services, the move to a rapid rehousing approach also requires a sufficient supply of affordable homes and the social sector has a key role to play in this”.*

In addition to its residential use being acceptable in principle in land use planning terms therefore (subject to an assessment of its impacts below), it is also clear that the specific nature of accommodation proposed under this application is much needed, and forms one part of a much wider programme / strategy which seeks to ensure essential and active support for those persons experiencing homelessness, ensuring they have access to accommodation and associated support needed to stay safe.

That being said, there are local concerns over the introduction of such emergency accommodation (noting the presence of the YMCA nearby also). In this regard there is, of course a need to focus on land use planning issues (as opposed to who might occupy such accommodation), albeit with an appreciation that community cohesion is important. Nevertheless it is imperative that this type of accommodation is ‘managed’ correctly to ensure the amenity of the community is preserved and protected.

The applicant has given strong assurances that this charitable use will be managed through the company based on the ground floor at all times, and this relationship is considered to be critical to the acceptability of the proposal. However given that the ground floor use is existing and does not form part of this submission, Officers advised that assurances of how the ground floor ties in with the floors above would have to be clearly set out within a Management Plan.

Accordingly, following consultation with officers, the applicant agreed to submit a fully detailed [Management Plan for Emergency Refuge Accommodation](#). The Management Plan details that the Registered Charity would run their floating support service from the ground floor offices, and then goes on to define a clear registration procedure which caters for the individual needs of the person in question. This drop-in service on the ground floor would only be available during week-day office opening hours. The applicant has also clarified that there will be a 24 hour warden present on site, which forms part of their 24 hour staffing project.

Management of the accommodation in accordance with such approved management plan would ensure any potential issues arising from the nature of accommodation would be dealt with swiftly and at source, and can be controlled by condition. Such condition would also ensure that the accommodation is used only as ‘emergency accommodation’ managed by the occupant of the ground floor in accordance with the approved management plan.

Finally, it is noted that the Housing Team in Environmental Health have assessed the proposal and have offered no objections to the development. However, they have noted that whilst they accept the arguments put forward in the Planning Statement that the building will not contain residential dwellings in the traditional sense, Environmental Health consider that the proposed self-contained flats would meet the definition of a ‘dwelling’ contained in Part 1 of the Housing Act 2004, and as such will be subject to the provisions of that legislation to provide safe and healthy housing.

### Impact on Visual Amenity

This proposal does not include an external alterations to the building. Subsequently there will not be any visual impact be it negative or positive on the host property nor on the established character and appearance of the street scene or wider area.

### Impact on Residential Amenity

There is no conflict between distances allowable between habitable room windows or the overlooking of private space. In the absence of any proposed external alterations and extensions to the applicant property, any potential issues regarding overbearing and overshadowing have been eliminated. The emergency refuse use is similar in terms of noise and disturbance to that of a residential use. That being the case, it is considered that the residential properties immediately adjacent to the property will not suffer any noise and disturbance over and above what is currently enjoyed on site.

In view of the above, there is not considered to be any adverse impact on residential amenity.

### Parking and Access Requirements and Impact on Highway Safety

It is noted that the site has no existing on-site parking provision to serve the existing commercial uses. It is therefore appropriate to consider the proposed use against the existing use, discounting the ground floor which does not form part of this application (albeit intended to form part of the management of the wider unit).

In this regard, the existing office accommodation on the upper floors (approximately 335 sq.m. gross external) would require 1 space per 20 sq.m. equating to approximately 17 spaces (max). In comparison, the proposed use – based on 12 individual residential units – would require 12 spaces plus one visitor space per five units, giving a total requirement of 15 spaces.

Each of the above figures could potentially be relaxed further due to the sustainable location of the property, while it would also be reasonable to conclude that all of the intended occupants of the accommodation would be unlikely to own a vehicle. However for the purposes of this application it is considered that in view of the above calculations it would be unreasonable to object to the proposal on highway safety grounds given that the proposed use would have a lesser parking requirement than the existing authorised use.

The Head of Engineering and Transport (Highways) has also assessed the proposal and has not offered any adverse comments, such that there is not considered to be any adverse impact on highway and pedestrian safety.

### Planning Obligations

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

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

The site lies within the Port Talbot ward, where there are existing ward shortfalls in all categories of open space. The development has the following open space requirements (taking into account that no children's play space is required for one bedroomed flats):

Pitch sport:	369sqm
Non pitch sport:	144sqm
Children's play:	0 sqm
Informal open space:	176sqm
Allotments:	61sqm

Potential S106 Capital costs for Public Open Space are as follows:

Pitch sport	£3,976
Non pitch sport	£14,420
Children's play	£0
Informal	£882
Allotments	£672
Total	£19,950

The above contributions will be secured by a Section 106 Legal Agreement.

### Other Matters

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

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

- Issues such as the type of individual potentially using the premises and unsubstantiated claims of crime are not material planning considerations and therefore did not form part of the determination process.

### CONCLUSION:

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

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on residential and visual amenity and highway

and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1, BE1, OS1 and TR2 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 a legal agreement requiring provision of a financial contribution of £19,950 towards public open space in the Port Talbot area, and subject to the following conditions:

**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.

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

- MANAGEMENT PLAN Proposed Change of Use of First & Second Floors from Offices to Emergency Refuge Accommodation at 49 Talbot Road, Port Talbot, SA13 1HN
- Site Location Plan Drawing Number 100
- Existing Elevations and Floor Plans, Drawing Number 300
- Proposed floor Plan 01

Reason: In the interests of clarity.

- (3) The residential accommodation hereby approved shall only be occupied as 'emergency accommodation', which shall at all times be operated and managed only by a Registered Charity who occupies the ground floor offices within the property, and in full accordance with the provisions stipulated within the 'Management Plan for Emergency Refuge Accommodation' hereby approved, which shall be implemented at all times.

Reason:

In order that the use may be managed in the interests of residential amenity and community cohesion, and to accord with Policy BE1 of the adopted Local Development Plan.