

OFFICER REPORT

Application Number: P2023/0387

Site Address: Tonmawr Primary School Tonmawr Road Tonmawr SA12 9UW

Proposal: Demolition of former school buildings and construction of 7 new residential dwellings, highway access and road and associated development. (Amended site layout for the development of seven dwellings)

Applicant: Mr D John

Agent: Jason Evans

Ward: Cimla & Pelenna

Application Type: Full Plans

Valid Date: 13th June 2023

Statutory Expiry Date: 7th August 2023

Ext. of Time / PPA date: 13th May 2026

Publicity Expiry Date: 9th March 2026

RECOMMENDATION - Approved

DEVELOPMENT PROPOSAL

SITE AND CONTEXT

The application site comprises the former Tonmawr Primary School located off Tonmawr Road within the settlement of Tonmawr. The site occupies a previously developed parcel of land positioned centrally within the village and extends to the buildings and associated grounds of the former school, which ceased operation in 2015.

The site contains a number of redundant single-storey school buildings, ancillary structures and extensive areas of hardstanding formerly used for playground and

parking purposes. Since closure, the buildings have become vacant and are showing signs of deterioration. Areas of grassed land are present primarily within the western part of the site together with established trees and woodland planting along the site boundaries.

Topographically, the site is set at a higher ground level than Tonmawr Road and slopes generally from north to south towards the adopted highway. Access to the site is currently obtained via an existing vehicular access ramp from Tonmawr Road, formed between retaining walls, which historically served the former school use.

The surrounding area is predominantly residential in character, comprising a mix of detached and semi-detached dwellings of varied age, design and appearance located to the east and west of the site. Woodland and rising valley side landscape lie to the south, with further residential development and commercial uses located within the wider settlement. The site is therefore located within an established built-up context.

Vegetation within and adjacent to the western boundary includes areas of mixed woodland containing a variety of species, contributing to local visual amenity and forming a degree of natural enclosure to the site.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the demolition of the existing former school buildings and the redevelopment of the site for residential purposes comprising 7 dwellinghouses, together with associated access, parking, landscaping and infrastructure works.

The proposed development involves the clearance of the existing vacant school structures and hardstanding areas to facilitate a residential layout arranged across the previously developed parts of the site. The dwellings are proposed as a mix of house types designed to respond to the site's sloping topography and the established residential character of the surrounding area.

Vehicular access to serve the development would be taken from Tonmawr Road via an improved access arrangement utilising the existing point of access that historically served the former school site. Internal access roads, parking areas and private residential curtilages are proposed within the site.

Each dwelling would be provided with off-street parking and private amenity space. The development also incorporates areas of soft landscaping, boundary treatments and the retention of existing trees where practicable, together with replacement planting to mitigate vegetation removal required to facilitate the development.

The proposal includes associated engineering works required to address existing site levels, together with drainage and sustainable surface water management measures to serve the residential development.

NEGOTIATIONS

During the course of the application the scale of development was reduced from ten dwellings to seven dwellings due to the constraints on accessing the site.

PLANNING HISTORY

The application site has historically operated as Tonmawr Primary School and benefits from a planning history associated with its former educational use. Earlier planning permissions relating to extensions and alterations associated with the operational school use are noted but are not considered directly relevant to the assessment of the current proposal.

CONSTRAINTS

Coal Mining - The site falls within a Low Risk Coal Development Area, indicating that development proposals are unlikely to be adversely affected by historic coal mining legacy issues.

Ecology and Trees- The site contains areas of established trees and woodland, primarily along the western boundary. An arboricultural survey has been submitted in support of the application identifying trees suitable for retention together with those requiring removal to facilitate development. No Tree Preservation Orders affect the site. Ecological surveys have also been undertaken in respect of protected species, including bats, with no significant ecological constraints identified subject to appropriate mitigation measures.

Heritage - The site does not lie within a Conservation Area and does not contain any Listed Buildings. A number of Scheduled Ancient Monuments are located within the wider area; however, none are situated within or immediately adjacent to the application site and no direct impact upon designated heritage assets is anticipated.

CONSULTATIONS

Pelenna Community Council - No response to date.

NPT Highways - No objection subject to conditions relating to the formation of the access, parking provision and completion of highway improvement works.

The Highway Authority has reviewed the amended proposal for a reduced residential development and is satisfied that, subject to the recommended conditions, the development would not result in an unacceptable impact on highway safety or the operation of the adjoining highway network.

NPT Drainage / SAB - No objection subject to the development securing approval under the Sustainable Drainage Approval Body (SAB) regime prior to commencement of construction works.

NPT Contaminated Land - No objection subject to conditions requiring site investigation and any necessary remediation measures given the historic use of the site as well as mine gas conditions.

NPT Ecology / Biodiversity - No objection subject to implementation of ecological mitigation and biodiversity enhancement measures in accordance with the submitted protected species surveys.

NPT Environmental Health – No objection subject to standard construction related conditions.

NPT Tree Officer - No objection subject to compliance with the submitted Arboricultural Impact Assessment and Tree Protection Plan, including replacement planting and installation of protective fencing prior to commencement of works.

Fire Authority – No objection subject to standard advice.

Glamorgan Gwent Archaeological Trust (Now Heneb) – No objection subject to a recording condition.

Cadw – No comments to date.

Dŵr Cymru Welsh Water – No comments to date.

NPT Play Development – No comments to date

NPT Strategic Housing – No comments to date.

NPT Parks and Neighbourhoods – No comments to date.

NPT Education – No comments to date.

REPRESENTATIONS

The neighbouring properties were consulted on 10.07.2023 and 18.11.2024.

A site notice was also displayed on 19.07.2023

The application was also advertised in the press on 13.07.2023

In response, no representations have been received.

REPORT

PLANNING POLICY CONTEXT

National Legislation, Planning Policy and Guidance

The Well-being of Future Generations Act (Wales) 2015 (WFGA 2015)

The WFGA 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.

Future Wales – the National Plan 2040

[Future Wales - the National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

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

- Policy 1** Where Wales will grow.
- Policy 2** Shaping Urban Growth and Regeneration – Strategic Placemaking.
- Policy 7** Delivering Affordable Housing.
- Policy 8** Flooding.
- Policy 9** Resilient Ecological Networks and Green Infrastructure.
- Policy 13** Supporting Digital Communications.
- Policy 28** National Growth Area – Swansea Bay and Llanelli.

Planning Policy Wales (Edition 12, February 2024)

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio economic Duty. A well functioning planning system is fundamental for sustainable development and achieving sustainable places

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

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

- Paras 3.3 to 3.17 – Placemaking and Good Design
- Paras 3.30 to 3.40 – Sustainable Management of Natural Resources
- Paras 3.55 and 3.56 – Previously Developed Land
- Paras 4.1.1 to 4.1.55 – Sustainable Transport and Accessibility
- Paras 4.2.1 to 4.2.25 – Housing
- Paras 6.2.1 to 6.2.14 – Green Infrastructure
- Paras 6.4.1 to 6.4.44 – Biodiversity and Trees
- Paras 6.6.1 to 6.6.29 – Water and Flood Risk
- Paras 6.9.12 to 6.9.28 – Land Stability and Contaminated Land

Technical Advice Notes

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

- [TAN 2: planning and affordable housing \(30 June 2006\)](#)
- [TAN 5: nature conservation and planning \(30 September 2009\)](#)
- [TAN 12: design \(31 March 2016\)](#)
- [TAN 15: development, flooding and coastal erosion \(31 March 2025\)](#)
- [TAN 18: transport \(31 March 2007\)](#)

Local Planning Policy and Guidance

Overview

The development plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004 is the [Neath Port Talbot Local Development Plan 2011 - 2026 \(Adopted January 2016\)](#) (hereafter LDP). When considering the grant of planning permission the plan should be considered as a whole, within the LDP the following policies are of particular relevance.

Strategic Policies

- | | |
|----------------------|--|
| • Policy SP1 | Climate Change |
| • Policy SP3 | Sustainable communities |
| • Policy SP4 | Infrastructure |
| • Policy SP6 | Development in the Valleys Strategy Area |
| • Policy SP7 | Housing Requirement |
| • Policy SP8 | Affordable Housing |
| • Policy SP15 | Biodiversity and Geodiversity |
| • Policy SP16 | Environmental Protection |
| • Policy SP20 | Transport Network |
| • Policy SP21 | Built Environment and Historic Heritage |

Topic Based Policies

- **Policy SC1** Settlement limits
- **Policy H1** Housing Sites
- **Policy AH1** Affordable Housing
- **Policy OS1** Open Space Provision
- **Policy EN1** The Undeveloped Coast
- **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 TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance

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

ENVIRONMENTAL IMPACT ASSESSMENT (EIA) AND APPROPRIATE ASSESSMENT (AA) SCREENING

The application site does not exceed the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application does not require screening under the regulations.

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; impact on residential amenity; highway safety; biodiversity; flood risk and drainage; de-risking; and planning obligations

PRINCIPLE OF DEVELOPMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless

material considerations indicate otherwise. The application site lies within the defined settlement limits of Tonmawr where Policies SC1 and SP7 of the adopted Local Development Plan support the redevelopment of previously developed land for residential purposes in sustainable locations.

The site comprises the former Tonmawr Primary School, vacant since 2015, and therefore represents previously developed land within an established residential settlement. The redevelopment of such brownfield land aligns with national and local placemaking objectives which seek to prioritise the efficient reuse of land within existing communities.

Planning policy promotes the efficient use of land; however, achieving appropriate density must be balanced against site constraints, design quality and environmental considerations. LDP policy, within the Valleys Strategy Area expects that residential schemes should reach a minimum density of approximately 35 dwellings per hectare, increasing where appropriate depending upon location and site characteristics.

In this instance, the developable area of the site is significantly influenced by a number of physical constraints, including:

- the elevated and sloping nature of the site;
- limitations associated with achieving a safe and policy-compliant access arrangement onto Tonmawr Road;
- the requirement to provide an acceptable internal highway layout and parking provision; and
- the presence of established trees and woodland requiring retention and protection.

These constraints materially reduce the net developable area available for built form. Earlier proposals seeking higher unit numbers demonstrated the practical limitations of the site in respect of highway safety and environmental impacts. The current proposal for 7 dwellings represents a reduced density form of development which has evolved in direct response to these identified constraints. The lower quantum of development enables an acceptable access arrangement, appropriate spacing between dwellings, retention of landscape features and a layout consistent with the prevailing character of the surrounding settlement.

Whilst the resultant density (around 13 dwellings per hectare, based on a site area of 0.55 hectares) falls below typical guideline expectations, it is considered that this reflects a justified and site-responsive design solution rather than an inefficient use of land. The proposal therefore represents an appropriate balance between efficient land use and the delivery of a safe, high-quality and policy-compliant residential environment.

Accordingly, the principle of development is considered acceptable.

DESIGN, LAYOUT AND VISUAL IMPACT

Policy BE1 of the Neath Port Talbot Local Development Plan requires development proposals to demonstrate high quality design which responds positively to local character, site context and landscape setting.

The application site occupies a prominent, elevated position above Tonmawr Road and forms a previously developed parcel within the established settlement pattern. The surrounding area is characterised by a varied mix of detached and semi-detached dwellings of differing ages, architectural styles and plot sizes, resulting in no single dominant built form or layout pattern. The proposed development has been designed having regard to the physical characteristics of the site, most notably its sloping topography, existing access position and areas of established boundary vegetation. The layout distributes the proposed dwellings across the developable parts of the site whilst avoiding areas constrained by level changes and retained trees.

The reduced number of dwellings allows for an appropriately spaced layout which reflects the prevailing suburban grain of development within Tonmawr. Adequate separation distances are achieved between proposed dwellings and neighbouring properties, preventing overdevelopment and maintaining a spacious character consistent with the surrounding residential environment. The scale and massing of the proposed dwellings are considered compatible with nearby residential properties and would integrate satisfactorily within the street scene. The redevelopment of the site would also result in the removal of vacant and deteriorating school buildings which currently detract from the visual appearance of the area, thereby providing a visual enhancement to the locality.

Existing trees and boundary vegetation, particularly along the western extent of the site, would provide continued landscape containment and soften views of the development when viewed from surrounding receptors. Proposed landscaping and replacement planting would further assimilate the development into its surroundings over time.

Overall, the proposal is considered to represent a site-responsive form of development which respects local character, responds appropriately to site constraints and accords with the design and placemaking objectives of Policy BE1 and national planning guidance contained within Planning Policy Wales.

IMPACT ON RESIDENTIAL AMENITY

Policy BE1 (Design) of the Neath Port Talbot Local Development Plan requires all development proposals to demonstrate high quality design and confirms that development will only be permitted where it would not result in a significant adverse impact upon the amenity of occupiers of adjacent properties or the wider community. Further detailed guidance on the application of Policy BE1 is provided within the Council's Design Supplementary Planning Guidance (July 2017), include the relationship between development, site levels, layout, highway arrangements and the living conditions experienced by users and occupiers of development. Accordingly, the assessment below considers the impact of the proposal upon both existing neighbouring residents and future occupiers of the development.

Impact on Existing Residential Properties - The application site is located within an established residential area and is surrounded by existing dwellings positioned at varying ground levels. In assessing the proposal, regard has been had to separation distances, orientation, intervening level changes and boundary treatments. It is considered that the proposed dwellings are positioned so that acceptable separation distances are maintained between existing and proposed properties. Due to the orientation of plots, retained vegetation and differences in ground levels, the development would not give rise to unacceptable overlooking, loss of privacy or overshadowing effects. Whilst redevelopment will alter the appearance of the former school site, residential use is compatible with the surrounding land uses and the proposal would not introduce activity levels materially different from the established residential character of the locality.

Living Conditions of Future Occupiers - Policy BE1 and the Design SPG require development layouts to create attractive, safe and functional living environments which provide satisfactory outlook, privacy and usable private amenity space. Each proposed dwelling would benefit from private amenity space and acceptable internal and external living environments consistent with normal residential expectations. Adequate spacing between dwellings ensures appropriate levels of daylight, outlook and privacy.

Levels, Access Requirements and Retaining Structures - A principal amenity consideration relates to the significant changes in ground levels across the site and the retaining structures required to facilitate an acceptable vehicular access arrangement. Criterion 2 of Policy BE1 requires development to respond positively to site topography, whilst Criterion 4 seeks to ensure that development does not adversely affect residential amenity.

The site is elevated above Tonmawr Road and the achievement of a safe internal access road compliant with highway gradient requirements necessitates engineered level alterations. As a consequence, retaining walls are required within parts of the development. The development will reduce the levels of the site, however the existing height of the boundary with the neighbours will remain similar to the existing with the ground level of the site reducing. The construction of these structures has been carefully considered in amenity terms and assessed on site with the applicant's agent. The retaining walls will be to the rear of the site behind the proposed dwellings which will filter views of the structure where it is tallest. On balance it is considered that plot orientation and separation distances will ensure that future occupiers would retain an acceptable outlook and usable external space.

The Design SPG recognises that development must respond to site context and topography and that design solutions may legitimately depart from standard layouts where justified by site constraints. In this instance, the retaining structures arise directly from the need to secure a safe and policy-compliant access arrangement and represent a proportionate engineering response to the characteristics of the site.

Whilst the retaining walls constitute a notable built feature, they are not considered to result in an unacceptable overbearing or oppressive relationship for future occupiers when assessed in the context of the site's steep topography and overall layout.

General Disturbance - The redevelopment of a former school site for residential use is not expected to give rise to unacceptable noise or disturbance impacts beyond those typically associated with residential environments. Construction impacts can be adequately controlled through appropriately worded planning conditions.

To conclude on residential amenity. Having regard to Policy BE1 of the Local Development Plan and the supporting Design Supplementary Planning Guidance, the proposal is considered to provide acceptable living conditions for both existing neighbouring occupiers and future residents. The development therefore accords with the Council's adopted design and amenity requirements.

PARKING AND ACCESS REQUIREMENTS AND IMPACT ON HIGHWAY SAFETY

Policy TR2 (Design and Access of New Development) of the Neath Port Talbot Local Development Plan requires development proposals to provide safe vehicular access, appropriate parking provision and not result in unacceptable impacts upon highway safety or the efficient operation of the highway network.

Further guidance is provided within the Council's Parking Standards Supplementary Planning Guidance, which sets out the required parking provision for new residential development.

The application site is currently served by an established vehicular access from Tonmawr Road which historically accommodated traffic associated with the former primary school use. The lawful operation of the site as an educational facility resulted in regular vehicular movements, including peak-time arrivals and departures.

The proposal removes the existing access and proposes works to create a new access in a similar location to the existing. The proposal is for significant changes and improvement to the access point in order to achieve an arrangement compliant with current highway safety standards. These works include, regrading of the access to achieve acceptable vehicle gradients; improved visibility splays; formation of an internal estate road suitable for residential use; and provision for safe vehicle manoeuvring within the site. Due to the elevated nature of the site relative to Tonmawr Road, engineering works including retaining structures are required to achieve acceptable gradients. These works form an integral component of delivering a safe and functional access arrangement.

The Highway Authority has reviewed the submitted layout and raises no objection subject to conditions.

It is material to note that the proposal seeks permission for 7 dwellings, representing a reduced scale of development compared with originally submitted scheme for the site. Residential development of this scale would potentially generate fewer vehicle

movements than both the previous higher-density proposals and the historic school use of the site, which generated concentrated peak-hour traffic associated with pupil drop-off and collection periods. The reduced scale of development therefore materially lessens potential impacts upon the local highway network.

Each dwelling is provided with off-street parking within its respective curtilage in accordance with the Council's adopted Parking Standards SPG. Parking spaces are appropriately located to ensure convenient access for residents whilst allowing safe vehicle manoeuvring within the site. Adequate turning provision is incorporated within the internal layout to ensure vehicles can enter and exit the site in a forward gear, thereby promoting highway safety.

In assessing highway safety, regard has been given to: access visibility; gradient and geometry; internal road layout; parking provision; and likely traffic generation. The revised layout represents a design response that balances the physical constraints of the elevated site, the retention of trees and the need to achieve safe highway gradients. The proposed access solution is considered to represent the optimum arrangement achievable having regard to the characteristics of the site.

Subject to recommended conditions relating to access construction and parking retention, the development would not result in an unacceptable impact upon highway safety or the operation of the surrounding highway network.

To conclude it is viewed that the proposal is in accordance with Policy TR2 of the Local Development Plan and the Council's adopted parking standards. The proposal provides appropriate access and parking arrangements and is not considered to prejudice highway safety. The development is therefore acceptable in highway terms.

BIODIVERSITY / ECOLOGY

Strategic Policy SP15 (Biodiversity and Geodiversity) and Policy EN7 (Important Natural Features) of the Neath Port Talbot Local Development Plan seek to protect, conserve and enhance biodiversity interests and ensure that development proposals avoid unacceptable harm to ecological features and networks. In addition, Section 6 of the Environment (Wales) Act 2016 places a duty on public authorities to seek to maintain and enhance biodiversity and promote ecosystem resilience in the exercise of their functions.

The application site comprises previously developed land associated with the former school buildings together with areas of grassland, hardstanding and boundary vegetation. Established trees and woodland planting are present primarily along the western and peripheral boundaries of the site and provide habitat suitable for nesting birds and foraging wildlife. Ecological surveys, including bat surveys, have been submitted in support of the application to assess the potential presence of protected species within the buildings and surrounding site.

Survey work undertaken confirms that the existing buildings offer limited suitability for roosting bats and no evidence of significant bat roosts were identified during survey

inspections. The site is considered to function primarily as foraging and commuting habitat rather than supporting established roosting features. Subject to the implementation of precautionary working methods and timing of vegetation clearance outside the bird nesting season (or following appropriate inspection), the development is not considered likely to result in harm to protected species.

The redevelopment of the site will necessitate the removal of some vegetation to facilitate access and residential plots. However, the layout has sought to retain boundary vegetation where practicable, particularly where it contributes to ecological connectivity. Given the previously developed nature of much of the site (particularly where the dwellings are proposed) and the absence of designated ecological habitats, the level of ecological impact is considered limited and capable of mitigation.

In accordance with national policy and the Section 6 biodiversity duty, the proposal incorporates opportunities for ecological enhancement, which include: retention of existing trees and boundary vegetation; soft landscaping planting; provision of bird nesting boxes and bat roosting features within new dwellings; and biodiversity-friendly landscaping within private and communal areas. Such measures will ensure that the development delivers biodiversity enhancement alongside redevelopment of the vacant brownfield site.

The application was referred to the Authority's planning ecologists who advised that subject to conditions securing the mitigation the proposal was acceptable.

In conclusion, the submitted ecological information and proposed mitigation and enhancement measures, are considered to result in an acceptable form of development in respect to its ecological impact. The proposal is in accordance with Policies SP15 and EN7 of the Local Development Plan, Subject to appropriate planning conditions securing ecological mitigation and enhancement measures, the proposal accords with adopted planning policy and statutory biodiversity duties.

FLOOD RISK / DRAINAGE

Strategic Policy SP1 (Climate Change) and Policy EN8 (Pollution and Land Stability) of the Neath Port Talbot Local Development Plan require development proposals to appropriately manage flood risk and surface water drainage and ensure that development does not increase flood risk elsewhere. National planning policy contained within Planning Policy Wales and Technical Advice Note 15: Development, Flooding and Coastal Erosion (2021) seeks to direct development away from areas at risk of flooding and ensure that flood risk is properly considered in the planning process.

The application site has been reviewed against the Flood Map for Planning (FMfP) published by Natural Resources Wales. The site is not located within Flood Zone 2 or Flood Zone 3 and is therefore not identified as being at risk from river or coastal flooding. The site is also not identified as being at risk from surface water flooding. As the site lies within Flood Zone 1, there are no national policy restrictions relating to flood risk which would prevent residential development in this location.

Surface water drainage associated with the development will be addressed through the statutory Sustainable Drainage Approval Body (SAB) process. This regime requires sustainable drainage systems to be designed and approved prior to commencement of development to ensure that surface water runoff is appropriately managed. The application is supported by a drainage report that outlines how appropriate drainage can be achieved at the site, the detail of which can be agreed through the SAB process. Accordingly, subject to separate SAB approval, the proposal is considered acceptable in respect of flood risk and drainage.

Foul drainage arising from the proposed dwellings would discharge to the existing public sewer network, subject to agreement with Dŵr Cymru Welsh Water (DCWW). It is noted that the established use of the premises is as a school. DCWW were consulted on the application and have not advised of any issues regarding a connection.

Overall the proposal is considered to have an acceptable risk of flooding and to propose appropriate drainage and is in accordance with policy SP1 and EN8.

GROUND CONDITIONS, LAND STABILITY AND SITE DE-RISKING

Policies SP16 (Environmental Protection) and EN8 (Pollution and Land Stability) of the Neath Port Talbot Local Development Plan require development proposals to ensure that land contamination, instability or ground conditions do not pose unacceptable risks to human health, property or the environment.

The application site comprises previously developed land associated with the former Tonmawr Primary School. The Council's Contaminated Land Officer has been consulted and raises no objection to the proposal subject to the imposition of a condition requiring assessment of the site for the potential for contamination and also for the potential of mine gas.

The site lies within a Low Risk Coal Mining Area, indicating a low likelihood of risks associated with historic underground mining activity. No evidence has been identified to indicate that coal mining legacy issues would prevent redevelopment of the site for residential purposes.

The site occupies an elevated position above Tonmawr Road and exhibits significant changes in ground levels. In order to facilitate safe vehicular access and internal circulation, the development incorporates engineered level alterations including retaining structures.

Development within valley side locations must ensure that earthworks and construction do not adversely affect land stability or drainage characteristics. In this regard, the proposal has been assessed having regard to the provisions of the West Glamorgan Act 1987, which places responsibilities upon developers to ensure that development does not give rise to instability or adverse drainage impacts.

Whilst the principle and layout of development are considered acceptable, detailed structural calculations for retaining walls have not been submitted at this stage. These

were requested from the applicant but they advised that they could not be provided at this stage due to the existing buildings and structures on the site. In accordance with the Authority's established practice, a planning condition is recommended requiring the submission and approval of detailed engineering drawings and structural calculations demonstrating the stability of retaining structures prior to commencement of development.

Subject to a contamination / mine gas conditions and submission of retaining wall stability details, the site is considered capable of being safely developed for residential use in accordance with Policies SP16 and EN8 of the Local Development Plan.

OTHER MATERIAL CONSIDERATIONS

The application site is not located close to sensitive archaeological assets. Whilst a number of Scheduled Ancient Monuments are recorded within the wider area, these are located at a significant distance from the site and would not be affected by the proposed development – particularly given the previously developed nature of the site.

Future Wales – The National Plan 2040 emphasises the importance of high-quality digital connectivity in supporting sustainable communities and economic resilience. Policy 36 seeks to ensure that new development is capable of supporting modern telecommunications and broadband infrastructure. Giga bit broad band ready infrastructure will be conditioned as part of any consent.

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 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th 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 seven dwellings.

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. However, within the Pelenna Ward, the LDP and supporting documents identify that there is no requirement for affordable housing.

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.

Based on shortages in Outdoor Sport- Non Pitch; Designated Play Space; Informal Space and Allotments as calculated in the table below a contribution of £13,972 is required. The agent has been advised of this and has agreed that this can be secured through a section 106 agreement.

LDP Policy OS 1 Categorisation	Total Development Proposal Open Space Requirement (sqm)	Open Space Cost (sqm)	Cost Per Dwelling	Housing Units	Scheme Total Cost
OUTDOOR SPORT-PITCH	0	£10.80	£284	0	£0
OUTDOOR SPORT-NON PITCH	72	£100.00	£1,030	7	£7,210
DESIGNATED PLAY SPACE	40	£150.00	£855	7	£5,985
INFORMAL SPACE	88	£5.00	£63	7	£441
ALLOTMENTS	30	£10.90	£48	7	£336
TOTALS	231		£2,280		£13,972

OTHER MATTERS

The issues raised above are considered to represent the main material considerations in determining the application. There have been no third party objections to the application requiring further detailed consideration.

CONCLUSION

The decision to recommend planning permission be issued has been taken in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the locality. Accordingly, the proposed development is in accordance with Policies SP1, SP3, SP4, SP6, SP7, SP8, SP15, SP16, SP20, SP21, SC1, H1, AH1, OS1, EN1, EN6, EN7, EN8, M1, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

RECOMMENDATION

Approved

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

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:
1778-01D - Location Plan
1778-03E - Block Plan
20775-P1-P13 - PROPOSED DRAINAGE PLAN
1778-02F - Proposed Site Plan and Sections
CW577/T3 - Type 3 Four bed detached dwelling
CW577/T1A - Type 1 Three Bed detached bungalow
CW577/T1A(a) - Type 1 Three Bed detached bungalow (handed)

Reason:

In the interests of clarity

Pre-Commencement Conditions

- 3 No development shall commence on site (except for demolition works) until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

- (iii) an assessment of the potential risks to:
- human health,
 - groundwater and surface waters sampling,
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

- 4 Where condition 3 identifies a need for a remediation scheme, 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.

- 5 No development shall take place until a preliminary mine gas risk assessment setting out recommendations has been submitted to and approved in writing by the Local Planning Authority. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management (LCRM; 2020)'. It shall document the findings of each step of the decision tree in Figure 13.1 of the Decision support tool for mine

gas risk assessment on page 35 of CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Reason:

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 6 Where the conclusions of the preliminary mine gas risk assessment required under condition number 6 identifies the need for a Detailed Mine Gas Risk Assessment, a report detailing the outcome of the suitable site investigation and lines of evidence risk assessment in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management LCRM; 2020 shall be submitted to and approved by the Local Planning Authority. If the Detailed Mine Gas Risk Assessment concludes remediation is required to mitigate the risk, the report shall also include a Remediation Scheme with full details of the design of gas protection measures and a Verification Plan as described in CIRIA C735 - 'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases'. The development shall be constructed in strict accordance with the scheme as approved.

Reason:

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 7 No works to which this permission relates shall commence until an appropriate programme of historic building recording (Level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and in accordance with policy SP21 of the Neath Port Talbot Local Development Plan.

- 8 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 No development (including demolition and site clearance) shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- i. 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.
 - ii. General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding; details of waste management and pollution prevention; details of complaint investigation procedures.
 - iii. 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 of dust & odour control measures and measures to control light spill.
 - iv. Traffic Management: details of site access; 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.
 - v. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The approved CEMP shall be adhered to throughout the construction period.

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.

- 10 Prior to the commencement of works on site (excluding works of demolition and site clearance) a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing any retaining walls, including full

structural calculations. The approved retaining walls shall be fully implemented on site prior to the first beneficial occupation of the dwelling, and retained as such thereafter.

Reason

In the interest of visual amenity, residential amenity of the neighbouring properties and land stability, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 11 Prior to the occupation of the development, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include any lighting proposed within the public open space and a schematic street lighting scheme. Lighting shall avoid conflict with bat mitigation/enhancement measures, flight lines and woodland habitats and shall be implemented as approved. The lighting scheme shall be fully implemented prior to the occupation of the development.

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.

- 12 Prior to the occupation of the development a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 13 If a remediation scheme is required by conditions 3 and 4, then 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 4 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.

- 14 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.

- 15 Prior to occupation or first use of the development hereby approved a Verification Report demonstrating that the gas protection has been installed in accordance with the scheme as approved under condition number 6 and in accordance with CIRIA C735 -'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases', shall be submitted to and approved by the Local Planning Authority.

Reason:

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 16 Prior to their use in the construction of the development hereby permitted, details and where requested 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.

Regulatory Conditions

- 17 The development shall be carried out in full accordance with the recommendations and mitigation measures contained within the Tonmawr School: Bat and Protected Species Survey by Rob Colley Associates. All ecological mitigation and biodiversity enhancement measures identified within the approved report shall be implemented in full and retained thereafter for the lifetime of the development.
- Reason:
In the interests of biodiversity protection and enhancement and to ensure compliance with Policies SP15, EN7 and BE1 of the Neath Port Talbot Local Development Plan and the Authority's duty under Section 6 of the Environment (Wales) Act 2016.
- 18 No part of any drive gradient shall exceed 1 in 9.
- 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.
- 19 Prior to the first beneficial use of the development hereby permitted, a 2.4m by 45m to the junction to Tonmawr Road shall be provided on site, and shall thereafter be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.
- Reason:
In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.
- 20 Construction works, including deliveries, shall take place only between 08:00-18:00 Monday to Friday and 08:00-13:00 on Saturdays, with no works on Sundays or Bank Holidays.
- Reason:
In the interests of residential amenity, highway safety and environmental protection. In accordance with Policies EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.
- 21 No development, including site clearance, groundworks, demolition or the storage of materials, shall commence until tree protection measures have been implemented in accordance with the recommendations contained within: "Tonmawr School - BS5837:2012 Tree Survey" prepared by RTAC and dated 14 August 2023. Protective fencing shall be erected in the positions shown within the approved Tree Protection Plan prior to the commencement of development and shall be retained in position for the full duration of construction works. No excavation, changes in ground levels,

storage of materials, plant or machinery, or any other operations likely to cause damage shall take place within the fenced tree protection areas. The development shall thereafter be carried out in full accordance with the approved arboricultural details.

Reason:

To ensure the protection of retained trees during construction in the interests of visual amenity, biodiversity and compliance with Policies EN7 and BE1 of the Neath Port Talbot Local Development Plan.

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Date of Recommendation	30th September 2026