

**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

Ms Kathryn Evans
Pobl
7-13 Kingsway
Swansea
SA1 5JN
United Kingdom

Name and address of the agent

Mr Aled Rees
Pentan Partnership
22 Cathedral Road
Cardiff
CF11 9LJ
United Kingdom

DATE REGISTERED: 28 August 2019

APPLICATION NO: P2019/5327

LOCATION: Hafod Residential Home , Wenham Place, Neath, SA11 3AH

PROPOSAL: Variation of Condition 1 (approved plan list) of Planning
Permission P2018/0883 approved on 04/06/2018 to allow the
retention of the roof cowls and stacks

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:-

List of Approved Plans

- 1 The application shall be built in accordance with the following plans and documents:

Site Location Plan 3462_PA_300
Existing Site Survey 3462_PA_302
Site Layout and Boundary Treatments 3462_PA_310 Rev C
3700_c_6000 Rev D Block 9-12 and Block 13-16
1B2P Walk-up Apartments 3462_PA_322 Rev F
Proposed Elevations - Walk-up Apartments 3462_PA_330 Rev A
Proposed Elevations - Houses 3462_PA_331 Rev A
Street Elevation 3462_PA_332 Rev A
Boundary Treatments 3462_PA_335 Rev A
Coloured Site Plan 3462_PA_400 Rev B

Coloured Elevations - Walk-up Apartments 3462_PA_401 Rev A
 Coloured Elevations - Houses 3462_PA_402 rev A
 3D View 1 3462_PA_403
 3D View 2 3462_PA_404
 External Store 3462_PA_336 Rev A
 CDGA-9140-105-P4-CONSTRUCTION DETAILS-A1
 CDGA-9140-106-Rev P1-Setting Out
 CDGA-9140-107- Rev P3-Section38 Highway Layout-107
 CDGA-9140-108-P5-Section 38 CONSTRUCTION DETAILS
 CDGA-9140-109-P2-Section 38 Longsections-112
 CDGA-9140-111-P5-Drainage Layout S104-111
 CDGA-9140-113-P3-Drainage Longsections S104-113Reason
 CDGA-9140-115-P1-Section278 Highway Layout
 CDGA-9140-116- Rev P1-Street Lighting-101

Reason
 In the interest of Clarity

Action Conditions

- 2 Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to 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 to controlled waters, and (if necessary) to secure longer-term monitoring of groundwater quality, 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. This will also ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 3 The landscaping shall be undertaken and maintained in accordance with details as approved under Planning Permission P2019/5034 approved on the 20th June 2019

Reason:
 In the interest of clarity and visual amenity and to accord with Section 197 of the Town and Country Planning Act.

- 4 The landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be undertaken in accordance with those details approved under Planning Permission P2019/5034, approved on the 20th June 2019

Reason

In the interest of visual amenity, and clarity

- 5 The layout and form of the informal play area shall be undertaken in accordance with the details as approved under Planning Permission P2019/5034, approved on the 20th June 2019.

Reason

To ensure the play is provided in line with policy requirements and in the interest of visual amenity

- 6 The methodology for the control and eradication of any Invasive non-native plant species shall be undertaken in accordance with the details as approved under Planning Permission P2019/5158 on the 20th August 2019.

Reason

In the interest of ecology and to ensure Invasive non-native plant species on site are eradicated/removed

- 7 Prior to occupation of any dwelling the off-street parking spaces as shown on the approved plan titles 'Proposed Site Layout' Drawing No:3462_PA_310 Rev C shall be provided for the dwelling which shall be hard surfaced in block paving to gradients not exceeding 1 in 9, drained so that no surface water flows out onto the public highway and shall be retained as such thereafter.

Reason

In the interest of highway and pedestrian safety

- 8 The development will be constructed in accordance with the construction method statement previously agreed under planning permission P2018/0109 approved on March 28th 2018.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Local Planning Policy and in the interest of highway and pedestrian safety

- 9 The Traffic Regulation Order to prevent the Parking, Loading/Unloading or Waiting on either side of the proposed carriageway for the first 20 metres from the Junction with Wenham Place hereby agreed shall be fully implemented prior to the occupation of any dwelling.

Reason

In the interest of highway and pedestrian safety

- 10 Surface water and foul drainage shall be disposed of in accordance with the details agreed under planning application P2018/1042 approved on 22nd February 2019 prior to the first beneficial use of the development, and retained as such thereafter.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 11 The development shall be carried out in accordance with the materials as agreed under planning applications P2017/0637 and P2018/0377 and retained as such thereafter:
Reason:
In the interests of visual amenity of the area.
- 12 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.
- 13 Prior to occupation of the first dwelling the footway and carriageway shall be made up to binder course, drained and lit in accordance with the detail hereby approved.
Reason
In the interest of highway and pedestrian safety
- 14 Prior to occupation of the last dwelling both the footway and carriageway shall be completed up to surface course in accordance with the details hereby approved and retained as such thereafter.
Reason
In the interest of highways and pedestrian safety
- 15 If the entire scheme is not Social Housing Grant Funded a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v)the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason

To ensure the satisfactory provision of affordable housing in perpetuity in accordance with Policy AH1 of the Neath Port Talbot Local Development Plan.

- 16 The means of enclosure shall be erected in accordance with drawing No. 3462_PA_310 Rev C Site Layout and drawing No. 3462_PA_335 Rev A Boundary Treatments, prior to the first beneficial use of any dwelling and retained as such thereafter.

Reason

In the interest of residential and visual amenity

- 17 The bat and bird boxes shall be installed in accordance with the details agreed under planning application P2017/0637 prior to the first beneficial use of any dwelling and retained as such thereafter

Reason

In the interest of ecology

- 18 Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be maintained 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.

Reason

In the interest of highways and pedestrian safety

- 19 Surface water within the curtilage of each property shall not discharge onto the highway and surface water from the highway shall not discharge into the curtilage of any property.

Reason

In the interest of highways and pedestrian safety

- 20 No construction deliveries, removal of demolition waste or works vehicles in excess of 7.5 tonnes shall access or leave the site via any route during the hours of 8am to 9am and 3pm to 4pm during school term times.

Reason

In the interest of Highway and pedestrian safety.

Regulatory Conditions

- 21 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 development, and to consider and mitigate if necessary any issues in relation to land contamination.

- 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 development, and to consider and mitigate if necessary any issues in relation to land contamination.
- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), 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 development and also to ensure any changes are not detrimental to the power station for homes concept.

the proposed development is still considered to accord with Policies SP1, SP2, SP3, SP4, SP5, SP7, SP8, SP10, SP15, SP16, SP18, SP20, SP21, SC1, SC2, I1, H1, AH1, OS1, EN7, EN8, RE2, TR2 and BE1 of the Neath Port Talbot Local Development Plan and national guidance in Planning Policy Wales (Edition 10) and associated Technical Advice Notes.

Signed: 
Nicola Pearce – Head of Planning & Public Protection

Date: 13 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.