

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

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

APPROVAL OF FULL PLANNING PERMISSION

Name and address of the applicant

Mr Glen Thomas
3 Clos Afallon
Gwaun Cae Gurwen
SA18 1HH

Name and address of the agent

Mr Chris Morgan
Cwm Planning and Design Ltd
30 Llwynceilyn Road
Tairgwaith
Ammanford
SA18 1UU

DATE REGISTERED: 13 September 2019

APPLICATION NO: P2019/5394

LOCATION: Plot Adjacent To, 2 Clos Afallon, Gwaun Cae Gurwen,
Ammanford, SA18 1HH

PROPOSAL: Variation of condition 3 (Drainage scheme) to allow details to be
submitted post commencement of development and removal of
condition 4 (Reptiles) to remove requirement to provide a reptile
method statement, of planning application P2017/0798 granted
on 20.12.17

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority
in pursuance of its power under the above mentioned Act and Order hereby **GRANTS
PLANNING PERMISSION** for the development as described above to be carried out in
accordance with the application and the plans submitted therewith, subject to compliance
with the following 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:

- Drawing No 001 Rev A dated 21/11/2017
- Drawing No 004 Rev D dated 23/10/2019
- Drawing No 005 Rev A dated 21/11/2017
- Drawing No 006 dated 21/11/2017
- Drawing No 007 dated 21/11/2017
- Drawing No 008 Rev A dated 21/11/2017
- Drawing No 009 dated 21/11/2017
- Drawing No 010 dated 20/02/18

Reason

In the interests of clarity.

Action Conditions

- 3 Notwithstanding the submitted plans and information and condition 6, 3 number native trees shall be planted within the application site in accordance with a scheme that shall be first submitted to and agreed in writing by the local planning authority prior to occupation of the development hereby approved. The agreed tree re-planting / approved details shall be carried out in the first planting season following the occupation of the building or the completion of the development hereby permitted, whichever is the sooner and any trees or plants which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity and ecology

- 4 The root protection areas of all retained trees on or adjacent to the application site that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected with protective fencing as specified in Figure 2 in BS5837:2012 Trees in Relation to Design, Demolition and Construction. The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

- 5 Prior to the commencement of the construction of any retaining structure / wall, full details including final locations, calculations, specifications, materials and a landscaping scheme for any retaining structures / walls that may be required, together with a detailed method statement detailing how the works are to be carried out, shall be submitted to and approved in writing by the Local Planning Authority.

Any retaining structure / wall shall be constructed in accordance with the agreed details.

Reason

In the interests of public safety, to protect the stability of the site and adjacent land and in order to ensure adequate design of retaining features and slopes

- 6 Prior to occupation of the development hereby approved, the proposals in the preliminary management recommendations stated with the ArbTS Arboricultural Report (including Tree survey and Tree constraints plan (TCP) dated 16th October 2017 shall be implemented and fully completed.

Reason

In the interests of the health of the trees and biodiversity

- 7 Prior to occupation of the development hereby approved, the dwelling shall be provided with one off-street parking space per bedroom up to a maximum of three spaces. These spaces shall be retained and maintained for such use thereafter.

Reason

In the interests of highway and pedestrian safety

- 8 Prior to first use of the dwelling, the driveway including parking and turning areas shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house and constructed to a maximum gradient of no greater than 1 in 9 and no less than 1 in 150. The driveway shall be drained so that no surface water (including roof and yard) flows out onto the public highway or vice versa. The surface water shall not drain directly or indirectly into the highway drainage network. The development shall be retained and maintained to ensure it complies with the above requirements thereafter.

Reason

In the interests of highways and pedestrian safety

- 9 Prior to occupation of the development hereby approved, or use of the approved driveway (whichever is the sooner) any gates fronting onto the highway shall be provided of a type which open inwards only and can be seen through. The development shall be retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

- 10 Prior to first occupation of the dwellings hereby approved and notwithstanding condition 13, pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter. The pedestrian vision splays shall be retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

- 11 Prior to occupation of the dwelling hereby approved, a vehicular footway crossing shall be provided to Highway Authority specification and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

- 12 Prior to their first use in the development, samples of the materials to be used in the construction of the external surfaces of the development, including retaining structures and driveways / turning areas, hereby permitted 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.
- 13 Notwithstanding the submitted plans and information, prior to occupation of the dwelling hereby approved, details of the proposed siting, design and finish of all proposed means of enclosure shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosure shall be erected in accordance with the agreed details prior to occupation of the proposed development.
Reason
In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990 and as the means of enclosure details proposed on the submitted plans require alteration
- 14 Within 1 month of the date of this planning permission, the existing habitat pile on site shall be fenced off in such a way as to allow wildlife to enter and exit it. The habitat pile and fencing shall be retained in perpetuity as such thereafter.
Reason
In the interest of Biodiversity
- 15 The drainage scheme hereby approved shall be completed prior to first occupation of the dwelling and retained and maintained as such thereafter.
Reason
To ensure the provision of a satisfactory drainage regime for the site and in order to protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Regulatory Conditions

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed.
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 additional windows, having regard to the particular layout and design of the area.
- 17 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 garages or outbuildings shall be erected (other than those expressly authorised by this permission).
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 area.

- 18 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 over 600mm in height shall be erected within the curtilage of the dwelling house forward of any wall of that dwellinghouse which fronts onto a road or private access drive.
Reason
In the interest of visual amenity and highways and pedestrian safety
- 19 No garage shall be converted to residential use unless a scheme for replacement car parking has been first submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented prior to the commencement of any conversion works and shall provide for one additional car parking space for each space lost by any conversion works and shall be retained and maintained as such thereafter.
Reason
In the interests of highways and Pedestrian safety
- 20 The development shall be carried out in accordance with the finished ridge, eaves, floor and ground levels indicated on drawing number 005 Revision A dated 21/11/2017.
Reason
In the interests of visual and residential amenity
- 21 Prior to occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter; Nest Box Specifications for House Sparrow Terrace:
- Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.
Entrance holes: 32mm diameter
Dimensions: H310 x W370 x D185mm
or
Swift Nest Box Specification:
Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.
Dimensions: H150 x W340 x D150mm
Reason
In the interest of Biodiversity.
- 22 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 (including the erection of a detached garage) 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 area.

Informatives:

1 NOTES TO DEVELOPER:

(1) Drainage notes to developer:

1. There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Local Authority.

Reason: To safeguard Land drainage

2. Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

Reason: To ensure satisfactory drainage of the site

3. No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

4. Should any springs or ground water seepage be encountered the onsite works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme

2 (2) Further drainage notes to developer :The applicant should note that any soakaway must be designed, constructed and located in accordance with the requirements and criteria contained within the Building Regulations. This will ensure no nuisance is created to any lower lying, vulnerable land or the public highway. If ground conditions should prove to be unsatisfactory for a soakaway drainage then the applicant must provide alternative suitable proposals for dealing with surface water run-off. The applicant may wish to consider providing and installing simple water "butt" or "butts" to collect run-off water from the roof areas. The applicant can then use collected water, for non-portable uses, such as garden irrigation.

3 (3) Highways Notes to developer:

For the construction of a vehicular crossing over the footway, you should contact the Highways and Engineering Manager of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (Tel.No. 01639-686760 or 686756). If you propose to do the work yourself you should contact the above prior to commencing any works within the highway in order to arrange the necessary indemnity and specification for the works.

4 Ecology notes to developer:

It is recommended that vegetation clearance should avoid the bird breeding season 1st March to 31st July inclusive in accordance with the Wildlife and Countryside Act 1981 (as amended).

5 Welsh Water notes to developer:

We note the applicant is intending to connect all surface water to sustainable drainage systems, we are satisfied with this solution as no surface water will be entering directly/indirectly to the public sewerage system.

SEWERAGE

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Condition No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network 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 Advisory Notes The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact Rhodri Perry on 0800 917 2652 or via email at developer.services@dwrcymru.com

6 Wales and West Utilities note to developer:

Wales and West Utilities have pipes in the area. Our Apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable. A copy of the detailed Wales and West Utilities consultation response has been sent to the developers agent at the time of the previous application.

7 In respect of condition 13, the submitted details shall include boundary treatment no higher than 600mm for the boundary treatment forward of the primary elevation of number 2 Clos Afallon (including the front boundary of the application site adjacent to the road and the common boundary of the application site with the car parking area and number 2 Clos Afallon). The boundary treatment in the areas referred to above shall be railings, hedge (or a combination of these) or brick / block walls and the submitted details shall show the setting out of the pedestrian vision splays referred to in condition 10

8 The developer is advised that the area outlined in blue beyond the west boundary of the application site does not constitute residential curtilage and any proposals to use this land for residential purposes (or any other purposes) will require the benefit of planning permission (The applicant is also advised that part of this land is located within a flood zone). Similarly, any proposals to alter agreed boundary treatment to the west boundary will also require planning permission.

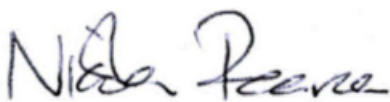
9 Natural Resources Wales note:
The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

REASON FOR GRANTING PLANNING PERMISSION

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.

The development is considered be a justified and appropriate form of residential development within settlement boundaries, complying with Policies SP15, SP20, SP21, SC1, TR2, BE1, EN6, and EN7 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

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.

Signed: 
Nicola Pearce – Head of Planning & Public Protection

Date: 7 November 2019

IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

(1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below)	Within 6 Months
(2) Householder Appeal see endnote i	Within 12 weeks
(3) Minor Commercial Appeal see endnote i	Within 12 weeks
(4) Listed Building or Conservation Area Consent appeals	Within 6 months
(5) Tree Preservation Order (TPO) Consent	Within 28 days
(6) Advertisement Consent	Within 8 weeks
(7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development	Within 6 months
(8) Hazardous Substances Consent	Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land

in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.