

**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 Alan Richard Lockyer
37 Harle Street
Neath
SA11 3DN

DATE REGISTERED: 17 March 2020

APPLICATION NO: P2020/0189

LOCATION: 10 Elias Road, Bryncoch, Neath, Neath Port Talbot, SA10 7TN

PROPOSAL: Variation of condition 3 and 4 to allow for a further 3 years to submit the reserved matters application of planning application P2017/0132 approved on 28th March 2017

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 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

The application was made for outline planning permission.

- 3 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

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

- 4 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

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

Location Plan

Block Plan (annotated)

Reason

In the interest of clarity

Pre-Commencement Conditions

- 6 No development shall take place until the access track leading to the development has been widened to a minimum width of 4.5 metres and surfaced and drained using porous materials in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained in accordance with the approved scheme.

Reason

In the interest of highway and pedestrian safety and to ensure adequate access is provided to the site.

- 7 As part of the first reserved matters applications details of the floor level of the development, including cross-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

- 8 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.

- 9 As part of the first reserved matters application details of the proposed means of enclosures to all property boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The agreed means of enclosures shall be erected on site prior to the occupation of the associated dwelling, and retained as such thereafter.
Reason
In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.
- 10 As part of the reserved matters required by Condition 1, If the construction hard surface area of the development is under 100m² then a detailed drainage scheme for foul, land and surface water, 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 as such thereafter.
Reason
In the interest of adequate drainage.
- 11 Notwithstanding the submitted information, no development shall take place until three no. replacement off-street car parking spaces have been provided for the donor property (10 Elias Road), measuring a minimum width of 3.6m and a minimum length of 15.6m (three tandem spaces). The parking spaces/driveway shall be surfaced in porous material or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling and shall be retained open and free for parking use, and permanently maintained so that it continues to comply with the above requirements.
Reason
In the interest of highway and pedestrian safety.

Action Conditions

- 12 Prior to occupation of the dwelling 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 interests of biodiversity to mitigate against the loss of potential bird nesting/foraging habitats
- 13 Notwithstanding the submitted details, the reserved matters required by condition 1 shall include provision for one off-street parking space per bedroom (up to a maximum of three), which shall have a minimum width of 3.6 metres and a minimum

length of 10.8m for two tandem spaces or 15.6m for three tandem spaces. The parking spaces shall be provided prior to first use of the dwelling hereby approved, and shall be surfaced in porous material (or a provision must be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling) and shall be retained open and free for parking use, and permanently maintained so that they continue to comply with the above requirements.

Reason

In the interest of highway and pedestrian safety

Regulatory Conditions

- 14 No surface water or land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system.
Reason
In the interest of adequate drainage.
- 15 Foul water and surface water discharges shall be drained separately from the site.
Reason
In the interest of adequate drainage.
- 16 No surface water from within the curtilage of the dwelling shall be allowed to flow out onto the public highway or be connected into the highway drainage system.
Reason
In the interest of highway and pedestrian safety and adequate drainage.
- 17 No garage shall be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by the local planning authority. The 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.
Reason
In the interest of Highways and pedestrian Safety and adequate parking provision is provided and retained
- 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 highway and pedestrian safety
- 19 The Public Right of Way shall be protected at all times and any damage caused to the Right of Way shall be rectified to the satisfaction of this authority. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Council's Countryside Team.
Reason
To protect the public right of way

Informatives:

1 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 soak away drainage, then the applicant must provide alternative suitable proposals for dealing with surface water run-off.

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

3 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).

4 The applicant is advised that any buildings to be removed or demolished on the site should be done in a sensitive way as bats may be present, which are afforded protection under the Conservation of Habitats Species Regulations 2010 and the Wildlife and Countryside Act 1981 as amended. If any bats are discovered during construction or demolition works, the work should stop immediately and the applicant should contact Natural Resources Wales immediately, as a licence may be required to continue, as bats are a European protected species and afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (7).

5 From 7th January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010.

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.

Having regard to the previous planning permission at the site, it is considered that there has been no material change in Policy or site circumstances such that there remains no objection to the principle of a residential development for the construction of one dwelling, which would also have no detrimental impact upon residential amenity, on the character and appearance of the surrounding area, or on highway and pedestrian safety.

Accordingly, the proposed development accords with Policies SP3, SP15, SP20, SP21, SC1, EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 30 April 2020

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.