

**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 Wynne Edwards
7 Cae Copor
Cwmavon
Port Talbot
SA12 9BX

DATE REGISTERED: 20 November 2019

APPLICATION NO: P2019/5601

LOCATION: Land Off, Tabernacle Terrace, Cwmavon, Port Talbot, SA12 9HS

PROPOSAL:

Variation of Condition 2 (List of approved plans) of P2017/1094 granted on 15/2/18 to allow amendments to house design, siting, levels and parking arrangements, removal of Condition 19 (relating to the submission of Invasive Non native treatment scheme), Condition 20 (to allow connection of surface water into public sewer) and Condition 21. Vary and agree Condition 11 (to exclude works to parcel of land outside the application site) and Condition 25 (to amend driveway arrangements). Agree condition details in respect of Conditions 4, 5 (Land Contamination), Condition 6 (Structural Calculations), Condition 7 (Footway Construction), Condition 8 (Construction Method Statement), Condition 9 (Site Investigations), Condition 10 (Drainage Scheme), Condition 12 (Highway Improvements), Condition 13 (Means of Enclosure) and Condition 14 (Landscaping)
Amended/additional information received 21/12/19 and 03/03/20

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

Site Location Plan	
Site Survey Drawing	A1 Rev 1 -HG/C/1
Highways Section 278 Drawing	WE/TTC/19/C01 Rev C
Highway Specification Details	WE/TTC/19/C02 Rev 0
Drainage Adoption Section 104	WE/TTC/19/C03 Rev B
Site Plan Layout	WE/TTC/19/C05 Rev A
Planting Schedule	WE/TTC/19/C05 Rev A1- Issued 9/4/20
Engineered Capping	WE/TTC/19/C06 Rev A
Site Boundary/Enclosure	WE/TTC/19/C07 Rev 0
Letter SPR Hooper	19/12/19
Plot 1- Ground Floor Layout	WE/TTC/19/A10
Plot 2- Ground Floor Layout	WE/TTC/19/A20
Plot 3 - Ground Floor Layout	WE/TTC/19/A30
Plot 4 - Ground Floor Layout	WE/TTC/19/A40
Plot 1 - First Floor Layout	WE/TTC/19/A11
Plot 2 - First Floor Layout	WE/TTC/19/A21
Plots 3 & - 4 First Floor Layout	WE/TTC/19/A31
Plot 1- Section Drawing	WE/TTC/19/A12 Rev B- Issued 3/3/20
Plot 2- Section Drawing	WE/TTC/19/A22 Rev B- Issued 3/3/20
Plot 3- Section Drawing	WE/TTC/19/A32 Rev B- Issued 3/3/20
Plot 4 - Section Drawing	WE/TTC/19/A42 Rev B- Issued 3/3/20
Plot 1& 2 Elevations	WE/TTC/19/A13- Issued 9/4/20
Plot 3 Elevations	WE/TTC/19/A33- Issued 30/4/20
Plot 4 Elevations	WE/TTC/19/A33-A-Issued 30/4/20
Typical Cross Section	
Typical Foundation	
Viability Values -V0.6 Rev02 -S73 Application	
Tabernacle Terrace Retaining Wall Report	
Method Statement Tabernacle Terrace -Plot 4	
Tabernacle Terrace Retaining Wall Cals4 Rev	
Mining Report -Tabernacle Terrace CYM169306	
Mining Risk Assessment -V1.2	
Desk Study -Terra Firma	
Site Investigations Report -Cwmafan V3 Update	
Remediation Strat Report Cwmavon V2	
Tabernacle Terrace -Ground Gas Verification Plan	
Construction Phase Plan-Rev2	

Traffic Management Plan -Rev7
P16321. Tabernacle Site Inspection
Reason
In the interest of clarity

Pre-Commencement Conditions

- 3 Prior to the commencement of work on the foundations for the dwellings hereby approved, the following works (as set out within the report/letter dated 3rd November 2017 by SPR Hooper Consulting Civil and Structural Engineers) shall be undertaken on site: -
- Remove all vegetation and loose blocks from the head of the structure;
 - Clean out the weep holes at the base;
 - Repointing of the joints where required to small areas;
 - Repair the top of the wall to present an even surface.

Reason:

To ensure stability of the existing retaining wall in the interest of highway and pedestrian safety, and visual amenity.

Action Conditions

- 4 Prior to commencement of development, the remediation scheme as detailed in the Remediation Strategy (Terraforma-July 2019, 14611-2 V2) and the Ground Gas Protection System Verification Plan (Nov 2019, 14611-2) hereby approved shall be implemented in accordance with the agreed programme of works.

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 offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 5 Prior to work commencing on construction of the approved retaining works to the parking area of Plot 4, an inspection regime for the construction of the wall shall be submitted to and approved in writing by the Local Planning Authority. The retaining works as approved shall be implemented prior to first beneficial use.

Reason:

In the interest of highways and pedestrian safety, residential and visual amenity and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 6 The footway improvements as approved fronting onto Tabernacle Terrace shall be implemented prior to first beneficial occupation of any dwelling unit.

Reason:

In the interest of highways and pedestrian safety, residential and visual amenity and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 7 The Construction Phase Plan Rev 2 and Traffic Management Plan Rev 7 hereby approved shall be adhered to throughout the construction phases of the development.

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Plan.

- 8 The drainage scheme hereby approved shall be fully implemented on site prior to the first beneficial use of the development, and retained as such thereafter.

Reason:

In the interest of adequate drainage of the site and 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, and to ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 The approved northern boundary treatment for Plot 1 shall be fully implemented on site prior to the first beneficial occupation of Plot 1 and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 10 The approved visibility improvements onto Tabernacle Terrace, surfacing improvements along the public highway and improvements to the existing steps hereby approved shall be fully implemented prior to first beneficial use of the access serving Plot 4.

Reason:

In the interest of highway and pedestrian safety, residential and visual amenity and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 11 The means of enclosure as approved shall be provided on site prior to the first beneficial occupation of the associated dwelling, and retained as such thereafter.

Reason:

In the interest of visual amenity and privacy and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 12 Prior to the first beneficial occupation of each dwelling hereby approved, the hard landscaping (including paving, planters) shall be provided on site in accordance with the approved scheme and retained as such thereafter, and the planting shall be implemented on site in the first planting season following occupation of the associated dwelling. Any trees or plants which within a period of five years are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and the same species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area and biodiversity value and ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 13 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 4 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 offsite receptors.

- 14 Prior to occupation of each associated dwelling on Plot 1 and 2 the artificial nesting site for birds as shown on the approved plan (Drawing No WE/TTC/19/A13) shall be provided, and retained as such thereafter;

Reason:

In the interest of biodiversity, and to mitigate the loss of bird nesting/oraging habitats under the Habitat Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 15 Notwithstanding the submitted details and prior to their use in the development hereby approved 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 proposed details.

Reason:

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Plan.

- 16 Prior to works commencing on plot 4, a scheme detailing surfacing materials to the front of the house shall be submitted to and approved in writing by the Local Planning Authority, the scheme as approved shall be implemented prior to first beneficial use and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety, residential and visual amenity and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 17 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 receptor.

- 18 No structure is to be sited within a distance of 3 meters from the centre line of the water main.

Reason:

To protect the water main

- 19 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 insertion of any new doors, windows or dormer windows (other than those expressly authorised by this permission) (Schedule 2, Part 1, Classes A, B & C)
 - No provision of any building or enclosure or raised platform (Schedule 2, Part 1, Class E)
 - no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house. (Schedule 2, Part 2, Class A) 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 and alterations, having regard to visual and residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 20 Prior to first beneficial occupation of Plots 3 and 4 the triangular oriel type windows on the first floor rear elevation serving the bedrooms shall be glazed with obscured glass in accordance with the approved drawings entitled proposed elevations Plot 3 (Drawing No WE/TTC/19 A33) and Plot 4 (Drawing No WE/TTC/19 A33-A) and retained as such thereafter.

Reason:

In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 21 Each vehicular access point for plots 1, 2 and 3 shall have a pedestrian vision splay of 2.4 metres by 2.4 metre each side of each vehicular access point measured back

from back edge of footpath within which nothing over 600mm shall be erected or allowed to grow which shall be retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety, and to ensure accordance with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

Informatives:

1 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.

2 The cost of inspections relating to the requirements of the parking area retaining works to Plot 4 shall be borne by the developer. Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.(ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.(iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that only certain contractors are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section

3 The proposed development is crossed by a watermain, the applicant is advised to contact welsh water directly to locate this prior to commencing work on site so that the easement zone can be adhered to.

Reason for decision

The decision to recommend granting 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.

It is considered that the proposed amendments would have no unacceptable impacts upon the character and appearance of the surrounding area, on residential amenity or on highway and pedestrian safety. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP8, SP10, SP15, SP16, SP20, SP21, SC1, SC2, I1, AH1, OS1 EN7, EN8, TR2, and BE1 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: 

Ceri Morris – Head of Planning & Public Protection

Date: 7 May 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.