



## **PWYLLGOR CYNLLUNIO**

**10.00 AM - DYDD MAWRTH, 23 CHWEFROR 2021**

### **O BELL TRWY TEAMS**

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

### **Rhan 1**

1. Datganiadau o fuddiannau
2. Cofnodion y cyfarfod blaenorol (*Tudalennau 5 - 6*)
3. 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**

4. Cais Rhif P2020/0992 - Rhodfa Bevin, Sandfields  
(*Tudalennau 7 - 48*)
5. Cais Rhif P2020/1071- Tir yn Heol Tabor, Cwmafan  
(*Tudalennau 49 - 68*)
6. Cais Rhif P2020/1041 - 45 Heol Victoria, Sandfields  
(*Tudalennau 69 - 86*)
7. Gorfodi - Adroddiad Amhriodoldeb - Parc Goshen, Sgiwen  
(*Tudalennau 87 - 90*)

8. Eitemau brys  
(Unrhyw eitemau brys (boed yn gyhoeddus neu wedi'u heithrio) yn ol disgrisiwn y Cadeirydd yn unol ag Adran 100B (4) (b) o Ddeddf Llywodraeth Leol 1972.

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

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

**Dydd Mercher, 17 Chwefror 2021**

**Aelodaeth Pwyllgor:**

**Cadeirydd:**           **S.Paddison**

**Is-Gadeirydd:**       **S.Pursey**

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

**Aelod Cabinet:**     Councillor A.Wingrave

## **Gwneud cais i siarad yng nghyfarfod y Pwyllgor Cynllunio**

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

ddosberthir 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

(O BELL TRWY TEAMS)

Aelodau'n bresennol:

Dydd Mawrth, 2 Chwefror 2021

**Cadeirydd:** Aelod S.Paddison

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

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

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

**Aelodau Lleol:** Aelod J.Hale (Bryncoch South)

**Swyddogion yn bresennol:** C.Morris, S.Ball, M.Shaw, R.MacGregor,  
D.Thomas, J.Griffiths, S.Jenkins, L.Morgan 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 C Williams Parthed: Eitem 4 ar yr Agenda, Cais Cynllunio Rhif P2019/5304, Aldi, Abaty Nedd, gan ei fod yn gyflogai i Tesco Stores Ltd. Nid oedd o'r farn bod ei fudd yn niweidiol felly roedd yn gallu pleidleisio a siarad.

### 2. COFNODION Y CYFARFOD BLAENOROL

**PENDERFYNWYD:** Cymeradwyo cofnodion y cyfarfod blaenorol a gynhaliwyd ar 15 Rhagfyr, 2020.

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

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

4. **TAFLEN DDIWYGIADAU**

Nodyn: Dosbarthwyd dwy daflen ddiwygio mewn perthynas â chais rhif: P2019/5304 cyn y cyfarfod, yr oedd y Cadeirydd wedi rhoi digon o amser i'r aelodau eu darllen, mewn perthynas ag eitem y cais ar yr agenda a gyhoeddwyd. Roedd y Cadeirydd wedi rhoi caniatâd i'w dosbarthu/hystyried ar frys yn ystod y cyfarfod heddiw oherwydd y rhesymau a'r amgylchiadau penodol 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.

5. **CAIS RHIF P2019/5034 - ALDI, MYNACHLOG NEDD**

Rhoddodd swyddogion gyflwyniad i'r Pwyllgor Cynllunio ar y cais hwn (Codi siop fwyd Dosbarth A1 (Aldi Stores Ltd) (arwynebedd llawr gros 1,899 metr sgwâr) gyda mynedfa, lle parcio ceir a thirlunio cysylltiedig (llinell goch ddiwygiedig i hwyluso gwell mynediad a lleiniau gwelededd) ar dir gerllaw CSN Precision Engineering, Neath Abbey Road, Castell-nedd, SA10 7BR) fel y nodir yn yr adroddiad cylchredeg.

Roedd aelodau'r ward leol yn bresennol i roi eu sylwadau, yn ogystal â siaradwr cofrestredig yn erbyn y cais, a'r ymgeisydd, a arferodd ei hawl i ymateb.

**PENDERFYNWYD:** Cymeradwyo cais rhif P2019/5304 yn unol ag argymhellion Swyddogion, ac yn amodol ar yr amodau a nodir yn yr adroddiad a ddosbarthwyd.

**CADEIRYDD**

Tudalen6

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b><u>APPLICATION NO:</u></b> P2020/0992	<b><u>DATE:</u></b> 25/11/2020
<b>PROPOSAL:</b>	Refurbishment of the existing 69 no. 2 bed flats, conversion of 3 no. 2 bed flats to 3 no. new 1 bed flats and the construction of an additional 1 no. 2 bed and 54 no. 1 bed flats, with associated car parking, landscaping and infrastructure works
<b>LOCATION:</b>	Land North of Bevin Avenue
<b>APPLICANT:</b>	Tai Tarian
<b>TYPE:</b>	Full Plans
<b>WARD:</b>	Sandfields East

### BACKGROUND

This application is brought before Members for a decision as a ‘major’ application of wider public interest.

### SITE AND CONTEXT

The application site is approximately 2.4 hectares in size, and currently comprises 6 blocks of three storey flats (69 no.) which lie to the south-west of Moorland Road, east of Dalton Road, and to the north and east of Bevin Avenue.



Figure 1 Site Location Plan

The existing 6 blocks of flats are 3 stories high, finished in golden spa dash and painted render and have traditional tiled pitched roofs; they are set at a 90° to Bevin Avenue and Moorlands with intervening areas for parking and amenity space. An aerial photo is shown on figure 2 below.



Figure 2: Aerial photo of existing flats

To the south-west of Bevin Way is the New Sandfields and Aberavon Sustainable Regeneration Centre, and directly to the east are sports facilities which include an indoor bowls centre, together with an all-weather pitch, and the Afan Lido football ground. To the rear of the regeneration centre is the Aberavon Leisure Centre and adjacent Reel Cinema.

The remainder of the area is residential; parts of the site are run down and in great need of modernisation with some flats boarded up. The photographs below show how the site currently looks.



Figure 3: photographs of the existing site

It should be noted that the site is in close proximity to Aberavon beach and the promenade which are considered to be one of the main tourist attractions within Neath Port Talbot, attracting people from all over the county and further afield.

Over the years there has been expanding development of a number of uses, including cafes, play facilities, care homes and residential dwellings along the beach frontage. The promenade acts as a shared pedestrian and cycle route, with National Cycle Network (NCN) Route 887 running along the promenade and linking back up at both ends with NCN Route 4.

**DESCRIPTION OF DEVELOPMENT**

The development proposes the refurbishment of the existing 72 no. 2 bed flats, including the conversion of 3 no. 2 bed flats to 3 no. new 1 bed flats and the construction of an additional 55 units (1 no. 2 bed and 54 no. 1 bed flats) all of which will be affordable housing.

The new build will (in summary) comprise the addition of a mix of 2, 3 and 4-storey 'end blocks' to the six existing blocks, plus one of 5-storeys on the south-western corner linking blocks 5 and 6. Central linking blocks are also proposed between 1 and 2, and 3 and 4.



Figure 4: Concept Masterplan

The proposal also includes significant enhancement to the existing blocks through 'retrofitting', including replacement dark grey monopitch roofs with PV panels, insulating the buildings to highest standards, making them airtight and installing External Wall Insulation (EWI) and efficient heating systems, plus new anthracite uPVC windows and aluminium louvres and box cladding.

The existing car parking provision at the site is very informal in nature (3 areas between blocks 1/2, 3/4, and 5/6), with spaces not demarcated. The development will formalise and increase the site car parking allocation to 92 spaces (which will be spread over 4 car parking areas and 2 small areas off Bevin Avenue). In addition, it will enhance the remaining 2 amenity areas including a variety of landscaping, plus additional landscaped areas throughout the site, and the provision of cycle and bin storage areas.

The applicant has advised that the development is seeking grant funding from Welsh Government as part of their innovative housing programme

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

### NEGOTIATIONS

Officers have, prior to statutory pre-application consultation, engaged in extensive dialogue over the development especially in terms of design, scale and massing.

### PRE-APPLICATION CONSULTATION

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

The consultation exercise took place between 24<sup>th</sup> Aug 2020 and the 22<sup>nd</sup> Sept 2020. The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees.

23 representations were received at PAC stage (4 neutral, 19 objecting), which raised issues concerning residential amenity, scale/ visual amenity and highway and pedestrian safety. However, these raised no fundamental issues, with the applicant having sought to address many of these issues during this process.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- P1989/7412 – Section 53 application for a satellite dish. Decided 18/11/89.

### 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 subject to condition and informative.

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

**Welsh Water:** no objection subject to SAB and informative.

**Fire and Rescue Service:** The developer should consider the need to provide adequate water supplies for firefighting purposes on the site.

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

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

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

**Crime Prevention Design Advisor:** No objection, and has made comments, with a view to the development achieving the Secured by Design (SBD) Gold Award which it is required to achieve, under the Welsh Government's Development Quality Requirements (DQR) for grant funded social housing projects.

**Housing Officer:** has advised that the redevelopment is in the Welsh Government Social Housing Grant programme and will comprise affordable housing.

## REPRESENTATIONS

The neighbouring properties were consulted on 26/11/2020 and 05/02/2021. A site notice was displayed on 26/11/2020 and 05/02/2021 with the application also advertised in the press on 28/11/2020.

In response, to date 3 no. representations have been received (although subsequently one of the objectors withdrew their objection). A summary of the remaining two objectors are as follows: -

- A block of flats is to be built directly adjacent to my bathroom window, the building across this will block light into my kitchen and bathroom. I will have no privacy at all.
- An objector's shed will be taken away to accommodate a proposed block.
- Why can't the car park go out the front, if you live in a house you park your car out front, gardens are out the back.
- The communal gardens are out the front of the flats, where there is a busy road, so not safe for our children and grandchildren to play, also anyone can walk across the proposed garden's, so not private at all.
- Moorland road is like a race track of an evening.
- Works will cause disruption and loss of our community is at stake.
- The green area which is the extension of the pavement is providing safe walk for children going to school, beach or other activities, parents with push chairs, people on wheelchairs, dog walkers, etc. The opposite pavement is used for cars pulling in and out of their driveways.

- Moorland Road particularly between Dalton Rd and the Red Dragon restaurant is already congested with parked cars (people have several cars per household). Buses going through it makes it even more challenging and awkward. The area is already over built and driving through it is not an easy job particularly in the morning, school time and rush hours.
- There are plenty of blind spots in this area and extending the existing building line up to the road will create several potential accident spots because of the obscured vision for the cars coming out of these buildings.
- The houses on the other side of the proposed buildings get the sunlight from this direction only. Therefore, to build high rising flats closer to them will no doubt deprive them from it
- The proposed plan is actually taking away the green part of it which should be protected and even promoted by the council.
- Increasing the number of existing accommodation is obviously full of risks. Therefore, the existing building line must be protected in this area.

## REPORT

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

### National Planning Policy:

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

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

Paragraph 4.2.23 states 'Development plans must include clear policy criteria against which applications for housing development on unallocated sites will be considered. Infill and windfall sites can make a useful contribution to the delivery of housing. Proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable place making outcomes

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

- Technical Advice Note 2: Planning and Affordable Housing (2006)

- 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 SP8** Affordable Housing
- **Policy SP10** Open Space
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network

#### *Topic Based Policies :*

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy OS2** Protection of Existing Open Space
- **Policy TO4** Walking and Cycling Routes
- **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 is of relevance to this application: -

- Planning Obligations (October 2016)
- Parking Standards (October 2016)
- Affordable Housing (October 2016)

- Pollution (October 2016)
- Open Space & Greenspace (July 2017)
- Design (July 2017)

### EIA and AA Screening

The application site exceeds the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened in accordance with the requirements of Schedule 3 of the Regulations.

The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application.

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

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 impact upon residential amenity both from existing residential properties and future occupiers of the development; highway safety, land contamination, noise, air quality and biodiversity.

### Principle of Development

The proposed development is located within the residential settlement of Sandfields East as defined by Policy SC1 of the Neath Port Talbot Local Plan, therefore the principle of the redevelopment of an existing residential complex (brownfield site) would be acceptable subject to an assessment of the acceptability in terms of other policies within the LDP, and there being no unacceptable issues with regard to visual amenity, residential amenity or highway and pedestrian safety.

### *Density*

Policy BE1 (8a) of the adopted Local Development Plan states that 'normally a minimum of 35 dwellings per hectare in the Coastal Strategy Area or a minimum of 30 per hectare in the Valleys Strategy Area' will be required.

This site falls within the Coastal Strategy Area where a minimum of 35 dwellings per hectare will be required. The application site as a whole is approximately 2.4 hectares in size, so with the additional 55 units the overall site density would increase from 30 dwellings per hectare (dph) (72 units) to 52.91 dph (127 units). The density is thus

considerably higher than the minimum required and demonstrates the efficient use of land required under Policy BE1.

### *Affordable Housing*

The development will be 100% Affordable housing, this is identified as a key issue under **Policy AH1** of the adopted Local Development plan and it is also a ministerial priority for the Welsh Government. As noted later in the report, a condition will be attached requiring a minimum of 25% of the units remain affordable in perpetuity.

### Impact on 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-off 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.

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 and energy performance of the buildings and site in general, but more importantly to improve the quality and use of the spaces between the buildings and create a desirable place to live, which could

foster greater social interaction and community cohesion. 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.

*Proposed New Build Accommodation*

The scale of the proposed new flats has been influenced by the existing residential development neighbouring the site, in order to respect the residential amenity of residents. Given existing two storey dwellings along the length of Moorland Road and the eastern end of Bevin Avenue, the scale of the proposed flats to the ends of the blocks will remain two storey in height. The scale of the flats then increases incrementally up to 5 storeys towards the western end of Bevin Avenue where the area opens up.

The increase in massing and height is shown on the 3D images below, which illustrate that both the new 2 and 3 storey elements to the end blocks, together with the larger 5 storey block in the southern corner of the site, have been sensitively designed having regard to the surrounding areas (and comments made by the LPA during pre-application discussions) to ensure the scheme would have no unacceptable impacts. Indeed, views from wider area and even the seafront would likely be greatly improved as a result of the proposals.

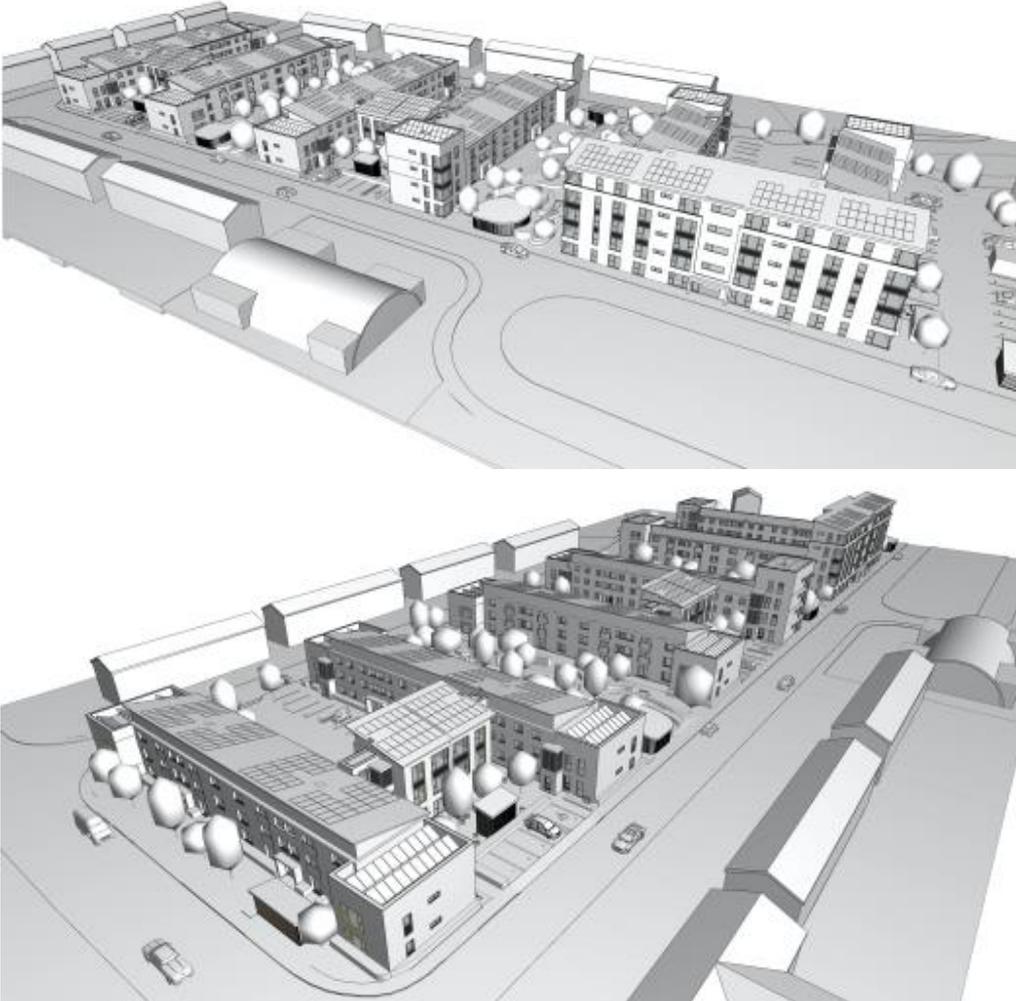


Figure 5 (3 dimensional views of the development)



Figure 6 Artist impression of the development

While it is noted that the new build accommodation would be sited upon the existing wide grass 'verges' (incidental open space), when considered as a whole it is considered that the new build accommodation would be acceptable in terms of its scale and general impact on the amenity of the area, with the development creating a sense of place which would have a significant positive impact upon the visual character of the application site and wider area.

In reaching this conclusion it is especially notable that the proposals would result in a significant visual improvement when compared with the dated design and concrete structure of the existing blocks of flats. The proposals help redefine a sense of place, thus creating a high quality environment and stronger sense of community.

### Materials (Retrofit and New Build)

For both the new build and the retrofit elements of the project there is a choice of materials to clad the building in, with the enhanced energy performance of the existing accommodation achieved with external insulation. The development will then be finished in a combination of bricks, brick slips, various claddings, louvres, anthracite upvc windows, anthracite doors in aluminium and upvc, cladded roofs, some with solar, and Juliet balconies with safety glass (see example below at figure 7).



Figure 7 materials to Existing and New build blocks

### New Build - Block 7:

#### Key

- |    |              |  |
|----|--------------|--|
| 1  | Brick Slip   | TM Corium                                    |
| 2  | Bricks       | Wienerberger                                 |
| 3  | Cladding     | Trespa Meteor                                |
| 4  | Cladding     | Trespa Pura or<br>Cedral                     |
| 5  | Cladding     | Vertical Microrib                            |
| 6  | Louvres      | CS Louvres                                   |
| 7  | Windows      | uPvc Anthracite                              |
| 8  | Doors        | uPvc/ Aluminium                              |
| 9  | Roof         | Single Ply<br>Membrane with<br>Standing Seam |
| 10 | Juliette     | Safety Glass                                 |
| 11 | Solar Panels |  |



Figure 8 Materials New Blocks

It is also noteworthy that the scheme has been reviewed by the Design Commission for Wales in Sept 2020, with their report stating that *“overall, this is an interesting and potentially high-quality proposal integrating commitment to the Wellbeing Future Generations Act, provision of good quality dwellings, retrofit improvements and enhanced building and energy performance.”*

It is thus considered that the pallet of innovative materials, and design features incorporated within the development provides a modern refreshing look to both existing and proposed new build, and that a condition can be imposed to ensure further details/samples of the materials are provided to ensure the colours finishes are acceptable.

### Landscaping

The existing six blocks are split into three ‘groups’ of 2, each with a central area of parking, and separated from each other by an open area of incidental open space. The ‘frontage’ to Bevin Avenue and Moorland Road also comprises incidental open space, which (as identified above) will partly be built upon, as will the open area to the southeast which will provide additional car parking areas (and an Active Travel route through the site).

Although the development results in the loss of areas of incidental open space, the overarching landscaping masterplan seeks to provide significant enhancements to the two existing central areas of space (see figure 9 below).



Figure 9: Landscaping Design

Such masterplan takes into account the integration of an innovative sustainable drainage system (which will require separate SAB approval) comprising permeable paving, rain gardens and bio-basins. These two areas of enhanced open space will provide a varied recreational environment for all residents to enjoy, with landscaping seeking to provide “*semi-natural habitats reflecting the open dune environment, shady inland woodlands and the transitional landscape between the two*”. Plants will be selected from a pallet of native and wildlife-friendly species.

In this respect, it is considered that the enhanced large amenity areas for residents and planting throughout the site will significantly enhance the areas not only in terms of visual amenity but also biodiversity interest (addressed later in this report). It is also noted that the increased parking areas have been sensitively designed and broken with strategic planting including trees and hedgerows. These areas will also integrate the development into its landscape, helping create the sense of place and enhancing the opportunity for residents to utilise these areas and promote greater community cohesion.

### *Bin, Cycle and Mobility Storage*

The site plan shows the position of new bin stores and cycle storage, however whilst details of siting and appearance have been provided no details of their internal layout have been provided. In addition, it is noted that some of the bin storage does not have a path leading to them. It is also not clear if any mobile scooter storage has been provided, whether this is incorporated into the cycle storage or separate. A condition can be imposed to ensure these details are provided and to ensure that they are provided prior to the first beneficial use of the site.

### *Visual Amenity Conclusion*

The existing site is undoubtedly ‘of its time’ and the existing residential blocks and wider site are in need of investment. In this regard, while this innovative housing development seeks to add a significant amount of new built development, this will be undertaken in an acceptable way which in combination with the significant changes to the external fabric and appearance of the existing units, and the wider site layout and landscaping, will ensure that the overall siting, design and form is appropriate, significantly improving the overall character of the site and its contribution to the wider area.

The scheme as a whole also reflects the wider placemaking 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 LDP.

Impact on 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. The impact upon each area is considered below:

*Bevin Avenue*

In terms of overbearing and overshadowing impacts, blocks 1 to 4 (identified on figure 10 below) are the nearest to these houses, the proposed new-build development is set approximately 18.6m away from the front elevations of these dwelling across an intervening road. Blocks 1 to 3 are 2 storeys in height with block 4 increasing to 4 storeys, with the new block linking 5 and 6 at the far end being 5 storeys. The 5 storey block is sited away from nearby dwellings.

Having regard to the relationship with nearby dwellings on Bevin Avenue, it is considered that the separation distance between the dwellings and new build blocks, especially the 5 storey block, would ensure that there would be no unacceptable overshadowing or overbearing impact on the dwellings on Bevin Avenue.

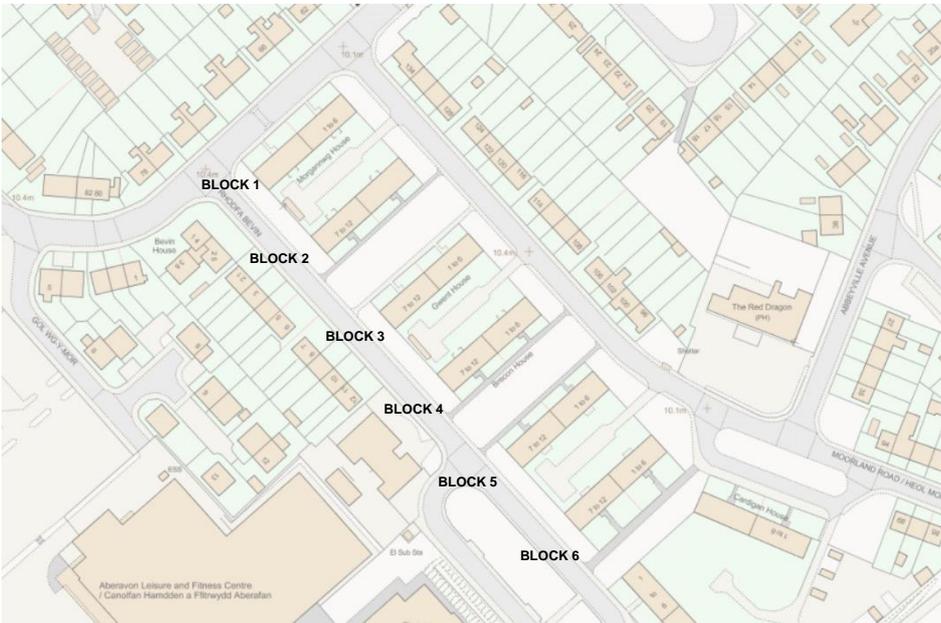


Figure 10\*: OS Plan identifying the no. of blocks (for purpose of this assessment)

In terms of potential overlooking, each flat on the end of blocks 1 to 3 which directly face the houses on Bevin Avenue has one habitable room window. However this a small secondary windows serving an open plan living/kitchen area, and located on

the kitchen side of the room. The main window for this room is much larger and looks into the site. As such to prevent any issues of overlooking these secondary windows can be obscurely glazed by condition to prevent any issue of overlooking.

The end of block 4 has a corner window which serves a habitable room, which is 18.5m from the front elevation of the community building on Bevin Avenue. It is considered that whilst under the 21m guideline there is an intervening road and front gardens that would lessen any impact, furthermore this is a community building and not a residential property. As such it is considered that the development would not have an unacceptable impact in terms of overlooking. The relationship between the development is shown on figure 11 below.



Figure 11 Separation distances: Bevin Avenue, Coronation House and Crompton House

*Coronation House and Cardigan House*

The side of Coronation house and Cardigan house which are flats within the control of Tai Tarian, side onto the development, with both of these blocks having one side facing habitable window. In terms of overshadowing and overbearing; the new build sections (which are closer than the existing elements) would be approximately 18.5m minimum from the side of these buildings, across a car park. It is considered that this is sufficient distance to ensure the new build elements would have no unacceptable overshadowing or overbearing impact.

In terms of overlooking the window on the side of block 6 serves a habitable room and is sited approximately 20.5m away from to the side facing window, a similar relationship occurs with a habitable window on the opposite end of block 6 and the side facing windows on Coronation House with a separation distance of 20.5m. Whilst just under the 21 m guideline this is considered to be acceptable due to the angles between the windows. As such it is considered that there in no unacceptable impact in terms of overlooking. (This relationship can also be seen on figure 11 above).

*Moorlands Road*

In terms of overbearing and overshadowing impacts, the new block at the end of blocks 1 to 4 are two storey and at the ends of block 5 and 6 are 3 storey, the same as the existing blocks. These are located a minimum distance of 15m from the front

elevation of the houses across. It is considered that the separation distance between these new end blocks is sufficient to ensure there is no unacceptable overshadowing and overbearing impact on the dwellings on Moorlands Road.

In terms of overlooking, each flat has a secondary window that fronts onto Moorlands Road, which would serve a kitchen/living area. The window is small and on the kitchen side of the room, with a larger window also serving this room which looks into the site. As such to prevent any issues of overlooking a condition can be imposed to ensure these secondary windows are obscurely glazed which will prevent any issues of overlooking. As such it is considered that the development would not have an unacceptable impact in terms of overlooking. The relationships between the proposed developments is shown on figure 12 below.

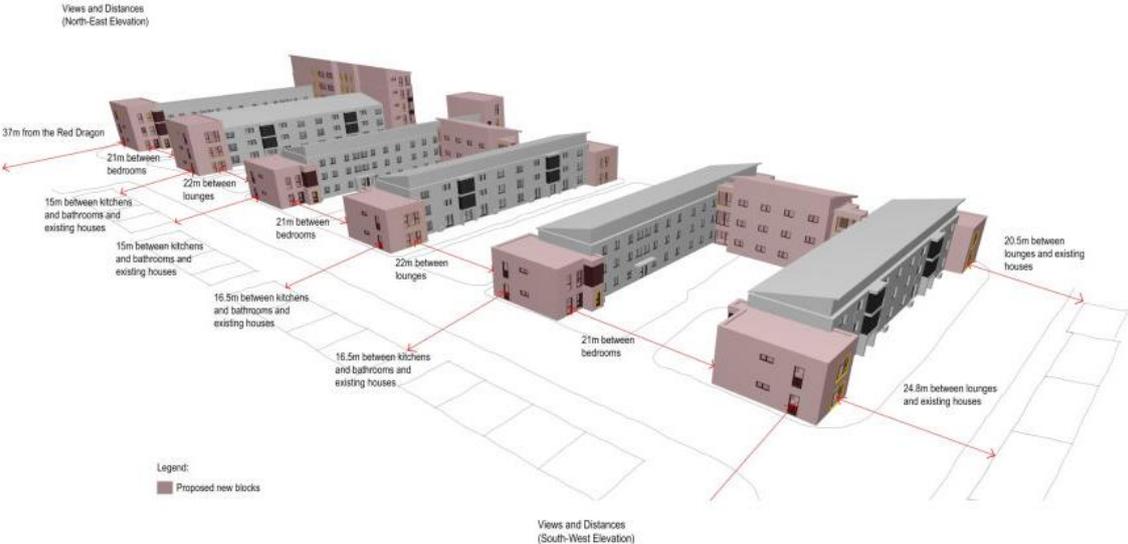


Figure 12: Separation distances - Moorlands Road and Dalton Road

*Dalton Road*

The new build sections (which are closer than the existing elements) would be a minimum 20.5.m distance from the front elevation from these dwellings. It is considered that this is sufficient distance to ensure the proposal will have no unacceptable overshadowing or overbearing impact.

In terms of overlooking the window on Moorlands/Dalton side serves a habitable room and is sited approximately 24.5m from the front elevation of these dwellings, A similar relationship occurs with a habitable window on the opposite end Bevin/Dalton where there is another lounge window with a separation distance of 20.5m. Whilst just under the 21m guideline this is considered to be acceptable in this instance and is lessened due to the busy intervening road and front gardens. As such it is considered there is no unacceptable impact in terms of overlooking. (This relationship can also be seen on figure 12 above).

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.

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

In terms of potential overlooking, the development 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 is similar to those for existing flats and as such this is considered to be acceptable. There are some other new habitable windows at 45° angles to each other with a separation distance of 7.2m, which is in excess of the 6m distance required (at this angle) and as such acceptable. Overall it is considered that the distance between habitable rooms is acceptable.

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 is an impact. The main impact the development has is where the 5 storey block intersects the existing blocks 5 and 6, with a habitable room window serving a bedroom located immediately adjacent to where the 5 storey building intersects. This will undoubtedly have a detrimental impact upon these rooms, albeit this will lessen at upper floors. This relationship is shown on figure 13 below. The applicant has been made aware of these issues and it was considered that there is no physical mitigation that can be undertaken. Any future tenant of these flats would have the option to refuse them if they had any issue with light to this window. Furthermore the Applicant has advised that if any of their tenants in the future had any issues with any units they would do everything that they could to rectify these matters.

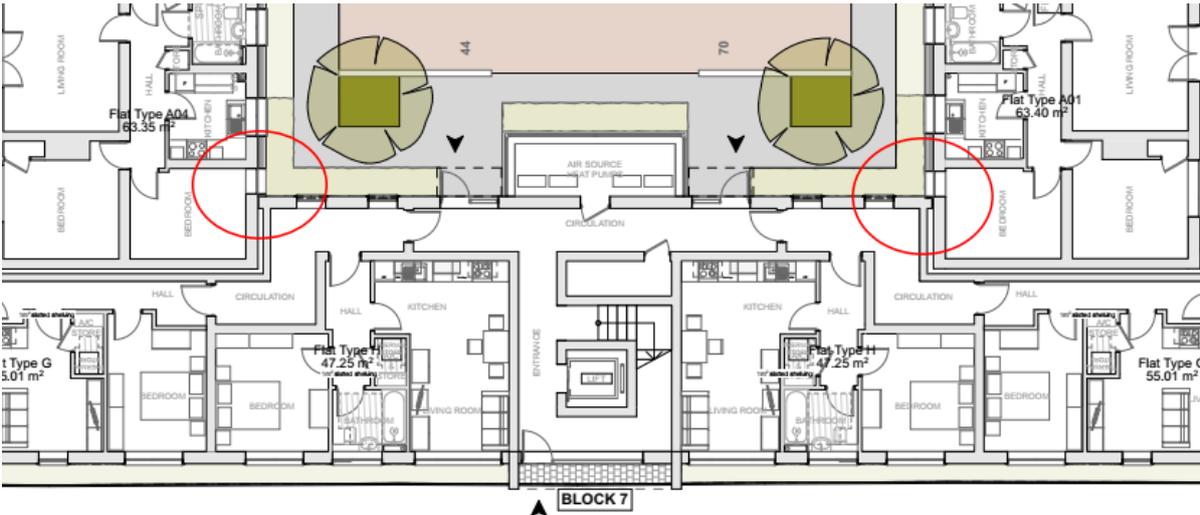


Figure 13: Proposed Plan showing the impact upon habitable room windows

Another area of concern, albeit not as significant, is on the end block where the bedroom windows on the end have been relocated to the side. (This is shown on figure 14 below). The new blocks at the end have a slight impact upon the 45° line of the bedroom windows on these end flats (Fig. 15). You can see from the plan that this impact is very minor and would not cause any unacceptable impact to the occupiers of these units.

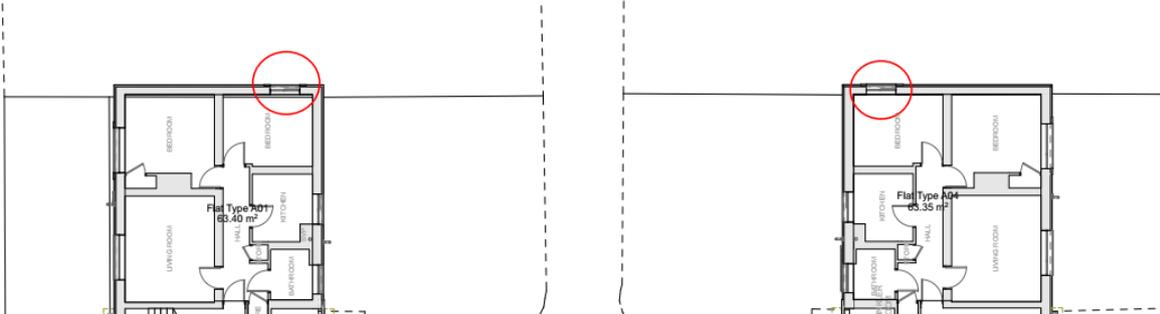


Figure 14: existing floor plans showing existing bedroom window

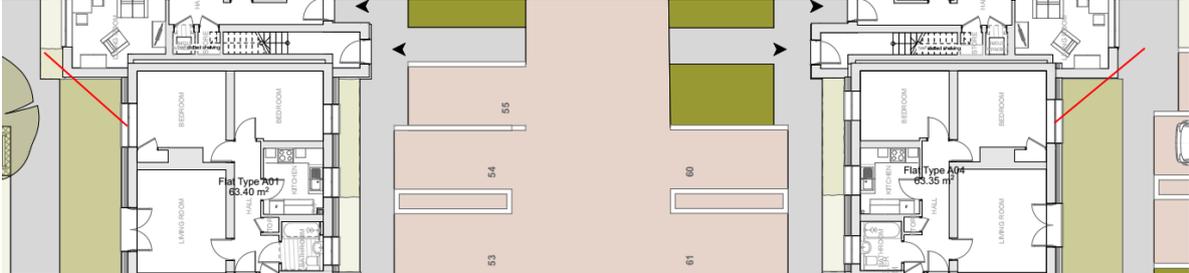


Figure 15 : Proposed floor plans

An objector has stated that “A block of flats is to be built directly adjacent to my bathroom window, the building across this will block light into my kitchen and bathroom, I will have no privacy at all.” As stated above these issues have been looked at however for clarity the plan below (figure 16) shows that the new build element is 5m from the habitable room and therefore will not unacceptably overbear or overshadow this room and the window and 10m at an angle to the nearest habitable room window on the new development this is in excess of the guidance (which is 6m when taking into account the angle), as such there will be no unacceptable loss of privacy. Furthermore as noted before Tai Tarian has advised if any people moving into the development has issues they will do all that they can to rectify their concerns.

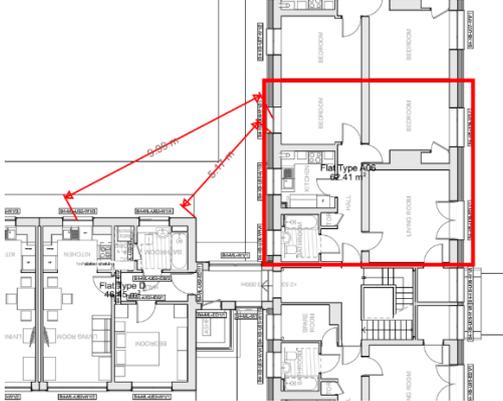


Figure 16: Plan showing objectors property

## Amenity Space

With regard to amenity space, it is considered that the proposed layout provides adequate and enhanced shared amenity space for future occupiers. These spaces are also well overlooked providing a safe environment for occupiers which will benefit their health and wellbeing.

In response to representations received, the following are noted: -

- A neighbour has objected about the removal of their shed, this would be a matter between Tai Tarian who are the landlord and the occupier and not a material planning consideration.
- An objector also stated *“that the communal gardens are out the front of the flats, where there is a busy road, so not safe for our children and grandchildren to play, also anyone can walk across the proposed garden’s, so not private at all.”* The communal gardens are located within the blocks of flats and not next to a busy road, whilst there are landscaped areas at the front onto Dalton Road, these are to enhance the visual amenity and biodiversity.

## Bin storage/ cycle mobility scooter storage

It is envisaged that kerb-side refuse collection will take place at the site, with bin stores located within the carry distance of 30m for residents and within a distance of 25m by which a refuse collection vehicle can obtain access as referenced by Manual for Streets (2007). The site plan shows the position of bin stores and cycle storage, but whilst details of siting and appearance have been provided no details of their internal layout or how they will be used has been provided. It is noted that some of the bin storage does not have a path leading to them and one is located in front of habitable windows on Dalton Road (shown on figure 17 below). It would be considered beneficial to relocate this if possible so that it doesn't impact upon these windows. It is also not clear if any mobile scooter storage has been provided whether this is incorporated into the cycle storage or separate. To address such matters as far as practicably, a condition can be imposed to provide final details and siting of the bin storage areas.



Figure 17: Plan showing location of bin store on Dalton Road

Provision has been made for cycle storage, however further details are required in relation to their siting and design to ensure this is sufficient. It is also considered that provision be made for mobility scooter storage within the development. A condition can also be imposed requiring a scheme to look into this and provide storage areas for future residents.

### *Noise*

In terms of noise 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 ensure there are no residents living in the parts of the development they are working on. That being said there will still be residents in close proximity to the development, as such a Construction Environmental Management Plan (CEMP) can be conditioned to ensure issues such as noise disturbance is kept to a minimum. A further condition can also be imposed restricting construction times to further protect residential amenity during this time.

The Local Authority's Environmental Health officer has advised there is minimal documentation on the actual construction phasing or methodology. Also that it is unclear as to whether the steel framework will require structural underpinning or whether on some of the blocks this will amount to curtain walling. As such they have recommended a Construction Noise and Vibration Management Plan be provided, stipulated working hours, and also recommended a CEMP a piling method statement if piling is required.

In respect of potential noise and disturbance from the development it is acknowledged that there will be more traffic generated from the development, while the introduction of a new parking area to the south of block 6, plus upgraded footpath/cycle route, have the potential to increase activities in closer proximity to the residents to the south. Nevertheless, on their own, and in the context of the scheme as a whole, it is considered that any noise generated from this development would not be unacceptable.

### *Lighting*

In terms of external 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.

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

### *Residential Amenity Conclusion*

Having regard to the above, it is concluded that the proposal would introduce new blocks that would create some issues relating to overshadowing of habitable windows within the development (not outside of the development), however whilst not ideal these issues were considered to be at their worst would be upon units within the control of the applicant, and unfortunately there is not design alternative to alleviate this issue. The applicant is fully aware of this and understand the issues.

However it is considered the overshadowing of some of the units 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 innovative housing design, the enhanced fabric of the buildings, the vastly improved landscaped open space and public realm and the wider regeneration a project such as this would have upon the surrounding 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.

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

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 additional 55 flats proposed would bring the total number of dwellings at the site to 127. (69 No. 2 bed and 58 No.1 bed). The development is proposed to be accompanied by a total of 93 car parking spaces. A number of vehicular access points currently serve the development via Moorland Road, and it is proposed to provide one further vehicular access points to the site from Bevin Avenue. This will serve parking provision of 28 spaces. In addition, eight parking spaces will be accessed from Bevin Avenue directly.

The application has been accompanied by a Transport Assessment which provides details of the traffic and transportation issues associated with the development proposals and addresses the following issues:

- Exiting conditions
- Development Proposals
- Travel Characteristics
- Impact of the development programme

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

- This development is appropriate and acceptable in traffic and transport terms. It is considered that the traffic movements associated with the development proposals will be marginal.
- The proposal could be accommodated on the highway network and will not have a detrimental impact on the free flow of traffic due to the existing volumes of traffic using the local highway network and the low level of traffic generation forecast.
- The site is located in a highly sustainable site, within 400m of local schools, public transport provision and as well as nearby retail offerings provided on Dalton Road.
- A recent parking survey demonstrated that only 33% of existing occupiers who responded to the survey (response rate 67%) own a car, as such this is considered there is a low demand for parking on site.

In terms of parking, it is noted that the existing car parking provision at the site is very informal in nature (3 areas between blocks 1/2, 3/4, and 5/6), with spaces not demarcated and parallel parking often restricting availability of spaces. This is therefore far from ideal to serve the existing units.

The development however will formalise and increase the site car parking allocation to 92 spaces which will be spread over 4 car parking areas and 2 small areas off Bevin Avenue. The site is also in a highly sustainable location with a large number of facilities within close proximity, and both pedestrian and cycle infrastructure of a very good standard within the vicinity of the site, and bus stops within the vicinity of the site that would provide residents with connections around Port Talbot and further afield. It is considered that an important balance can be struck to achieve the necessary parking standards required for the residents, without creating a scheme which is dominated by parking space.

Furthermore, the submitted Travel Plan seeks to deliver sustainable transport objectives reduce car use, encouraging alternative transport choices and reducing the need to travel. It sets aims and tangible targets so that 'real' change in transport behaviour can be achieved i.e. encouraging a modal shift away from single occupancy car use to more sustainable means of travel such as public transport, walking and cycling. A condition will ensure compliance with the Travel Plan.

Having regard to the existing under-provision, the sustainable location, and also noting also the low parking demand at the site currently, the provision of 92 spaces to serve the 127 units is considered to be justified at this location. In this respect it is also noted that the development would provide a better flat to parking ratio than currently exists and also provide a layout that meets parking standards.

In response to comments raised in relation to Active Travel and promoting cycling, the applicant has also included a combined cycle way and footway linking Moorlands Road to Bevin Avenue, a route which could potentially link up with the sea front through future development or initiatives set up by the Local Authority. This provision demonstrates the applicant's commitment to active travel and should the adjacent

development ever be redeveloped in the same way as this development, this link will provide excellent opportunities.

The application has been assessed by the Head of Engineering and Transport (highways) who has raised no objection subject to:

- Further details are provide in relation to bin stores
- That the combined cycle and pedestrian link through the site being constructed and remaining open for public use thereafter.
- A scheme is submitted to amend Traffic Regulation Order
- Pedestrian vision splay are provided
- That all highway works are to be completed in accordance with the details shown on the approved plans.
- That the car parking spaces have been laid out within the site in accordance with the approved plan, and retained as such thereafter.

These can be imposed via suitably worded conditions.

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

- An objector has stated that *“Moorland road particularly between Dalton Rd and the Red Dragon restaurant is already congested with parked cars (people have several cars per household).”* However, as noted above the amount of parking provided is considered to be sufficient for this development.
- An objector has said *“there area there are plenty of blind spots in this area and extending the existing building line up to the road will create several potential accident spots because of the obscured vision for the cars coming out of these buildings.”* In response it is noted that the parking and vision splays have been assessed by the highway Officer who has raised no objections on such grounds, with the proposal complying with guidelines
- An objector is concerned that the green area which is the extension of the pavement is providing safe walk for children going to school, beach or other activities, parents with push chairs, people on wheelchairs, dog walkers, etc. The opposite pavement is used for cars pulling in and out of their driveways. In response it is emphasised that the application has been assessed by the highways Officer who is satisfied, with the pavements surrounding the site considered to be acceptable. Moreover, people should be using the pavements to walk on, and not grass verge.
- Concerns that *“Moorland road is like a race track of an evening”* are not considered to have a material bearing on the conclusions reached above.

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.

## Biodiversity / 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.”*

The existing site is considered to be in poor condition in relation to biodiversity. The grassland is regularly mown and structural diversity is lacking; it is also species poor. The buildings offer very limited potential for roosting bats but do offer some opportunities for breeding birds.

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

- edp5837\_d001e Concept Landscape Plan
- 12740\_R01\_Bat Survey & Assessment

It is considered that the proposed 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. The Local Authority's Ecologist has assessed the proposal and has no objection to the development subject to the following:

- full details of the landscaping, which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (This should contain a majority of native and/or wildlife friendly species), 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 artificial nesting sites for birds to compensate for the loss of potential bird nesting/foraging habitat.

It is considered that above recommendations can be secured via suitably worded conditions.

An objection was received in relation to the loss of some of the green verges. This development would lose some grassed verges, however the overall improvements and landscaping will vastly improve and enhance the biodiversity of the area and as such the loss of some of the grassed verges would not warrant a reason for refusal.

## *Protected Species*

To support the application the applicant submitted a Bat observation survey by Hawkswood Ecology dated July 2020. This report identified that bats are not using the application site as such NRW have no further comments to make on this matter.

The Local Authority's Ecologist has no objection to the report however have advised that the recommendations set out within the report in section 9.2 state "*that integral bat boxes/ tubes should be used in the new extensions*", as this will contribute towards the overall biodiversity enhancements to the site. A condition can be imposed to ensure the mitigation recommended is imposed.

To conclude 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 PPW10, Technical Advice Note 5 (Nature Conservation and Planning) and Policies SP15 and Policies ENV7 of the LDP.

## 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 that the site is crossed by combined public sewers with their approximate position being marked on the attached Statutory Public Sewer Record. Whilst the proposed development would appear to be situated outside the protection zone of the sewers, it appears SuDS features are located within and they remind that these will need to be repositioned for the purposes of any forthcoming SAB application. Alternatively, it may be possible to divert the sewers if the developer applies under Section 185 of the Water Industry Act. These matters relate to SAB approval and are not a material planning consideration. The applicant has been advised of Welsh Water's comments. Their informative can be noted on the planning application

### *Foul Water*

Welsh Water has advised that foul flows can be accommodated within the public sewerage system

## Contaminated Land

A site Investigation report has been submitted by Integral Geotechnique (12457/RAH/19/SI; September 2019). The SI only took samples from 5 locations, as such the land contamination officer has advised it is unclear how the sampling strategy was derived and whether it was done in accordance with guidance such as CLR4 and BS10175. 5 sample locations are considered to be insufficient to adequately characterise the site. The sampling regime should adequately cover all future landscaped and amenity areas and also within the footprint of the new buildings that are proposed. As such the standard set of Land Contamination conditions have been requested by the Land Contamination Section.

Natural Resources Wales accept the conclusion made in the report that the risk to controlled waters is low and as such has no objection to the proposal. However they have specified if gross contamination is found they should be consulted. A condition relating to unexpected conditions can be imposed.

It is considered that with the above recommended conditions being imposed, any land contamination issues from this site can be adequately addressed. As such the proposed development would be considered acceptable in terms of risks from land contamination.

## Waste

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

## Air Quality

The site lies outside the Port Talbot AQMA and measurements at the nearest pollution monitoring station do not show that air quality standards are being breached at this location. Consequently the Local Authority's Air Quality Officer raised no objection. However they have recommended the applicant provide a dust management plan, in order to ensure that demolition and construction activities do not represent a nuisance or threat to health. This plan should include mitigation in accordance with the relevant IAQM guidance. This can be considered to be part of a Construction Environmental Management Plan.

## Renewable Energy

Policy RE2 requires the submission of an 'Energy Assessment' for any proposal where developments result in new floor space of 1,000 square metres 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.

It is noted that the applicant is seeking WG funding as part of the 'Innovative Housing Programme'. An energy assessment (undertaken by Building Energy performance Ltd) has been submitted with the application and identifies that significant carbon reductions in the order of 52% can be achieved in on-site carbon emissions when compared to current Building Regulation new build targets through a mix of passive and active low energy design measures and the incorporation of a roof mounted solar PV system.

The applicant has identified how they aim to reduce the carbon footprint of this development through a mix of passive and active low energy design measures and the incorporation of a roof mounted solar PV system.

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 10) 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. No details of electric car points have been provided.

As such a condition 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 explore the use of providing electric charging provision within the site and incorporating that if feasible to do so. 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

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

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

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

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

In this case, the proposal relates to a planning application for the development of 55 new flats and the refurbishment of the existing accommodation.

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

*Affordable Housing*

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

The applicant is a Registered Social Landlord RSL (Tai Tarian) and has indicated that all of the residential units proposed, will be social housing. In order to satisfy the requirements of Policy AH1 it is necessary to ensure that 25% of the units remain affordable in the long term. It is considered that the imposition of a condition would be the appropriate mechanism for securing future compliance with this policy should the development not be Social Housing Grant Funded.

*Education*

No response has been received from education however; the majority of the units are 1 bed and therefore falls below the threshold of a minimum of 10 housing units that are of 2 or more bedrooms.

*Public Open Space / Children’s Play Facilities*

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

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

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

Outdoor Pitch Sport –	1448sqm	£15,620
Outdoor Sport Non-Pitch	567sqm	£56,560
Children’s Play –	6sqm (excluding 1 bedroom units)	£855
Informal –	693sqm	£0 (on site)
Allotments –	239sqm	£2,640
<b>Total</b>		<b><u>£75,765</u></b>

As part of the application the applicant has provided a unilateral undertaking for the sum of £75,765 to address the open space deficiency in the area.

**CONCLUSION**

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

It is considered that the redevelopment of this site, and significant enhancement to the quality of existing accommodation, will contribute towards the delivery of affordable housing within the County Borough in a sustainable location, and that subject to the imposition of conditions and the signing of a Legal Agreement to secure a financial contribution of outdoor pitch and non-pitch sports and allotments 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, SC1, I1, AH1, OS1, T04, 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** Approve subject to conditions and subject to the financial open space contribution of £75,765 being paid (concurrent with the decision notice being issued) as stated within the signed unilateral undertaking.

## 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:

175-DHA-XX-RF-A-DR-0001-02 Location Plan  
175-DHA-ZZ-00-A-DR-0002-13. Site Masterplan  
175-DHA-ZZ-00-A-DR-0003-08. Masterplan Ground Floor  
175-DHA-ZZ-01-A-DR-0004-07 Masterplan - First Floor  
175-DHA-ZZ-02-A-DR-0005-08 Masterplan - Second Floor  
175-DHA-ZZ-03-A-DR-0006-08 Masterplan - Third Floor  
175-DHA-ZZ-04-A-DR-0007-08 Masterplan - Fourth Floor  
175-DHA-ZZ-05-A-DR-0008-09 Masterplan - Roof Plan  
175-DHA-ZZ-00-A-DR-0125-06 Blocks 01 02 - Proposed Ground Floor  
175-DHA-ZZ-01-A-DR-0126-06 Blocks 01 02 - Proposed First Floor  
175-DHA-ZZ-02-A-DR-0127-07 Blocks 01 02 - Proposed Second Floor  
175-DHA-ZZ-03-A-DR-0128-07 Blocks 01 02 - Proposed Roof Plan  
175-DHA-ZZ-00-A-DR-0129-06 Blocks 03 04 - Proposed Ground Floor  
175-DHA-ZZ-01-A-DR-0130-06 Blocks 03 04 - Proposed First Floor  
175-DHA-ZZ-02-A-DR-0131-07 Blocks 03 04 - Proposed Second Floor  
175-DHA-ZZ-03-A-DR-0132-07 Blocks 03 04 - Proposed Third Floor  
175-DHA-ZZ-04-A-DR-0133-07 Blocks 03 04 - Proposed Roof Plan  
175-DHA-ZZ-00-A-DR-0134-07 Blocks 05 06 07 - Proposed Ground Floor  
175-DHA-ZZ-01-A-DR-0135-07 Blocks 05 06 07 - Proposed First Floor  
175-DHA-ZZ-02-A-DR-0136-07 Blocks 05 06 07 - Proposed Second Floor  
175-DHA-ZZ-03-A-DR-0137-08 Blocks 05 06 07 - Proposed Third Floor  
175-DHA-ZZ-04-A-DR-0138-08 Blocks 05 06 07 - Proposed Fourth Floor  
175-DHA-ZZ-05-A-DR-0139-08 Blocks 05 06 07 - Proposed Roof Plan  
175-DHA-ZZ-XX-A-DR-0225-09 Proposed Elevations  
175-DHA-ZZ-XX-A-DR-0226-08 Blocks 01 02 - Elevations 12  
175-DHA-ZZ-XX-A-DR-0227-08 Blocks 01 02 - Elevations 22  
175-DHA-ZZ-XX-A-DR-0228-08 Blocks 03 04 - Elevations 12  
175-DHA-ZZ-XX-A-DR-0229-08 Blocks 03 04 - Elevations 22  
175-DHA-ZZ-XX-A-DR-0230-08 Blocks 05 06 07 - Elevations 12  
175-DHA-ZZ-XX-A-DR-0231-08 Blocks 05 06 07 - Elevations 22  
edp5837\_d001-F-Concept Landscape Plan  
edp5837\_d002-E-Concept Site Layout  
1141 Flat Type A02  
1142 Flat Type A03  
1143 Flat Type A04  
1144 Flat Type A05

1146 Flat Type A07  
1145 Flat Type A06  
1147 Flat Type A08  
1148 Flat Type A09  
1149 Flat Type A10  
1150 Flat Type A11  
1151 Flat Type A12  
1152 Flat Type B01  
1153 Flat Type B02  
1154 Flat Type C01  
1155 Flat Type C02  
1156 Flat Type D01  
1157 Flat Type D02  
1158 Flat Type E01  
1159 Flat Type E02  
1160 Flat Type F01  
1161 Flat Type G01  
1162 Flat Type G02  
1163 Flat Type H01  
1164 Flat Type H02  
1165 Flat Type J01  
1166 Flat Type J02  
Travel Plan

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. No development shall commence (including any site clearance), until a Demolition & Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan shall be in accordance with the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The approved Statement shall be adhered to throughout the demolition and construction phases. The Statement shall provide for:

a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development; a scheme for recycling/disposing of waste resulting from demolition and construction works;

b) General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.

c) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details odour control measures; a dust management plan (This plan should include mitigation in accordance with the relevant IAQM guidance); and measures to control light spill.

d) Traffic Management : details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors.

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

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

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.

5. No development shall take place until a Construction Noise and Vibration Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Noise Management Plan shall identify all significant noise sources; detail the physical and operational management controls necessary to mitigate emissions from these noise sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and disturbance to surrounding properties. The Construction Noise and Vibration Management Plan shall also detail any noise complaint investigation procedures. The approved Construction Noise and Vibration Management Plan shall be adhered to throughout the operation of the approved use.

Reason:

In the interest of 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.

6. Notwithstanding the submitted information, no development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

7. 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

8. 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) means of enclosure and retaining structures;
  - e) other vehicle and pedestrian access and circulation areas;
  - f) hard surfacing materials;
  - g) minor artefacts and structures (e.g. furniture, play equipment, signs, etc.), and
  - h) water features.

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

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

Reason

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

10. No development shall commence until, a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

Reason:

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

#### Action Conditions

11. 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

12. If piling is to be undertaken on site, no piling activities for the construction of the authorised development may commence until a piling method statement has been submitted to and approved by the local planning authority. Piling shall be carried out in accordance with the approved method statement.

Reason:

In the interest of, 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.

13. Prior to the first beneficial use of any new dwelling unit within blocks 5, 6 and 7 blocks, the combined footway/cycle route through the site linking Moorland Road and Bevin Avenue shown on 175-DHA-ZZ-00-DR-A-0002 Site Masterplan shall be constructed and lit in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority, with such route thereafter retained open and maintained and free for public use.

Reason

To promote Active Travel Routes and in the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

14. Prior to the construction of any dwelling unit details of the passive and active low energy design measures and the roof mounted solar PV system outlined within the Renewable and Low carbon Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of any external materials/ apparatus required including elevations, floor plan and site plan where required, and details of how the system will operate. The development shall be constructed in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter

Reason  
In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.
15. Prior to the first beneficial use of the development a scheme shall be submitted to and approved in writing detailing the feasibility and provision of Electric Vehicle Charging Points to serve the development. The scheme shall include a minimum of 5 spaces and shall also include details how future electric charging points can be delivered. The scheme as agreed shall be fully implemented prior to the first beneficial use of the development and shall be retained for such use thereafter.

Reason  
In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 10, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan
16. Prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining residential properties) . The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

Reason:  
In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.
17. Prior to first beneficial use of the development, a scheme detailing a refuse and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented prior to the first beneficial use of the development, and retained as such thereafter.

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

18. Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason:  
In the interest of the visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.
19. 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 7 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.
20. 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.
21. Notwithstanding the details submitted, prior to the first beneficial use of each flat to which the windows hereby approved relate, the front facing windows on the elevations fronting Bevin Avenue and Moorlands Road serving the open plan living and Kitchen area shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.  
Reason:  
In the interest of the amenities of the adjoining properties, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

22. Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and internal layouts of bin storage areas, cycle storage and mobility scooter storage. Neath Port Talbot Council operate a kerbside collection refuse and recycling scheme. Therefore, the bin store areas should be located adjacent to the adopted public highway, shall not cause obstruction to either vehicular or pedestrian visibility with no doors allowed to open out over the public highway. The bin stores, cycle storage and mobility scooter storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

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

23. No additional dwelling unit hereby approved shall be brought into beneficial use until such time as a scheme detailing the amendment of the existing orders on Bevin Avenue to facilitate the new vehicular access to the parking area adjacent to Coronation House has been submitted to and approved in writing by the Local Planning Authority, and such scheme has been implemented in full. The approved scheme shall thereafter be retained.

Reason:

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

### Regulatory

24. Each vehicular access point shall be provided with a pedestrian vision splay measured at 2.4 metres x 2.4 metres behind back of footway and shall be retained thereafter so that nothing over 600 mm in height above back of footway level is erected or allowed to grow within these areas.

Reason:

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

25. If the entire scheme is not Social Housing Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to secure an appropriate level of affordable housing in accordance with Policies AH1 and I1 of the Neath Port Talbot Local Development Plan

26. There shall be no outside storage of bins and recycling equipment except within the designated bin storage areas.

Reason:

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

27. Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturdays, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

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

28. The car parking courts hereby approved shall be constructed in accordance with drawing number 175-DHA-ZZ-00-DR-A-0002 Site Masterplan, prior to the first beneficial use of the development and retained for access and parking of residents' vehicles only thereafter.

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.

29. The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of the flats and retained as such thereafter.

Reason:

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

30. All measures identified within the Travel Plan hereby approved shall be implemented in accordance with the approved details, with full monitoring reports submitted to the Local Planning Authority following each monitoring period, with a final report and updated Travel Plan submitted after year 5, for the approval of the Local Planning Authority, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets

set in the travel plan.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

31. All highway works are to be completed in accordance with the details shown on the approved plans prior to the first beneficial use of the development and retained as such thereafter

Reason:

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

Mae'r dudalen hon yn fwriadol wag

## SECTION A – MATTERS FOR DECISION

### Planning Applications Recommended For Approval

<b>APPLICATION NO:</b> P2020/1071	<b>DATE:</b> 23 <sup>rd</sup> February 2021
<b>PROPOSAL:</b>	Construction of 4 x detached bungalows and 2 x semi-detached dwellings (Outline application with all matters reserved)
<b>LOCATION:</b>	Land at Heol Tabor, Cwmafan, SA12 9PS
<b>APPLICANT:</b>	Mr Wayne Goodridge
<b>TYPE:</b>	Outline
<b>WARD:</b>	Bryn and Cwmafan

### BACKGROUND INFORMATION

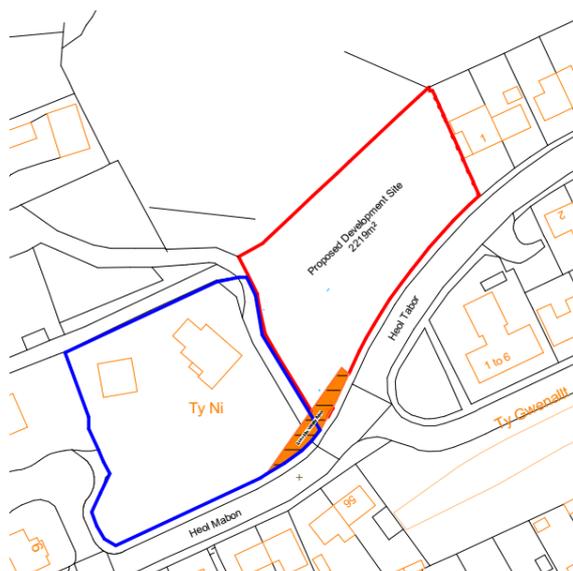
This application is being reported to Planning Committee as it is a departure from the Local Development Plan.

### SITE AND CONTEXT

The application site is located on land at Heol Tabor, Cwmafan.

The application site measures approximately 0.22 hectares in area and is gently sloping in profile from west up to the east, and from the south up to the north. It is currently vacant land which has been re-profiled in recent times, and there are some earth mounds remaining on site. It is partly enclosed with fencing.

The site (edged red on the OS plan below) is located outside of the settlement limits of Cwmafan, these being identified on the aerial plan below, but is bounded by residential dwellings to the east and west, with Heol Tabor to the south (off which access is gained), and open countryside to the north.



## DESCRIPTION OF DEVELOPMENT

This is an outline planning application (with all matters reserved) for the construction of 4 x detached bungalows and 2 x semi-detached dwellings (6 units in total).

In support of the application an indicative block plan has been provided indicating the size and siting of the proposed dwellings comprising a pair of semi-detached two-storey dwellings (Plots 1-2) on the eastern side of the site, with the remaining (Plots 3-6) being detached bungalows. Each plot has off-street car parking and garden areas to the front and rear.

The illustrative site layout is shown below, while to accord with the outline requirements the agent has provided the scale parameters for the properties as follows:



	Houses	Bungalows
Height	7.2-7.7m	5-5.5m
Width	5.5-6m	8-8.5m
Depth	8-8.5m	9-9.4m

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

## NEGOTIATIONS

An amended plan was requested from the agent in respect of vision splays for the driveway of plot 6 and this was duly provided.

## PLANNING HISTORY

The application site does not have any relevant planning history.

## CONSULTATIONS

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

**Head of Engineering & Transport (Drainage):** No objection, subject to a condition.

**Welsh Water:** No objection, subject to conditions.

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

**Contaminated Land Unit:** No objection, subject to conditions.

**Coal Authority:** No objection, subject to conditions.

## REPRESENTATIONS

The neighbouring properties were consulted on 04/12/2020. A site notice was displayed on 03/12/2020, with the application also advertised in the press (as a departure from the Development Plan) on 16/12/2020.

In response, to date 4 no. representations have been received, with the issues raised summarised as follows: -

- Concerns over the lack of visibility splays from the site along Heol Mabon/Tabor.
- Concerns that bungalows would be out-of-keeping with the area and the existing properties along Heol Mabon and Heol Tabor.
- Concerns regarding water diversion from the applicant's summerhouse and lane discharging over the highway.
- Concerns regarding drainage of the site (and potential flooding) since it has been cleared and also in relation to the culvert.
- Concerns regarding sewerage capacity in the area.
- Concerns regarding coal mining legacy on the site.
- Concerns regarding the site address and advertising of the application site.

## REPORT

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

### National Planning Policy:

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

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

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

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

- Technical Advice Note 12: Design

#### 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 SP4**                    **Infrastructure**
- **Policy SP5**                    **Development in the Coastal Corridor Strategy Area**
- **Policy SP7**                    **Housing Requirement**
- **Policy SP8**                    **Affordable Housing**
- **Policy SP10**                   **Open Space**
- **Policy SP14**                   **The Countryside and the Undeveloped Coast**
- **Policy SP15**                   **Biodiversity and Geodiversity**
- **Policy SP16**                   **Environmental Protection**
- **Policy SP17**                   **Minerals**
- **Policy SP18**                   **Renewable and Low Carbon Energy**
- **Policy SP19**                   **Waste Management**
- **Policy SP20**                   **Transport Network**

#### Topic Based Policies:

- **Policy SC1**                   **Settlement limits**
- **Policy I1**                    **Infrastructure Requirements**
- **Policy AH1**                   **Affordable Housing**
- **Policy OS1**                   **Open Space Provision**
- **Policy EN6**                   **Important Biodiversity and Geodiversity Sites**
- **Policy EN7**                   **Important Natural Features**
- **Policy EN8**                   **Pollution and Land Stability**
- **Policy M1**                   **Development in Mineral Safeguarding Areas**
- **Policy M2**                   **Surface Coal Operations**
- **Policy TR2**                   **Design and Access of New Development**
- **Policy BE1**                   **Design**

## *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Planning Obligations \(October 2016\)](#)
- [Parking Standards \(October 2016\)](#)
- [Affordable Housing \(October 2016\)](#)
- [Pollution \(October 2016\)](#)
- [Open Space & Greenspace \(July 2017\)](#)
- [Design \(July 2017\)](#)
- [Biodiversity and Geodiversity \(May 2018\)](#)

## 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

As the application site is located outside the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP), there would ordinarily be a presumption against the principle of a residential development at this location – in order to protect the open countryside from inappropriate development. Indeed, as the site is located outside of the settlement limits, and does not accord with any of the 12 stated exceptions in Policy SC1, the proposal is as a matter of fact contrary to the Development Plan.

It therefore follows that there must be other material considerations of sufficient weight to outweigh the failure to accord with the Development Plan.

In considering such material considerations, it is noted that this site is unusual in that it is surrounded by the settlement limit of Cwmafan on three sides (east, west and south). It is understood that this area was excluded from the LDP settlement limits due to historic coal mining legacy issues (which are explored in further detail below). As such, there is an argument that the development would comprise ‘infill’ development.

In support of this application the agent has provided a detailed planning statement. This references a number of appeal decisions in relation to ‘infill development’ including [APP/3154507](#) for *4 dwellings on land off The Mews, Lydiard Millicent, Swindon SN5 3NR*. Within this reference is given to the Inspector’s decision in formulating test criteria. These are detailed as follows:

- Does the site form a gap in an otherwise built up frontage?
- Does the proposal respect the existing settlement pattern?
- Does the proposal elongate the existing settlement pattern?
- Does the proposal extend the development into a sensitive landscape area?
- Does the proposal consolidate loose knit areas of development?

Whilst these are not definitive ‘tests’, they are a good starting point for assessment (with the first ‘test’ already considered above) and are explored in further detail below:

**Tudalen53**

### *Existing Settlement Pattern*

It is noted that the existing settlement pattern consists of residential development along and either side of Heol Mabon, which then leads into Heol Tabor. It is also noted that the settlement limit extends beyond Heol Tabor into Cornish Row and Heol-Y-Graig.

As such, the application site would relate well to the settlement and would not be 'edge' of settlement. As such, the proposal for residential development on this site would comply with this element as it would not result in encroachment any further than the existing residential development on either side.

### *Elongation of Existing Settlement Pattern*

As stated above, the site is located within the northern side of the settlement limit of Cwmafan and would not result in the elongation of the settlement pattern further into the countryside. It is therefore considered that the proposal would comply with this element.

### *Sensitive Landscape Area?*

It is noted that the site is not within a Sensitive Landscape Area.

### *Consolidation of Loose-knit Area?*

It is noted that the development of this site would not result in the consolidation of loose-knit areas as the site is bounded on three sides by existing residential development. As such, the proposal would comply with this element.

### *SC1 Summary*

As identified above the proposal does not fit into any of the identified exceptions to Policy SC1 and is therefore contrary to the Development Plan. The above assessment, however, has considered whether the development would amount to appropriate infill development, and it has been considered that, in this particular instance, the proposal would be acceptable as a 'departure' from the LDP. This is because the site is surrounded by residential development on three sides and would comprise an 'infill' site in the area, which would not encroach into the open countryside any further than the existing residential development on either side. It would also provide much needed 'small windfall' housing which would assist in meeting local housing needs, including Affordable Housing, as well as providing a financial contribution to open space in the Bryn and Cwmafan Ward.

Turning to Policy BE1 and the proposed density of the site specifically, criterion 8(a) requires the efficient use of land available through being of appropriate density taking into account the character and appearance of the area, with "*normally a minimum of 35 dwellings per hectare (dph) in the Coastal Corridor Strategy Area*" to be achieved.

It has been calculated that the 14 dwellings along the northern side of Heol Tabor have a total site area of approximately 0.3612 hectares, which equate to a density of 38 dph. On the western side, at Park Row, there is a site area of approximately 0.6227 hectares and 5 residential units which equates to a low density of 8 dph. It is noted that the submitted scheme of 6 units on a site area of 0.22 hectares equates to a

density of 27.2 dph. Although this is below the recommendation of 35 dph, it is considered that it would be in-between the low density of developments along Park Row and higher density of Heol Tabor and, given the potential restrictions due to Coal Mining Legacy (see below), the density would be acceptable in this instance.

Having regard to the above conclusion that the principle of residential development outside of the defined settlement limit is acceptable, it is noted that Policy SC1 requires that *“where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form”*. Such matters are considered further below.

#### Impact on Visual Amenity

Although development of this site would result in the loss of its current open appearance, given the conclusions above on the principle of development it is considered that no objections should be raised to its loss in terms of visual amenity.

It is noted that this application seeks outline permission for 4 detached bungalows and a pair of two-storey semi-detached dwellings. It is also noted that the existing properties along Heol Tabor comprise two-storey semi-detached dwellings, plus a block of flats, whilst the properties along Park Row comprise larger detached dwellings, plus a smaller block of flats beyond them. As such, it is noted that there is variety in the designs and layouts in the area.

Although there are no bungalows in the immediate vicinity, it is considered that the principle of the introduction of ‘infill’ residential development, subject to detailed design at reserved matters stage, would not have a detrimental impact upon the character and appearance of the surrounding area, open countryside or street-scene.

#### Impact on Residential Amenity

In respect of potential overlooking, it is noted that the application is in outline only, so no detailed floor plans have been submitted. Nevertheless, provided the main habitable room windows face north and south only, it is considered that the principle of the proposal would not create any unacceptable overlooking issues as these windows would overlook the existing street-scene to the south or open land to the north.

Turning to potential overbearing and overshadowing impacts, it is considered that the only property which could potentially be affected would be Number 1 to the east. However, given the likely separation distance of 9m and the fact that Number 1 is angled away, it is considered that the proposed two-storey dwelling on Plot 1 could be designed in a way which would not give rise to any unacceptable issues.

#### Impact on Mineral Resource

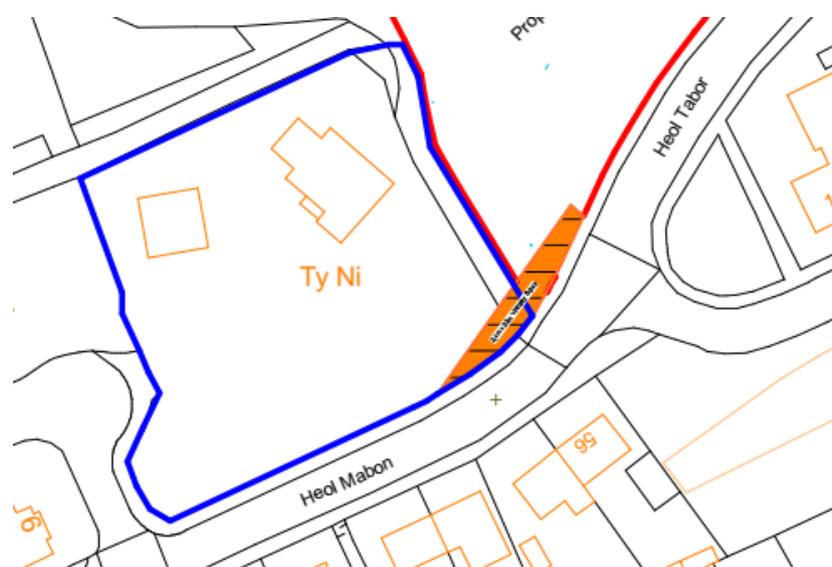
It is noted that the site is located within a Mineral Safeguarding Area (Coal) under Policy M1 of the adopted LDP. Policy M1 looks to safeguard mineral resources as they are finite and any development will need to meet criteria which ensure they are not sterilised or their extraction hindered.

Notwithstanding the above, it is also noted that the site is within the area defined by Policy M2. As such, it would preclude any surface development within 500m of the

settlement limit. Moreover, given the site's close proximity to the settlement limits, it is very unlikely that any mineral extraction would be acceptable in this location, while in any event there is no longer Welsh Government policy support for extraction of coal. Accordingly, there is no objection to the principle of development on mineral safeguarding / Policy M1 and M2 grounds.

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

It is noted that each dwelling is proposed to have off-street car parking accessed off Heol Tabor. The Head of Engineering and Transport (Highways Section) raised some initial concerns with the visibility for Plot 6, due to the existing fence and landscaping to the applicant's property to the west (Ty Ni). However, an amended plan was provided (extract below) indicating that they had control over this land (which is edged in blue) and can therefore provide the necessary vision splays.



Provided that the requested conditions from the Highways Section are imposed on the application – which require the vision splay for Plot 6 to be provided on site before commencement of development (including the removal or re-location of any boundary structure, gate or vegetation/hedge greater than 600mm in height behind the marked vision-splay), and thereafter its retention – it is considered that the principle of the residential development would not have a detrimental impact upon highway or pedestrian safety such that the proposal would therefore accord with Policy BE1 of the Local Development Plan.

### Biodiversity / Ecology

An Ecological Walk-over survey was submitted in support of the application. This has been assessed in detail by the Biodiversity Officer. As they offer no objection, subject to conditions, it is therefore considered that the proposal would be acceptable in terms of ecology.

### Contaminated Land

It should be noted that the site has been identified as potentially contaminated land. However, as the Contaminated Land Unit offers no objection to the proposal, subject

to conditions, it is considered that existing and future users of the site would not be adversely affected by ground contamination in terms of exposure to pollution.

### Coal Mining Legacy

The site is located within a High Risk Coal Mining Area, and therefore a detailed Coal Mining Risk Assessment (CMRA) has been submitted in support of the application. This has been assessed in detail by The Coal Authority, who note that within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority's records indicate that a mine entry (adit, CA ref. 278192-003) is present adjacent to the north western boundary of the site, with its associated potential zone of influence extending across the site. The adit is oriented to the north. They advise that they hold no details of any treatment of this former coal mining related feature and, due to potential plotting inaccuracies, the adit could deviate from its plotted position by several metres. In addition, the site lies in an area of outcropping coal seam, which may have been subject to unrecorded working in the past. They note, however, that the planning application is accompanied by an Assessment of Land Quality/ Preliminary Risk Assessment (Desk Study) (October 2020, prepared by Quantum Geotechnic Limited), Section 6.0 of which provides a Coal Mining Risk Assessment.

Based on a review of appropriate sources of coal mining and geological information, the submitted report identifies the potential for the site to be affected by unrecorded surface extraction/crop workings, and potentially shallow underground mine workings that could pose a risk to surface instability. It also notes the presence of the recorded adit and assumes that this feature remains untreated.

They further note that Section 7.2 of the report goes on to make appropriate recommendations for the carrying out of intrusive site investigations, in the form of the drilling of rotary probe holes and trenching, in order to investigate the shallow coal mining situation, and to locate and establish the condition of the recorded adit.

The Coal Authority advises that the applicant should ensure that the exact form of any intrusive site investigation is designed by a competent person. The findings of these intrusive site investigations should then inform any mitigation measures, such as grouting and capping stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development. In addition, they advise that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities.

The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry, even when treated, should wherever possible be avoided. In light of their adopted policy, the Coal Authority therefore expect the intrusive site investigation works to be undertaken prior to the formulation of any Reserved Matters details relating to the proposed site layout. Once the recommended site investigation works have located the adit and established its associated zone of influence, an appropriate 'no-build' zone should be defined around the adit, with the detailed layout of development designed in a manner which avoids this area. Notwithstanding the above however, they offer no objection to this

application subject to the imposition of detailed conditions in respect of detailed on-site investigation and remedial measures.

Having regard to the above, while the investigations will be required to be undertaken before and to inform the reserved matters submissions – and thus may affect the layout of development – such matters can be controlled by condition and through the subsequent reserved matters application(s). It is therefore considered that the principle of residential development would be acceptable in terms of coal mining legacy.

### Section 106 Planning Obligations

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

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

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

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

In this case, the proposal relates to a planning application for the development of 6 residential units.

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

#### *Affordable Housing*

Policy AH1 of the Neath Port Talbot Local Development Plan states that all new housing developments will be required to contribute to affordable housing provision. Within the Port Talbot spatial area, a 25% affordable housing target is sought. As this application is in outline form with all matters reserved, a suitably worded condition

would normally be sufficient requiring a 25% contribution towards affordable housing, which would need to be agreed at reserved matters stage.

However, as the 25% would in this case equate to 1.5 dwellings – with one unit to be provided on site (transferred to an RSL at 40% of market value), plus a financial contribution for the remaining 0.5 unit – this would need to be controlled through a Section 106 as financial contributions can only be secured through legal agreement.

Subject to the above agreement, it is considered that the development would comply with Policy AH1 of the LDP.

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

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

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

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

It should be noted that the site lies within the Bryn and Cwmafan ward, where there are existing ward shortfalls in all categories of open space, with the exception of informal open space.

The development, therefore, has the following open space requirements:

Pitch sport - 158sqm  
Non pitch sport - 62sqm  
Children's play - 34sqm  
Informal open space - 76sqm  
Allotments - 26sqm

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

Pitch sport - £1,704  
Non pitch sport - £6,180  
Children's play - £5,130  
Informal - £0 (as overprovision)  
Allotments - £288

**Total - £13,302**

This contribution can be secured through a legal agreement.

## Other Matters

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

- In respect of the concerns regarding water diversion from the applicant's summerhouse and lane discharging over the highway, it should be noted that this is an existing problem. However, the amendments to the fence/hedging to provide the required vision splays should, hopefully, address this issue.
- In respect of potential drainage and flooding issues, including the existing culvert on site, it should be noted that the Head of Engineering and Transport (Drainage Section) offers no objection to the proposal, subject to conditions including a surface water drainage strategy. It should also be noted that, prior to the commencement of any works on site, the developer will also be required to obtain SAB Drainage Consent from the Authority, which will deal with the detailed drainage of the site. It is therefore considered that the principle of the development would be acceptable in terms of drainage.
- Turning to the concerns regarding sewerage capacity in the area, it should be noted that Welsh Water offer no objection to the proposal, subject to a condition in respect of a foul drainage scheme. As they have not raised any capacity issues it is therefore considered that the proposal for up to 6 units would not create any unacceptable capacity issues.
- Finally, in respect of the concern regarding the address and advertising of the application these are noted. The address on the planning system has been changed to "Land at Heol Tabor" rather than "Land at 3 Heol Tabor". It should be noted that the address is used purely to help identify the site, particularly when it relates to 'land' rather than buildings. Nevertheless, it should be noted that the application site is defined by the site/land edged in red on the submitted location plan. It is therefore considered that the application has been advertised sufficiently in the form of neighbours letters, site notices and a Press Notice.

## CONCLUSION

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

While the proposal would constitute a 'departure' from the Local Development Plan, there are considered to be material considerations which justify approval of the application, notably that the Coal Mining Legacy issues have been suitably addressed and the site is surrounded by residential development on three sides, which in this particular instance allow a conclusion that the development would amount to appropriate 'infill' development. In addition, it would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety. Accordingly, while the proposal would be contrary to Policy SC1, it would otherwise comply with Policies AH1, OS1, EN6, EN7, EN8, M1, M2, 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

That the application is approved, subject to the following conditions, and a legal agreement under Section 106 with the following Heads of Terms:

- (1) That 25% affordable housing is provided in the form of one unit on the site and a financial contribution equivalent to 0.5 of a unit (in accordance with the Council's approved Affordable Housing SPG);
- (2) Prior to the first beneficial occupation of any dwellings on site a financial contribution of £13,302 shall be provided for off-site Open Space contributions within the Bryn and Cwmafan Ward; and
- (3) If within 3 months of the date of this resolution the S106 Agreement is not signed, the application shall be refused for the following reason:

"Through the failure to sign the required S106 agreement to secure the required Affordable Housing and Open Space contributions the application fails to accord with Policies I1, AH1 and OS1 of the Neath Port Talbot Local Development Plan".

### CONDITIONS:-

#### Time Limit Conditions

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

Reason:

The application was made for outline planning permission.

- 2 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

### List of Approved Plans

- 3 The development shall be carried out in accordance with the following approved plans and documents:  
Dwg. No. A100 Rev C.  
Dwg. No. A101 Rev A.  
Planning Statement.  
Ecological Walkover (Koru Ecology Associates - Oct 2020).  
Assessment of Land Quality/Preliminary Risk Assessment (Q0353/DS - Oct 2020).

Reason:

In the interests of clarity.

### Pre-Commencement Conditions

- 4 As part of the first reserved matters application, a scheme shall be provided indicating the provision of a 2.4m x 33m visibility splay for plot 6 as identified on Dwg. No. A100 Rev C, including details of the removal or re-location of any boundary structure, gate or vegetation/hedge greater than 600mm in height behind the marked vision-splay, together with the finished appearance of such cleared area. No development shall commence on site until such time as the vision splay for Plot 6, as detailed on Dwg. No. A100 Rev C, has been provided on site in accordance with the approved details, with the vision splay thereafter retained and maintained in accordance with the approved details in perpetuity thereafter.

Reason:

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

- 5 Notwithstanding the submitted details and as part of the first reserved matters application an assessment of the nature and extent of contamination affecting the application site area shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and- any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

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

Reason:

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

- 7 The first reserved matters application seeking approval of a detailed layout of development for the site shall be accompanied by the results of a detailed scheme for intrusive investigations which shall have been carried out on site in accordance with the recommendations contained in the supporting Assessment of Land Quality/ Preliminary Risk Assessment (Desk Study) , in order to establish the exact situation in respect of coal mining legacy at the site. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance. Any reserved matters application seeking approval of a detailed layout of development for the site, shall include as a minimum the following details for consideration and approval by the Local Planning Authority:
- (i) A report of findings arising from the intrusive site investigations;
  - (ii) The submission of a proposed layout plan which: - identifies the positions of the recorded mine entry; identifies the potential zones of influence of the mine entry; and defines a suitable 'no build' zone around this feature; and the submission of details of remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land instability, together with a timetable for their implementation.

The scheme, as approved, including the remedial / mitigatory measures required to protect the development and site from the effects of coal mining related land

instability shall be fully implemented on site in accordance with the agreed timetable and retained as such thereafter.

Reason:

As the application site is located within a High Risk Coal Mining Legacy and to establish the exact situation in respect of coal mining legacy at the site in compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 8 Prior to the commencement of works on site commencing, the Fallopia Japonica (Japanese Knotweed) that is located on the site shall be treated and controlled in accordance with the Environment Agency Knotweed Code of Practice.

Reason:

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

- 9 Prior to the commencement of any works on site including site clearance, and in accordance with the Ecological Report (Koru Ecology Associates - October 2020), an Ecological Walkover shall be undertaken on site by a suitably competent Ecological Clerk of Works (ECoW). The ECoW will conduct a finger-tip search for common reptile and amphibian species, as well as small mammals, and these shall be removed to a suitable location.

Reason:

In the interest of Biodiversity and to comply with Policies EN6 and EN7 of the Neath Port Talbot Local Development Plan.

### Action Conditions

- 10 As part of the first reserved matters application a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of a 2m wide footway across the frontage of the application site, plus vehicle footway cross-over for the respective drive areas. The scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of any dwelling, and shall be retained open and free for public use thereafter.

Reason:

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

- 11 As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of obstruction-free (i.e. nothing greater than 600mm in height shall be constructed or planted) pedestrian vision splays of 2.4m by 2.4m (measured from the back of footway) each side of the respective drive access. The approved scheme shall be fully implemented on site prior to the occupation of the respective dwelling, and retained as such thereafter.

Reason:

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

- 12 As part of the first reserved matters application a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of one off-street parking space per bedroom, up to a maximum of three per dwelling. Each drive shall be a minimum length of 6.0 metres from back of footway to front of garage structure, 3.6 metres minimum width and shall be surfaced to its finished level to a maximum gradient of 1 in 9, with no surface water allowed to flow out onto the Public Highway. The scheme, as approved, shall be provided on site prior to the first beneficial occupation of the respective dwelling, and retained for such use thereafter.

Reason:

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

- 13 As part of the first reserved matters application a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the existing watercourses within and that discharge within the boundary of the site, together with overland flow routes for the land to the western boundary of the site. This strategy shall also include any easements that may be deemed necessary to maintain the existing culvert inlet grill by the Lead Local Flood Authority. The submitted scheme shall also include a timetable for implementation on site. The scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of any dwelling, and retained as such thereafter.

Reason:

In the interest of adequate drainage of the site and to comply with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with Condition 6 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 15 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.

- 16 As part of the first reserved matters application a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use is of the respective dwelling 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.

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

Reason:

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

- 18 As part of the first reserved matters application, a foul water drainage scheme for the site shall be 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 any dwelling, and retained as such thereafter.

Reason:

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

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

Reason:

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

- 20 As part of the first reserved matters application a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the provision of artificial nesting sites for birds, together with roosting opportunities for bats in the form of manufactured bat boxes onto the buildings or incorporation of manufactured bat bricks into the building. These scheme, as approved, shall be fully implemented on site prior to the first beneficial occupation of the respective dwelling, and retained as such thereafter.

Reason:

In the interest of Biodiversity as the proposals will remove potential bird nesting/foraging habitats which must be mitigated for under the Habitat Regulations 2017, together with Biodiversity enhancement for bats, in order to comply with Policies EN6 and EN7 of the Neath Port Talbot Local Development Plan.

#### Regulatory Conditions

- 21 Any gates provided across the access drive(s) 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.

- 22 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 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 Coal Mining Legacy, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 23 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 any building forming part of the development 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 Coal Mining Legacy, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 24 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 shall be erected to the frontage of the site greater than 600mm in height.

Reason:

In the interest of highway and pedestrian safety and to comply 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: P2020/1041</u></b>	
<b>PROPOSAL:</b>	Change of use from Convenience Store (Use Class A1) and associated 4-Bed Flat (Use Class C3) into 8-Bed HMO (Sui Generis Use Class), including installation of new windows
<b>LOCATION:</b>	45 Victoria Road, Sandfields, SA12 6QG
<b>APPLICANT:</b>	Mr James Stevens
<b>TYPE:</b>	Full
<b>WARD:</b>	Sandfields East

### BACKGROUND INFORMATION

This application was requested by Cllrs Latham and Crowley on 26/01/2021 to be determined at Planning Committee due to concerns with parking and the impact on residential amenity.

The 'call-in' Panel agreed on 27/01/2021 that the application should be determined at Planning Committee.

### SITE AND CONTEXT

The application site is located at 45 Victoria Road, Sandfields, Port Talbot and comprises a two-storey end-of-terrace property currently used as a retail premises (Use Class A1) on the ground-floor with large four bedroom first-floor flat above (with kitchen/dining at rear of ground floor).

The plot measures approximately 0.018 hectares in area and is bounded by a rear access lane to the north, residential dwelling to the east, Victoria Road to the south, and Hospital Road to the west.

### DESCRIPTION OF DEVELOPMENT

This is a full planning application for the change of use of the property from Convenience Store (Use Class A1) and associated 4-Bed Flat (Use Class C3) into an 8-Bed large HMO (Sui Generis Use<sup>1</sup>). In addition, alterations are proposed to the windows, front elevation and creation of a front forecourt with boundary wall.

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<sup>1</sup> Use Class C4 are 'small' HMOs for between 3 and 6 unrelated individuals who share basic amenities. Large houses in multiple occupation (those with more than six people sharing) are unclassified by the Use Classes Order and in planning terms are therefore considered to be 'sui generis' (of their own kind).

The proposed development will involve the change of use of the existing ground-floor shop into 4-bedrooms (all en-suite) with a snug/lounge area and kitchen. The rear garage/store is proposed to be used for bin and cycle storage. On the first-floor a further 4-bedrooms are proposed (all en-suite).

Externally, the existing entrance door to the shop is proposed to be changed into a window, the ATM removed and the window re-instated, plus the walls rendered. Additional windows are also proposed on the ground-floor side and rear elevations. Furthermore, a new side-facing window is proposed on the first-floor serving the 'middle' bedroom.

To the front of the property it is proposed to create a front forecourt by constructing a 1.6m high wall with railings and side access gate.

It should be noted that the Case Officer has not visited the internal yard of the site due to COVID-19 restrictions. However, he has viewed the site from the surrounding street, together with an examination of Google Street-view and aerial images. The agent has also provided photographs. It is considered that these are sufficient for a detailed assessment to be made of the impacts of the development.

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

### NEGOTIATIONS

Amended plans were requested from the Agent in respect of the internal layout in order to satisfy Environmental Health requirements, including the removal of 1 no. bedroom. Further amended plans were also requested from the developer in respect of the rendering of the front elevation and creation of a front forecourt.

### PLANNING HISTORY

The application site has the following relevant planning history: -

- **T1983/4527** Renew Mains Extension to Existing Shop. Approved 15/02/84.
- **P2003/0016** Boundary wall to be built up and roof covered with single-door to secure rear of premises. Approved 12/02/03.
- **P2013/0761** Internally-illuminated ATM collar advertisement. Approved 26/09/13.
- **P2013/0778** External alteration comprising of enlarged window to facilitate ATM and security panel. Approved 26/09/13.

## CONSULTATIONS

**Head of Engineering & Transport (Highways):** No objection, subject to a condition.

**Contaminated Land Section:** No objection.

**Environmental Health Section:** No objection, subject to conditions.

**Welsh Water:** No objection.

## REPRESENTATIONS

The neighbouring properties were consulted on 04/12/2020 and 19/01/2021, with a site notice also displayed on 03/12/2020 and 19/01/2021.

In response, to date, 86 no. representations (including a petition of 404+ signatures) have been received, together with 1 letter of support. The objections are summarised as follows:

- Concerns regarding parking provision, the lack of on-street parking availability and indiscriminate parking – particularly on a busy traffic-light controlled junction.
- Concerns regarding the future occupiers of the property.
- Concerns that the proposal is out-of-keeping with the current residential character of the area.
- Concerns regarding the size of the en-suite facilities and hand-washing, the size of the communal kitchen and snug facilities for 8+ people.
- Concerns regarding 8 people to be contained within a 'bubble' under the current pandemic.
- Concerns that the proposal will decrease property values.
- Concerns regarding the vacant shop opposite, which could also turn into an HMO if this is approved.
- Concerns regarding bin storage, which could potentially obstruct the footway and/or lane.
- Concerns regarding anti-social behaviour from HMOs, such as litter from needles and cans.
- Concerns regarding the safety of children.
- Concerns regarding loud music.
- Will there be a reduction in Council Tax if this is approved, due to decrease in property values and having to clean up rubbish and mess?
- The site should be converted into a small parking lot due to the lack of parking in the area.
- Concerns regarding the location of the site opposite a pharmacy, near a school (Tywyn) and playground (Vivian Park) is not a good idea.
- Concerns that the last tenant did not give up the shop voluntarily, so there is no excuse that it had to close because of lack of trade.
- The submitted information states that the nearby Nisa store has a Post Office and ATM. However, this out of date and they are no longer present.

- Controls needs to be put in place, such as making the rooms available to people of 50 years or older, like the Coastal Flats nearby, which do not have any anti-social problems.
- Is there a NPT Council planning policy on the number of HMO allowed in a specific area? If not why?
- Concerns that there are very few commercial food/convenience outlets in the area for people who don't drive etc., so losing the commercial license on this building is a mistake.
- Do the developers have any qualifications that will help the tenants as many living in HMO accommodation have complex needs and need to be helped, monitored and looked after?
- Concerns regarding disabled access to the property due to the short pavements and shape of the building.
- Potential increase in crime in the area with many residents already needing to erect CCTV cameras.
- Potential loss of light and air for local residents.
- Concerns regarding parking provision, as the development on The Grove PH needed to have a minimum of two parking spaces for each flat. There appears to be one rule for one, and a different rule for another.
- HMOs are generally poorly managed and maintained, and will attract numerous problems.
- A consultation with local residents are needed.
- There are existing problems with the current HMO in the area and an additional one will exacerbate these.

The on-line petition of 400+ signatures states:

*“There is a planning application to build an 8 bed HMO in Victoria Road, the residents of Victoria Road are in opposition to this as a HMO in a residential street will have an effect on the value of our properties, it will also cause more car parking issues than there already is, as well as the issue of not knowing the people they plan to house in there. We are concerned that there may be people such as those being released from prison with drug/alcohol issues which we do not want living next to our children. Noise pollution and lack of privacy is also a concern for the houses in close proximity”.*

## REPORT

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

## National Planning Policy:

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

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

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

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

## Local Planning Policies

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

### Strategic Policies:

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

### Topic Based Policies:

- **Policy SC1**                    **Settlement limits**
- **Policy SC2**                    **Protection of Existing Community Facilities**
- **Policy TR2**                    **Design and Access of New Development**
- **Policy BE1**                    **Design**

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

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

## Issues

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

## Principle of Development

### *Background Information*

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

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

It should be noted that large houses in multiple occupation (those with more than six people sharing such as is proposed under this application) remain unclassified by the Use Classes Order and in planning terms are therefore considered to be 'sui generis'.

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

### *Evolving National Policy Context*

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

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

*"The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places*

*and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others. Our communities need the right mix of good quality/well designed homes, jobs, services, infrastructure and facilities so that people feel content with their everyday lives.”*

It goes further to add that Social Considerations include:

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

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

### *Evolving Local Context*

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

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

That report notes that: -

- HMOs represent an efficient use of building resources, where a single house can be fully utilised to provide accommodation for multiple people.
- Notwithstanding their positive contributions and important socio-economic role, areas with high densities of HMOs can also be characterised by problems with community cohesion, higher levels of noise and waste complaints, and place a strain on services.

- The positive impacts of HMOs are realised and, with rising pressures from the increased number of students, the need for affordable and flexible housing tenancies, and the changes to Housing Benefit, their role within the housing market is increasingly important.

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

1. Higher levels of transient residents, fewer long term households and established families, leading to communities which are not balanced;
2. Isolation for the remaining family households in areas with very high concentrations of HMOs;
3. Reduction in provision of community facilities for families and children, in particular pressure on the viability of schools through falling rolls;
4. Issues of anti-social behaviour, noise, burglary and other crime;
5. Increased pressure regarding on-street parking, although this might be expected in City Centre fringe locations;
6. Reduction in the quality of the local environment and street scene as a consequence of increased litter, lack of suitable refuse storage, refuse left on the street, fly tipping, increased levels of housing disrepair in the private rented sector, and high numbers of letting signs.

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

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

It also emphasises that “National research has identified that 10% is a general ‘tipping point’ beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a

community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households.

### *Assessment of Current Application*

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

In the absence of a HMO Policy, this application has to be determined in line with current LDP Policies. In this respect, it is emphasised that the application site is located within the settlement limits defined by Policy SC1 of the LDP and therefore the principle of residential development (albeit a *Sui Generis* Large HMO use, rather than a Class C3 dwelling house) would be acceptable subject to an assessment of its general impacts. This includes consideration of any potential wider impacts on local character and social / community cohesion created by HMO uses, as well as other amenity / highway issues. It is also notable that the existing residential accommodation is a large 4-bedroom flat split over two floors.

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

Within this context, based on the information accessible to the Council, whilst there are 22 properties within this terraced block within which the application site is located, none of them are currently occupied as HMOs. It should be noted that Policies or SPGs adopted by other authorities, including Swansea, have referred to a 50m buffer zone being drawn around the application site and a requirement for consideration of the number of HMOs within that zone. In this case there is 1 known HMO within the zone, which is on the opposite site of Hospital Road (Number 47 Victoria Road).

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

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

#### *Loss of Retail Use*

In respect of Policy SC2 (Protection of Existing Community Facilities), it should be noted that the existing retail use would be considered a 'Community Facility' and as such, would be protected under the requirement of this Policy which states:

*“Any proposals which would result in the loss of an important existing community facility will only be permitted where it can be demonstrated that:*

- 1. The facility is surplus to requirements; or*
- 2. The existing use is no longer viable”.*

In support of the application the developer has submitted a detailed assessment which states that *“both [points] are applicable to the property because of the emergence of a newer convenience store (Nisa Local) which comes with it the same facilities (Post Office and ATM), albeit within a larger floor area”*. In light of this, and following a site visit, it is noted that there is a replacement facility (convenience shop) at the other end of this block of terraced properties, as well as a pharmacy opposite. It is also noted that the property is not located in any designated retail local centre.

Some representations have referred to the Post Office no longer operating in the nearby NISA (where it moved to, having previously been located at the application premises), and in this regard Members' are advised that the [Post Office website](#) states that the recent closure in January 2021 is a 'temporary closure' (albeit the letter states that this is following the withdrawal of the premises for Post Office use). Nevertheless, it is emphasised that the Post Office is not in the current premises, and no objection could be raised to the loss of the retail use on such grounds, with such matters thus not considered to affect the conclusions above.

Accordingly, it is considered that the change of use of this property would not amount to the loss of an 'important facility' in the area and as such, the proposal would comply with the requirements of Policy SC2.

#### Impact on Visual Amenity

It is noted that the external alterations to the property relate to the installation of additional windows to the side/rear elevations, plus the removal of the ATM and former shop entrance and replacement with windows to the front elevation, plus rendering to match the existing side-elevation. The existing fascia sign and

roller-shutters would also be removed from the property to ensure it would have a residential, rather than commercial, appearance.

In addition to the above, it should be noted that amended plans were submitted by the agent in respect of the front forecourt. It is proposed to create a new front forecourt by construction a 1.6m high brick wall with railings to match the existing dwellings along this side of Victoria Road, again, to ensure that the property has a residential appearance.

Provided that suitably worded conditions are imposed on the application in respect of the front elevation changes – which would also require such changes to be made prior to first beneficial use – it is therefore considered that the overall proposal would not have a detrimental impact upon the character and appearance of the surrounding area or street-scene, and would therefore comply with Policies BE1 of the LDP.

#### Impact on Residential Amenity

In respect of potential overlooking, it is noted that the only additional (new) windows would serve the ground-floor rear bedroom, the ground-floor 'middle' bedroom and the first-floor 'middle' bedroom. Fenestration changes at the front relate to infilling of the existing door and insertion of window in the existing ATM opening.

As the windows to the front would overlook the street, it is considered that these would not create any unacceptable overlooking issues. It is also considered that the creation of the new forecourt would provide a degree of privacy for the new occupiers as it would prevent people walking directly past the front windows. In respect of the window to the ground floor rear elevation as it would overlook the existing yard area, it is considered that this would not create any unacceptable overlooking issues.

In respect of the new side-facing windows at ground and first floor, it is noted that they have the potential to overlook into the neighbouring properties. However, these windows would overlook the blank-side wall of the existing two-storey rear wing and/or single-storey extension to the rear of Number 43. As such, it is considered that these new windows would not create any unacceptable overlooking issues, which at worst would allow some oblique/partial views into the neighbouring property.

Turning to potential noise and disturbance, whilst it is acknowledged that the use of the property will be for an 8-bedroom HMO, the Environmental Health Section has assessed the submitted scheme and notes that it has been amended to improve the occupier facilities and the traffic routes through the building. They advise that the property is a large building that contains an 8 bedroom, 8 bathroom HMO, together with a large kitchen/dining room and a separate lounge, which far exceeds the requirements of the NPTCBC Space and Amenity Standards for HMOs. They have advised that the proposed bedrooms are so spacious in fact that this HMO could *potentially* be occupied by up to 24 people and still comply with the NPTCBC Space and Amenity Standards for HMOs. However, the standards for kitchen space provision would

prevent the property from being occupied to this level. With this in mind, they therefore offer no objection to the proposal, subject to a condition limiting the number of occupants to a maximum of 10 persons. This number of occupants is based on the large bedrooms to the front and rear of the first floor being occupied by 2 persons each, with all other rooms being occupied by 1 person each.

Having regard to the advice from the Environmental Health officer, it is also considered that the proposed intensity of use would need to be controlled to ensure that there would be no unacceptable impacts on the area and nearby residents. The existing use of the property, however, is a mixed use of retail and large living accommodation above, and therefore the degree of activity in the property (notably at ground floor) is currently quite high.

The proposed layout would introduce two bedrooms on each floor next to the adjoining 'party' wall, but in light of the existing retail use and the existing bedrooms at first floor in these locations, it is considered that there would be unlikely to be any additional or unacceptable impact on the adjoining property.

Provided that the requested condition limiting to a maximum of ten occupants is imposed on the application, it is therefore considered that the noise and disturbance associated with the comings and goings to and from the property are unlikely to be different when compared to the existing use of that of a large family property. Accordingly, it is considered that the proposed HMO would not lead to unacceptable levels of noise, disturbance or nuisance that would warrant refusal of this application on such grounds.

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

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

It is noted that the existing property is located on the corner of Victoria Road and Hospital Road, with a mix of both residential and commercial properties - the majority of properties being residential. Both roads are governed by Traffic Regulation Orders to an extent, with other areas of unrestricted on-street parking available at both locations. The existing property comprises a ground-floor retail unit (approximately 98m<sup>2</sup> of floor space) with 4-bedroom flat above for which the existing car parking requirements (as quoted within the Parking Standards SPG for Zone 3) would require 1 commercial space, plus 2 non-operational spaces for the retail element (1 space per 60m<sup>2</sup>), and 1 space per bedroom for the flat (which would be a maximum of 3 spaces). The total requirement for the existing use would therefore be potentially **6 spaces**.

Notwithstanding this, it is noted that there is *potentially* only 1 parking space on site within the existing store/garage at the rear, although this has restricted access off the rear lane. So without applying any reduction based on

sustainability criteria (as per Appendix F of the approved [Parking Standards SPG](#)) there is an **existing deficiency of 5 spaces**.

In respect of the proposed use, it is noted that as a 'residential use' this would require 1 space per bedroom (up to a maximum of 3). The total for the proposed use would therefore be **3 spaces**. However, as the existing store/garage will be used for cycle and bin storage no parking would be provided on site. Although the property is in a sustainable location, given the number of bedrooms it is not considered appropriate to reduce the required parking levels further using Appendix F. Accordingly, there would be a **deficiency of 3 spaces** (i.e. a betterment compared to the existing mixed use).

The Head of Engineering and Transport (Highways Section) has assessed the proposal and offers no objection to the development. This is on the basis that there is no current HMO classification within the approved Supplementary Planning Guidance: Parking Standards (October 2016). The application submission has been therefore assessed against the closest Use Class of C3 (Residential). This would require a maximum provision of 3 parking spaces for the proposed change of use. As such, they have no alternative than to offer no highway objection, as the existing use of the site offers no 'useable' off-street parking provision, and would require significantly more parking than the proposed use. They have also noted that *"the applicant has sufficiently demonstrated by submitting in writing their intention to vet their proposed tenants with regards to car ownership, which we as the highway authority are happy to accept"*.

Given the above, and the extent of local concerns on parking grounds, it is further emphasised that: -

- Even were the proposed use split into two flats of 4 bedrooms each – with a parking requirement of  $2 \times 3 = 6$  spaces - it would still not be possible or reasonable to refuse planning permission on parking grounds given the fact that there would be no additional detriment or deficiency compared to the existing authorised use of the premises.
- Even considering these to be bedsits (the key difference between an HMO and a bedsit is that the term 'HMO' refers to the whole building, whereas 'bedsit' refers to a single self-contained unit (i.e. studio-flat) within a building), it would not be reasonable to refuse. This is because the parking requirement for 8 bedsits would be 1 x parking space per unit, along with a visitor parking provision of 1 x space per 5 units, which would add 1 space to the required 8 spaces giving a total of 9 parking spaces required. However, as the site is located within a highly sustainable area the sustainability tool would be applied to the proposal, with the site accruing 7 points which equates to the reduction of 1 space per unit, which would effectively remove any parking provision requirement, and refusal could not be substantiated when the existing residential element of the use has no existing/useable off-street car parking.

Turning to the proposed front forecourt boundary, it should be noted that the Head of Engineering and Transport (Highways Section) has also confirmed no objection to this element, subject to the gate opening inwards. It is noted that there is existing street-furniture on the footway outside the application site, including a redundant pole, nevertheless the Authority's Highway Surveyor has confirmed that the pole will be removed shortly, as it is no longer required on site. Provided this pole is removed, it is therefore considered that the remaining footway would be sufficient for pedestrians – albeit smaller than existing.

To summarise, given the existing use and the lack of parking provision on site, together with the sustainable location of the site (with potential also that the applicant can control car use by their tenants), it is considered that the overall proposal would be acceptable in terms of highway and pedestrian safety, and refusal of the application on highway/parking grounds could not be substantiated at appeal stage.

### Contaminated Land

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

### Other Matters

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

- In respect of the concerns regarding the future occupiers of the property it should be noted that this is not a material planning consideration, so cannot be taken into account when determining this application.
- With regards to the comments relating to the size of the 'bubble' this proposal would create under the current pandemic, it should be noted that this would not be grounds for refusal in planning terms and could not be substantiated at appeal. It should be noted that all residents would need to comply with the necessary Government guidance and rules surrounding the COVID-19 pandemic.
- Turning to the comments that the proposal will decrease property values, it should be noted that this is not a material planning consideration, so cannot be taken into account when determining this application.
- In respect of the concerns regarding the vacant shop opposite, which could also turn into an HMO if this is approved, it should be noted that there is no 'precedent' under Planning and each application is considered on its individual merits at the time of the application. Therefore, should this application be approved, it does not set a precedent for the property opposite.

- In relation to the comments concerning bin-storage, it should be noted that internal bin storage is indicated on the plans, and it would be for the landlord/developer to agree the most appropriate bin storage details and provision with the Waste/Refuse Section of the Authority (i.e. 1 large communal bin or separate smaller bins). It should also be noted that if there are any issues with waste storage or distribution then the Waste Enforcement Section and/or Environmental Health Section have powers to enforce against the landlord as the responsibility lies with them.
- With regards to the concerns regarding anti-social behaviour from HMOs, such as litter from needles and cans it should be noted that this is not a material planning consideration and would be a Police matter.
- Turning to the concerns regarding the safety of children these are noted. However, this would not be a planning or justifiable reason to refuse the application.
- In respect of the concerns regarding the potential for loud music this is not a planning matter, and would be for Environmental Health to investigate under their noise nuisance legislation.
- With regards to the comments that Council Tax should be reduced if this is approved, it should be noted that this is a not a material planning consideration and is something that would need to be taken up with the Council Tax Section.
- In relation to the comment that this site should be turned into a car parking area, it should be noted that the Local Planning Authority needs to determine the application as submitted. In any case, the area may not be suitable for car parking given the proximity to the junction.
- With regards to the comments regarding the location of the site opposite a pharmacy, near a school (Tywyn) and playground (Vivian Park) it should be noted that these would not be a justifiable reason to refuse the application.
- Turning to the comments that controls need to be put in place to control the occupiers to prevent anti-social problems, it should be noted that there is no justifiable planning reason for this, and it would be down to the discretion of the landlord/owner.
- In respect of the query whether the developers have any qualifications that will help the tenants it should be noted that this is not a material planning consideration.
- With regards to the comments regarding disabled access, it should be noted that this is not a material planning consideration and would be covered under Building Regulations. Nevertheless, it is noted that en-suite bedrooms are proposed (together kitchen and lounge areas) on the ground-floor and ramped access could potentially be provided via the rear.
- In respect of the concerns that this proposal could increase crime in the area it should be noted that this is not a material planning consideration and would be a Police matter.
- In relation to the comments that the proposal would result in the loss of light and air for tenants it should be noted that these are not material planning considerations in their own right, but the impact upon residential amenity is, and is fully detailed above.
- Turning to the comments regarding that HMOs are generally poorly managed and maintained, and will attract numerous problems, it should be noted that this would not be a reason for refusal of this application. It should

be noted that the management of HMOs is monitored and controlled by the Environmental Health Section.

- With regards to the comment that a public consultation with local residents is require, it should be noted that the neighbouring property (attached) has been consulted by letter and site notices erected. To date, 87 letters have been submitted concerning the application.
- In respect of the comments that there are existing problems with the current HMO in the area and an additional one will exacerbate these, it should be noted that this would not be a reason for refusal of the application. It should also be noted that
- Finally, in respect of the comments that the existing shop did not close due to lack on trade, and that the Post Office and ATM have been removed from the nearby Nisa shop, it should be noted that the loss of the community facility has been addressed in the report above.

## CONCLUSION

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

It is considered that the loss of the existing retail premises is acceptable, and that the proposed development would not have an unacceptable impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies SC1, SC2, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

RECOMMENDATION      Approve 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:  
Dwg. No. U.2/0 Rev 00.  
Dwg. No. U.2/01 Rev 00.  
Dwg. No. U.2/02.  
Dwg. No. U.2/03 Rev 00.  
Dwg. No. U.2/04 Rev 00.  
Dwg. No. U.2/05 Rev 00.  
Dwg. No. U.2/06 Rev 00.

Reason:  
In the interests of clarity.

### Pre-Commencement Conditions

- 3 Prior to the first beneficial use of the House of Multiple Occupation (HMO) hereby approved, the ATM, roller-shutters, fascia sign and entrance door shall be removed from the site and made good, and the front elevation rendered to match the existing building and the front forecourt constructed as per Dwg. No. U.2/03 Rev 00, and retained as such thereafter.

Reason:  
In the interest of visual amenity of the street-scene and to ensure that the property has a domestic (not commercial) appearance, and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

### Action Conditions

- 4 Prior to the first beneficial use of the House of Multiple Occupation (HMO) hereby approved a 2m high close-boarded fence or wall shall be provided along the common-boundary with Number 43 Victoria Road in the rear yard area, and retained as such thereafter.

Reason:  
In the interest of residential amenity due to side-facing windows, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

### Regulatory Conditions

- 5 The House of Multiple Occupation (HMO) hereby approved shall be restricted to a maximum occupancy of 10 people at any time.

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

- 6 The gate hereby approved to the front forecourt shall be of a type which open inward only and not over the footway, and shall be retained as such thereafter.

Reason:

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

## SECTION A

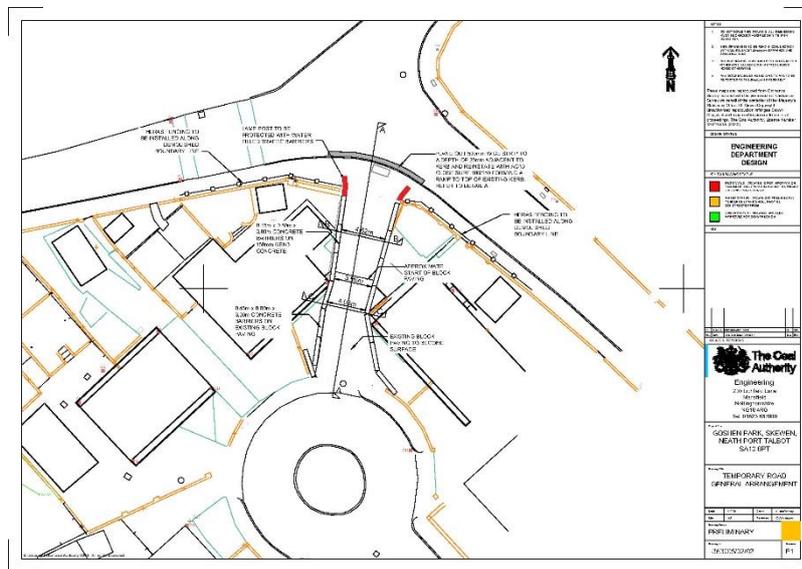
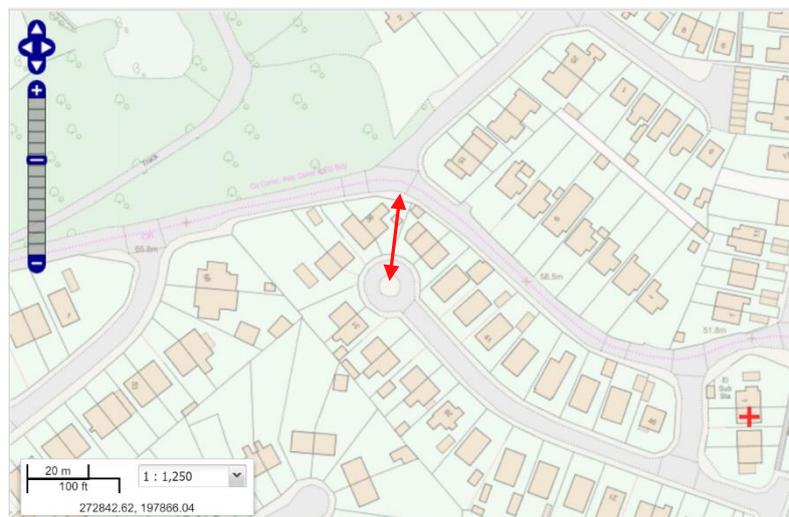
### ENFORCEMENT NON-EXPEDIENCY REPORT: GOSHEN PARK

#### Background Information

Members will be very aware of the recent flooding events at and around Goshen Park in Skewen which have caused such devastation and impacts to property and people's lives.

One such consequential impact of the Mine Shaft Blow-Out has been to preclude all vehicular access to the existing properties at Goshen Park, something which the Coal Authority have been urgently working with homeowners and Officers from the Council to temporarily address.

The temporary solution has been to create a new access between no's 36 and 37 Goshen Park, linking the roundabout at the head of Goshen Park with Drumau Road. The existing residential layout is shown on the OS plan below, with the plan below showing the temporary access arrangements. Such a new access requires planning permission.



The new access creates a crossroads with Pennshannel opposite and, being located on the inside of a bend in the road, is in highway terms not a form of access which would be acceptable other than in the extreme circumstances the residents are facing in Goshen Park. Moreover, such an access will undoubtedly have short-term impacts on the amenity of the occupants of the properties to either side were these to be occupied while the temporary access road was operational. Therefore, such an access can only be accommodated on a temporary basis. The Coal Authority is currently designing a scheme to cap and stabilise the mine shaft which is located close to the junction between Goshen Park and Drummau Road as well as designing a more permanent mine water scheme to capture the water which is currently discharging from the blowout hole within the driveway of No1 Goshen Park. It is anticipated that these works will take approximately three to six months to complete respectively. The temporary access road will be required for the duration of this period.

Because of the urgency associated with the post-flooding circumstances on the ground, i.e. the need to return residents back to their homes, the Coal Authority has already undertaken these access works, which are therefore technically unauthorised. The Council and its Highway Officers however are aware of such works, with the latter monitoring the access to ensure it does not have unacceptable impacts. The constructed access is shown on the photographs below.





The purpose of this report is therefore to advise Members of the extent of unauthorised works that have been undertaken, and to seek their approval of a decision that it would not be expedient for the Authority to take any enforcement action against this temporary access. It will however, be essential that such works are removed and land, gardens and boundaries etc. are fully reinstated once the access is no longer required.

### RECOMMENDATION

That Members resolve that it would not be expedient to pursue any enforcement action in respect of the unauthorised access works identified in this report, provided the Coal Authority reinstate the land to its former condition once the original access into Goshen Park is available for pedestrian and vehicular traffic.

Mae'r dudalen hon yn fwriadol wag