

**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

Hollies Development (Neath)
The Hollies
Dyffryn Road
Dyffryn
Neath
Neath Port Talbot
SA10 7AZ

Name and address of the agent

Mr Andy Hopkins
Ash Cost Consultancy Ltd
Suunyhurst
47 Slade Road
Newton
Swansea
SA3 4UF

DATE REGISTERED: 21 November 2019

APPLICATION NO: P2019/5623

LOCATION: The Site Of The Former Cilfrew Hotel, Main Road, Cilfrew,
Neath, Neath Port Talbot, SA10 8LR

PROPOSAL: Variation of conditions 1 (Means of Enclosure), 13 (Retaining wall details / calculations), 14 (Planting to soften gabion baskets) and 18 (Contamination remediation report) of planning permission P2014/0044 granted on 05.11.14 to allow the submission and approval of details outside of the originally agreed time frames (Revised site plan received 21/01/2020)

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:

This Decision Notice is REVISION 1 issued on August 14th 2020

Conditions:-

Action Conditions

- 1 Prior to first occupation of either of the detached dwellings the bin store shown on approved drawings shall be fully implemented and made available for use and retained and maintained as such thereafter.
Reason

In the interest of highway safety.

- 2 Foul water and surface water discharges shall be drained separately from the site.
Reason
To protect the integrity of the public sewerage system.
- 3 Prior to the first occupation of the new dwellings the off street parking spaces and shared drive access as shown on the approved plan shall be provided surfaced in porous material, or provision shall be made to direct run-off water from the hard surface to a permeable porous area or surface within the curtilage of the dwelling, drained so that no surface water flows onto the public footway or is connected into the highway drainage systems and have a maximum gradient of 1 in 9 and shall be permanently retained and maintained so that it continues to comply with the above requirements as such thereafter. The off street parking spaces and shared drive access shall be retained as such thereafter.
Reason
To ensure adequate drainage of the site.
- 4 Notwithstanding the Verification Report for Plots 5 and 6 (Rpt No. 1883r1v1d1218, Dec 2018), prior to the importation of any soil to the site, evidence shall be submitted to and approved in writing with the Local Planning Authority demonstrating that any additional soil which is to be imported to the site meets WLGA guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems' and is suitable for use for the purpose of residential with home grown produce. Any soil that is brought to the site shall be in accordance with the agreed details only.
Reason
As no evidence that additional soil that will be imported will be suitable for use was provided in support of this application and 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.

Details in respect of the above condition were approved by planning permission P2020/0672 on August 14th 2020

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

- 6 Notwithstanding the details submitted and prior to the occupation of the proposed detached dwellings the first floor side facing windows serving the bathrooms and utility rooms shall be glazed with obscured glass and any opening vent shall be top hinged with the lowest part of the opening a maximum of 1.1 metres above the floor level of that room, and any replacement window or glazing shall be of a similar glazing and type.
Reason
In the interest of the amenities of the adjoining property and the safety of the occupiers of the applicant dwelling.
- 7 The means of enclosure details shown on drawing number 'A11D site plan showing landscaping gabion wall' shall be erected prior to first beneficial occupation of any of the dwellings or within 3 months of the date of this planning permission, whichever is the sooner. This, and any existing means of enclosure on the site shall be retained and maintained as such thereafter.
Reason
In the interest of visual amenity and to accord with Section 197 of the Town and County Planning Act 1990.
- 8 The planting proposed to soften the appearance of the gabion baskets shall be in accordance with drawing number 'A11D site plan showing landscaping gabion wall'. The approved scheme shall be carried out in the first planting season after completion of the development or the occupation of either of the detached dwellings, whichever is the sooner and any plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planted 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 to accord with Section 197 of the Town and Country Planning Act 1990.

Regulatory Conditions

- 9 The vehicular footway crossings serving the dwellings fronting onto Main Road shall be retained and maintained to Local Planning Authority Specification in perpetuity.
Reason
In the interest of highway and pedestrian safety.
- 10 The public right of way shall be protected at all times and safe pedestrian access shall be maintained along it at all times and any damage caused to the right of way shall be rectified to the satisfaction of this authority.
Reason
To protect public right of way number (Footpath 16 Community of Blaenhonddan) that runs through the site and in the interest of pedestrian safety.
- 11 The Public Rights of Way (PROW) / footpaths 15 and 16 shall be protected at all times and any damage caused to the PROWs / Footpaths shall be rectified to the satisfaction of this authority. No alteration or change of condition to the PROWs /

footpaths shall be undertaken without first being agreed in writing with the local planning authority.

Reason

To protect public right of ways that run through the site and in the interest of pedestrian safety.

- 12 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 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 such additional doors / windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 13 No surface water shall be allowed to connect, either directly or indirectly, the public sewerage system.

Reason

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

- 14 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

Reason

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

- 15 The proposed development site is crossed by public sewers with their approximately position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights to access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 3 metres either side of the centreline of the public sewer.

Reason

To protect the integrity of the public sewer and avoid damage thereto.

- 16 Any gates shall be of a type which open inwards only, can be seen through and maintained as such thereafter.

Reason

In the interest of highway and pedestrian.

Informatives:

- 1 During demolition and construction works all appropriate pollution control measures should be adopted. Please visit www.netregs.gov.uk/netregs/links/107968.aspx. In addition all waste should be handled by a registered waste carrier to a suitably authorised facility.

Please visit www.environment-agency.gov.uk/subjects/waste for further details (Now Natural Resources Wales)

2 In order to minimise the effect on the public the applicant is advised to contact the Authority's Rights of Way Officer to discuss the proposals (steps, any works that affect the rights of way etc.) prior to carrying out any works.

3 Welsh Water Advisory Notes: If a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652. 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 we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW. On the 1st October 2012, the Welsh Government introduced the Welsh Ministers Standards and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on the Developer Services Section of our website - www.dwrcymru.com. Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk. Water Supply. The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers near watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site. Dwr Cymru Welsh Water has no objection to the proposed development. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process, we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries, please contact Jason Price (Development Control Officer - Developer Services) on 0800 917 2652 or via email at developer.services@dwrcymru.com.

4 The applicants/agents attention is drawn to the contents of the Welsh Water consultation response and the associated maps/plans attached to this decision notice.

5 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

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.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP6, 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).

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: 13 February 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.