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Planning Department
Neath Port Talbot County Borough Council
Civic Centre,
Port Talbot
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REF: PP-12738868

17 January 2024

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT (1990) AS AMENDED
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER (WALES)
2012**

FORMER DYFFRYN LOWER SCHOOL, TALCENNAU ROAD, PORT TALBOT, SA13 1EP

SECTION 96A NON-MATERIAL AMENDMENTS OF CONDITIONS 7,8,9,10,11,12,13,14,15

I write on behalf of Linc Cymru to submit, under section 96A of the Town and Country Planning Act 1990 (as amended), a non-material amendment application in relation to application P2022/1063, approved on 4 December 2023, for the development for 43no. affordable dwellings and associated works including a new access, an internal road network, landscaping, sustainable drainage, car, cycle parking and partial demolition of school.

I am seeking to amend the wording of conditions 7,8,9,10,11,12,13,14,15 as explained below.

Condition 7

It is proposed to amend the wording of condition 7 so that it can be amended from a pre-commence to pre-construction condition. This will allow for demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“Prior to work commencing on site, full details of the refuse/recycling proposals for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and where requested details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implement on site prior to the first beneficial use of the hereby approved development.

Reason: In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.”

The proposed wording of condition 7 is as follows:

“Prior to commencement notwithstanding works of demolition and site clearance, full details of the refuse/recycling proposals for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and where requested details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implement on site prior to the first beneficial use of the hereby approved development.

Reason: In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.”

Condition 8

It is proposed to amend the wording of condition 8 so that it can be amended from pre-commence to a pre-construction condition. This will allow for demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“No development shall commence until full details of soft and hard landscape treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall, reflect the detail provided on approved drawing 222006-FDL-ASL-XX-XX-DR-L-0001-P2 - Landscape General Arrangement; 222006-FDL-ASL-XX-XX-DR-L-0002-P1 - Proposed Hard Standing; and 222006-FDL-ASL-XX-XX-DR-L-0003-P1 - Soft landscaping. Soft landscape details shall include planting plans and specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats, together with implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable approved by the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be approved in writing by the Local Planning Authority.

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.”

The proposed wording of condition 8 is as follows:

“No development shall commence, notwithstanding works of demolition and site clearance, until full details of soft and hard landscape treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall, reflect the

detail provided on approved drawing 222006-FDL-ASL-XX-XX-DR-L-0001-P2 - Landscape General Arrangement; 222006-FDL-ASL-XX-XX-DR-L-0002-P1 - Proposed Hard Standing; and 222006-FDL-ASL-XX-XX-DR-L-0003-P1 - Soft landscaping. Soft landscape details shall include planting plans and specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats, together with implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable approved by the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be approved in writing by the Local Planning Authority.

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.”

Condition 9

It is proposed to amend the wording of condition 9 so the landscape management plan could be submitted prior to occupation, as the landscape management plan concerns the long-term management once the dwellings have been occupied.

Currently, the condition reads as follows:

“No development shall commence until a landscape management plan, including longterm design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the landscaping maintained in accordance with the approved details.

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.”

The proposed wording of condition 9 is as follows:

“Prior to the occupation of the development, a landscape management plan, including longterm design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the landscaping maintained in accordance with the approved details.

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.”

Condition 10

It is proposed to amend the wording of condition 10 so that it is extended to include and specify the requirements of a Waste Management Plan, as set out in the current condition 15. This will avoid duplication and ensure the Waste Management Plan are dealt with prior to commencement of any works, as part of the Construction Environmental Management Plan.

Currently, the condition reads as follows:

“No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) have been submitted to and approved in writing by the Local Planning Authority. The CEMP/CMS shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP/CMS shall include the following information: -

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 including decorative displays and facilities for public viewing; 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 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. 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 and primary school.

vi. Specific provisions in relation to the removal of existing concrete foundations and mitigation measures undertaken shall be detailed.

vii. Waste: a scheme for recycling/disposing of waste resulting from demolition and construction works

viii. Signage: scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.

ix. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP/CMS and emergency contact details.

x. The CEMP/CMS shall be signed by a competent person(s).

xi. Traffic management: plan showing the route demolition, construction and delivery vehicles will take to and from site (to the nearest classified highway) shall be submitted. The development shall be carried out in full accordance with the approved CEMP/CMS.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policies EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.”

The proposed wording of condition 10 is as follows:

“No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) have been submitted to and approved in writing by the Local Planning Authority. The CEMP/CMS shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP/CMS shall include the following information: -

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 including decorative displays and facilities for public viewing; 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 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. 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 and primary school.

vi. Specific provisions in relation to the removal of existing concrete foundations and mitigation measures undertaken shall be detailed.

vii. Waste: a scheme for recycling/disposing of waste resulting from demolition and construction works

viii. Waste Management Plan: a plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.

ix. Signage: scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.

x. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP/CMS and emergency contact details.

xi. The CEMP/CMS shall be signed by a competent person(s).

xii. Traffic management: plan showing the route demolition, construction and delivery vehicles will take to and from site (to the nearest classified highway) shall be submitted. The development shall be carried out in full accordance with the approved CEMP/CMS.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policies EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.”

Condition 11

It is proposed to amend the wording of condition 11, so it can be amended from pre-commence to a pre-construction condition. This will allow for demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“No development shall take place until 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.”

The proposed wording of condition 11 is as follows:

“No development, notwithstanding works of demolition and site clearance, shall take place until 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.”

Condition 12

It is proposed to amend the wording of condition 12 so that it can be amended from pre-commence to a pre-construction condition. This will allow for demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“Prior to the commencement of 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 beneficial use 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.”

The proposed wording of condition 12 is as follows:

“Prior to the commencement of development, notwithstanding works of demolition and site clearance, 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 beneficial use 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.”

Condition 13

It is proposed to amend the wording of condition 13 so that it can be amended from pre-commence to a pre-construction condition. This will allow for demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“Prior to the commencement of development works, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should update the biodiversity mitigation and enhancements identified in the Ecological Assessment Report by Pure Ecology dated December 2022 to reflect amendments to the proposal. The scheme shall be implemented in accordance with the approved details and maintained thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (2017) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.”

The proposed wording of condition 13 is as follows:

“Prior to the commencement of works to construct dwellings, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should update the biodiversity mitigation and enhancements identified in the Ecological Assessment Report by Pure Ecology dated December 2022 to reflect amendments to the proposal. The scheme shall be implemented in accordance with the approved details and maintained thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (2017) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.”

Condition 14

It is proposed to amend the wording of condition 14 so that it can be amended from pre-commence to pre-construction conditions. This will allow for works of demolition and site clearance to commence without delay.

Currently, the condition reads as follows:

“No development shall occur until an engineering scheme has been submitted detailing the upgrading of the highway known as York Place, Talcennau Road, Devonshire Place and Broad Street and approved in writing by the Local Planning Authority. The scheme shall allow for the following:

- i. The provision of a new junction to facilitate the site to be accessed from the existing public highway at York Place. The new spine road into the development shall have a minimum width of 5.5 metres.
- ii. The provision of a 2m footway from the development site to tie into the existing footway fronting the development along with the upgrading of the existing footway surfacing to the perimeter of the site.
- iii. All other existing highway access points both pedestrian and vehicular on the perimeter of the site, not forming part of the means of access for the proposed development shall be reinstated to full height kerb/footway construction.
- iv. Where necessary upgrading/alteration to the highway drainage system as a consequence of the improvement works.
- v. Where necessary alterations/upgrading to the public lighting system as a consequence of the highway improvement works.

All highway works agreed in this scheme are to be completed within 6 months of the completion of 95% of the dwellings on the site.

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.”

The proposed wording of condition 14 is as follows:

“No development, notwithstanding works of demolition and site clearance, shall occur until an engineering scheme has been submitted detailing the upgrading of the highway known as York Place, Talcennau Road, Devonshire Place and Broad Street and approved in writing by the Local Planning Authority. The scheme shall allow for the following:

- i. The provision of a new junction to facilitate the site to be accessed from the existing public highway at York Place. The new spine road into the development shall have a minimum width of 5.5 metres.
- ii. The provision of a 2m footway from the development site to tie into the existing footway fronting the development along with the upgrading of the existing footway surfacing to the perimeter of the site.
- iii. All other existing highway access points both pedestrian and vehicular on the perimeter of the site, not forming part of the means of access for the proposed development shall be reinstated to full height kerb/footway construction.

iv. Where necessary upgrading/alteration to the highway drainage system as a consequence of the improvement works.

v. Where necessary alterations/upgrading to the public lighting system as a consequence of the highway improvement works.

All highway works agreed in this scheme are to be completed within 6 months of the completion of 95% of the dwellings on the site.

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.”

Condition 15

It is proposed to amend the wording of condition 15 so that it can be amended from a pre-commencement condition to a compliance condition. The current condition duplicates the requirements for the Construction Environmental Management Plan and the Waste Management Plan can be dealt with through the amended Condition 10.

Currently, the condition reads as follows:

“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.”

The proposed wording of condition 13 is as follows:

“The control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be treated in accordance with the agreed Waste Management 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.”

No amendments are proposed to any aspects of the approved development.

Informal pre-application discussions

Advice has been sought from planning officer Matthew Griffiths regarding the rewording of conditions. The proposed amendments are set out in accordance with the officer's comments received in an email dated 16 January 2024.

Justification for Proposed Amendments

Conditions 7, 8, 11, 12, 13, and 14

The approved works comprise the demolition of the existing building, site clearance and construction of new dwellings. The demolition and site clearance elements of the proposal are very different from the construction.

Conditions 7, 8, 11, 12, 13 and 14 relate to aspects of the proposal that would not affect the demolition of the existing building and the site clearance. The proposed amendments to these conditions will not affect the technical information that the Council has requested to confirm that the development is acceptable. By amending these conditions from pre-commencement conditions to pre-construction conditions, there will be no unnecessary delay to the demolition and site clearance process, which can start (after the discharge of the pre-commencement conditions) whilst the project team works on the pre-construction requirements.

Condition 9

Condition 9 requires a Landscape Management Plan to be submitted prior to the commencement of any works. This Plan concerns the long-term management of the landscaping once the dwellings have been occupied. It is more appropriate to amend condition 9 from a pre-commencement condition to a pre-occupation condition.

This will omit the unnecessary delay to the demolition, site clearance and the construction process, which can start (after the discharge of the pre-construction and pre-commencement conditions) whilst the project team works on the Landscape Management Plan.

Conditions 10 and 15

The current wording of condition 15 relates to a Waste Management Plan, which is usually contained in a Construction Environmental Management Plan (CEMP). This duplicates the requirement of condition 10 which requires a CEMP to be submitted prior to commencement of the development.

Therefore, we are proposing to amend condition 15 from a pre-commencement condition into a compliance condition, and extend the wording of condition 10 to specify the detail identified in condition 15. This will allow the waste management plan to be secured and dealt with prior to commencement of any works, and also avoid duplication of applications.

Conclusion

In conclusion, I am seeking approval of this non-material amendment application to amend the wording of conditions 7,8,9,10,11,12, 13,14,15.

I trust that the information submitted is sufficient to allow you to determine this application. However, should you require any further clarification, please do not hesitate to contact me.

Yours faithfully,



Kathryn Williams BSc (Hons) MA MRTPI
Managing Director
KEW Planning