

**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 Keith Jones
105 Taillwyd Road
Neath Abbey
Neath

Name and address of the agent

Mr Ron Bagshaw
Ron Bagshaw & Associates
Woodfield House
1B Rosser Terrace
Cilfrew
Neath
SA10 8LH

DATE REGISTERED: 24 September 2019

APPLICATION NO: P2019/5421

LOCATION: Plot 2 , Taillwyd Road, Neath Abbey, Neath, SA10 7DY

PROPOSAL: Variation of Condition 3 of Planning Permission P2017/0924
(One split level dwelling) to allow for the submission of reserved
matters by the 15th October 2021

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

Reason:

The application was made for outline planning permission.

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than 15th October 2021.

Reason:

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

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

Reason:

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

List of Approved Plans

- 4 The development shall be carried out in accordance with the following approved plans and documents:
 - Drawing No: KJ/2014/02 - Proposed site plan
 - Drawing No: KJ/2014/03 - Location Plan
 - Drawing No: KJ/2014/04 - illustrative longitudinal section through the proposed dwelling

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 5 Prior to commencement of works on site, a Method Statement detailing the control of surface water run-off during the construction period and the protection of lower laying land, shall be submitted and approved in writing by the Local Planning Authority. These measures as approved shall be implemented during the construction works.

Reason

To ensure satisfactory drainage and protect adjoining land.

- 6 Prior to any building works commencing, the Fallopia Japonica (Japanese Knotweed) and Himalayan Balsam that is located on the site shall be treated and eradicated in accordance with the Natural Resources Wales Knotweed Code of Practice.

Reason

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice.

Action Conditions

- 7 As part of the first reserved matters application a scheme for landscaping and tree re-planting, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development as well as details of replacement tree numbers, species, location, full specification and planting methods and post planting maintenance shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years 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 interest of visual amenity and biodiversity in order to mitigate to the loss of trees and habitat resulting from the development.

- 8 Prior to first use of the dwelling the applicant is to construct a vehicular crossing to Highway Authority specification and design.

Reason

It is a legal requirement to cross the footway and in the interests of highway safety.

- 9 As part of the reserved matters required by Condition 1, a detailed drainage scheme for foul, land and surface water and the public sewer diversion, which shall ensure that the drainage of any adjoining land is not interrupted or otherwise adversely affected by the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented on site prior to occupation of the dwelling and retained and maintained as such thereafter.

Reason

In the interest of adequate drainage.

- 10 Prior to occupation the dwelling shall be provided with two off street parking spaces or three if the dwelling exceeds 120 square metres which shall be retained open and free for such use thereafter.

Reason

To ensure adequate off street parking is provided and retained.

- 11 Notwithstanding the submitted details and condition 28, the ridge and eaves height of the dwelling hereby approved shall not exceed the ridge height of the adjacent property to the north-east known as 22e Taillwyd Road and as part of the first reserved matters application details of the finished floor, eaves, ridge and ground levels of the development, including existing and proposed cross and longitudinal sections of the site, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be completed in accordance with these agreed levels.

Reason

To ensure the development respects local character, in the interest of visual amenity

- 12 Any drive shall be a minimum length of 6 metres from back of footway to front of garage structure. 3.6 metres minimum width with a maximum gradient of 1 in 9.

Reason

To ensure adequate off street parking is provided and retained.

- 13 Prior to first occupation of the dwelling the parking area/driveway shall be hard surfaced in a porous material, or provision must be made to direct run off water from the hard surface to a permeable porous area or surface within the curtilage of the dwelling and must be permanently maintained so that it continues to comply with the above requirement.

Reason

To ensure satisfactory arrangements are made for the discharge of surface water

- 14 As part of the reserved matters required by Condition 1, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be 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.
- 15 As part of the first reserved matters application details of the proposed means of enclosure to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosure shall be erected prior to the occupation of the associated development.
Reason
In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.
- 16 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
- 17 All retained trees on and adjacent to the application site that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). 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.
- 18 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 ensure adequate drainage of the site and to protect adjoining land.
- 19 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.

Regulatory Conditions

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a highway, carriageway, shared driveway or footpath.

Reason

In the interests of visual amenity as the estate is open plan in character.

- 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), 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 and raised decking / platforms) 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 adjacent properties.

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

Reason

To prevent hydraulic overload of the public sewerage system and pollution to the environment.

- 23 Foul water and surface water discharges shall be drained separately from the site.

Reason

To ensure satisfactory drainage.

- 24 Any existing drainage pipe, highway drain or highway run-off entering, crossing or discharging onto the development site must be accommodated into the site development works, by the developer. No building shall be erected over or within the safety zone of any culvert or watercourse.

Reason

To ensure adequate drainage of the site.

- 25 No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway or connected into the highway drainage system.
Reason
To ensure adequate drainage of the site.
- 26 Any gates fronting the highway shall be of a type which open inwards only, and can be seen through and maintained as such thereafter.
Reason
In the interest of highway and pedestrian safety.
- 27 No drive shall be closer than 2.5 metres to any boundary and pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided and maintained each side of the access within which nothing over 600mm in height shall be erected or allowed to grow and shall be maintained as such thereafter.
Reason
In the interest of highway and pedestrian safety
- 28 The development hereby approved shall be restricted to those parameters of development as follows; Height: The levels and heights as set out of Drawing No. KJ/2014/04 of decision P2014/0451, Minimum and maximum width: 11m and a Minimum depth of 11m, Maximum depth of 12m.
Reason
In the interests of clarity.
- 29 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 adjacent properties.

Informatives:

1 Drainage note to developer: The requirement for SAB approval is currently not applicable for this application due to the submission and validation date. However, should the drainage strategy not be concluded and determined before 7th January 2020 then SAB approval will be required for this development.

2 For the construction of a vehicular crossing over the footway, you should contact the Highway 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). 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.

3 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.

4 The applicant is advised that the application site is crossed by a Public Sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone - which is measured 3 metres either side of the centre line of the sewer. For details of the safety zone, please contact Dwr Cymru Welsh Water's Developer Services on 0800 9172652.

5 The applicant may wish to consider providing and installing a simple water 'butt' or 'butts' to collect run-off water from the roof areas. The applicant can then use collected water, for non-potable uses, such as garage irrigation.

6 Please note that tree felling and any other 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)

7 If any features that may be used by bats (crack, crevices, gaps, loose bark etc) are identified during the works then the branches should be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work should stop immediately. Natural Resources Wales should be contacted as a licence may be required to continue. Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended).

8 All lighting to be designed to avoid spillage outside the site footprint or onto vegetation, so that there is no direct lighting or vegetation.

9 Natural Resources Wales can be contacted at: Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP, 0300 065 3000. Bat Conservation Trust can be contacted at: 5th Floor, Quadrant House, 250 Kennington Lane, London, SE11 5DR, 0845 1300228

10 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

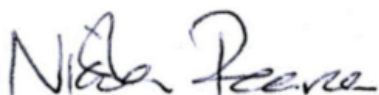
Reason for approval

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 application is not considered to adversely affect residential or visual amenity, nor will it impact negatively on highway and pedestrian safety, the development is therefore compliant with policies BE1, SC1, SP15, AH1 and TR2 of the Neath Port Talbot Local Development Plan.

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

Signed:

A handwritten signature in dark ink, appearing to read 'Nicola Pearce', written over a light blue horizontal line.

Nicola Pearce – Head of Planning & Public Protection

Date: 14 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.