

**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 Dean Davies
56 Church Street
Seven Sisters
Neath
SA10 9DT
United Kingdom

Name and address of the agent

Mr Husam Sami
CCS Solutions Ltd
39 Tan Y Lan Terrace
Morriston
Swansea
SA6 7DU
United Kingdom

DATE REGISTERED: 24 June 2020

APPLICATION NO: P2020/0539

LOCATION: Land Adjacent To, 104 Dulais Road, Seven Sisters, SA10 9ES

PROPOSAL: Variation of condition 2 (approved plans) of P2016/0167 to allow a private on-site sewage treatment plant to be installed rather than mains sewer connection

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Conditions:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents:

The development hereby approved relates to the following plans and documents:

- Drawing number 15.136.12a
- Drawing number 16.136.11a
- Drawing Number 16.136.10
- Drawing Number 16.136.09a

- Drawing Number A101 Rev A
- Drawing Number 16.136.07
- Drawing Number 16.136.06a
- Drawing Number 16.136.05a
- Drawing Number 16.136.04a
- Drawing Number 16.136.03a
- Drawing Number 16.136.02a
- Drawing Number 16.136.01

Reason

In the interest of clarity.

Action Conditions

- 2 The private on-site sewage treatment plant hereby approved shall be installed, connected to the main dwelling and fully operational prior to first occupation of the dwelling hereby approved and retained and maintained as such thereafter.
Reason
To ensure the provision of adequate foul drainage to serve the approved development and in the interests of clarity
- 3 The materials used in the external surfaces of the development hereby approved shall be as agreed under discharge of condition application P2017/0093 agreed on 15.03.17 and retained as agreed following their use as such thereafter.
Reason
In the interest of visual amenity and clarity
- 4 The artificial nesting sites for birds shall be as agreed under discharge of condition application P2017/0093 agreed on 15.03.17. The agreed details shall be implemented prior to occupation of the dwelling and retained and maintained as such thereafter.
Reason
In the interests of biodiversity and as the proposed development will remove potential bird nesting / foraging habitats
- 5 The scheme of landscaping shall be as agreed under discharge of condition application P2017/0093 agreed on 15.03.17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason
In the interests of visual amenity
- 6 The proposed design and finish of all proposed means of enclosures (including around the swimming pool and not just to the site boundary) shall be as agreed under discharge of condition application P2017/0093 approved on 15.03.17. The approved means of enclosure shall be erected on site in accordance with the agreed

details prior to the first occupation of the dwelling, and retained and maintained as such thereafter.

Reason

In the interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act 1990.

- 7 Prior to first occupation, the driveway, parking areas and turning facility shall be hard surfaced in porous material or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house. The driveway shall be drained so that no surface water (including roof and yard) flows out onto the public highway or vice versa and shall be maintained to ensure it complies with the above requirements thereafter. The development shall be permanently maintained and retained so that it continues to comply with the above requirement.

Reason

To ensure the site is adequately drained and in the interests of highways and pedestrian safety

- 8 Prior to occupation of the dwelling 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 shall be erected or allowed to grow.

Reason

In the interests of highways and pedestrian safety

- 9 Prior to occupation of the dwelling a vehicular footway crossing shall be provided to the specification of the Highway Authority.

Reason

In the interests of highways and pedestrian safety

Regulatory Conditions

- 10 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.

- 11 Any gates fronting onto the highway shall be of a type which open inwards only, can be seen through and shall be maintained and retained as such thereafter.

Reason

In the interests of highways and 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and 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 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 14 The foul water and surface water discharges shall be drained separately from the site.

Reason

To ensure satisfactory drainage of the site

- 15 No structure or building shall be situated within 7m either side of the centre line of the 1050mm culvert (14 metre easement total) located within the application site. This easement shall be maintained for access and retained as such thereafter.

Reason

In the interests of clarity and to protect the existing drainage infrastructure present at the application site

- 16 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 protect the health and safety of existing residents and in order to protect the existing drainage regime

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

Reason

To ensure satisfactory 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

- 18 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 fences, gates or walls shall be erected within the curtilage of the dwelling hereby approved forward of any wall of that dwelling house which fronts onto a highway, carriageway, shared driveway or footpath.

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 enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

Informatives:

1 The applicant is advised that if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to Welsh Water apparatus is proposed, they must contact Welsh Water prior to works commencing on 0800 917 2652.

2 Drainage notes to developer(A) 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.(B) 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-portable uses, such as garden irrigation.

3 Highways Notes To Applicant

For the construction of a vehicular crossing over the footway, you should contact the Highways 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.

4 No site/vegetation clearance/demolition should take place between 1st March to 31st July inclusive to minimise the potential for nesting birds to be disturbed as they are protected by law.

5 Welsh Advisory Notes

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 on 0800 085 3968 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. 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 Welsh Water on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.

6 Welsh Water Notes to Developer

The application seeks variation of condition 2 on permission P2016/0167 to amend approved plans. As part of this application we acknowledge receipt of a 'Proposed Drainage Plan' (Drawing No. A101) which indicates proposals to install a private on site sewage treatment plant and in principle we offer no objection. Since the proposal intends utilising an alternative to mains drainage we would advise that the applicant seek advice from Natural Resources Wales and or the Building Regulations Authority / Approved Building Inspector as both are responsible to regulate alternative methods of drainage. If you have any queries please contact the undersigned (Sion Jones, Development Control Officer, Developer Services Welsh Water) on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number (PLA0050071) in all communications and correspondence.

7 Natural Resources Wales Note to Developer

We note the development has been issues with a discharge permit (exemption), as connection to the main public sewerage system is not feasible, therefore we have no objection to the variation of condition. If you have any queries please do not hesitate to contact me.

8 Drainage Note

The developer must contact the Council's Building Control section to ensure the foul water proposals (private on-site sewage treatment plant to be installed) complies with their standards.

9 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

10 Flooding Note

The applicant / developer is advised that the application site falls within the Natural Resources Wales Development Advice Map (DAM) Flood Zone B. The applicant / developer must therefore take appropriate action to safeguard the property and its occupiers against any future flooding. Natural Resources Wales may be able to advise further in respect of this matter.

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 in-fill development consistent with the relevant development plan policies and one that will safeguard the amenities of neighbouring residents, visual amenity of the area and highway and pedestrian safety. Hence, the proposed development is in accordance with Policies SP1, SP3, SP6, SC1 and BE1 of the Neath Port Talbot Local Development Plan and TAN 15. Approval is therefore recommended.

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.

A handwritten signature in black ink, appearing to read 'Ceri Morris', is positioned above the printed name.

Signed:

Ceri Morris – Head of Planning & Public Protection

Date: 18 August 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.