

**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 HUGH JONES
7 RAILWAY TERRACE
CWMMLYNFELL
SA9 2GP

Name and address of the agent

Mr Chris Morgan
Cwm Planning & Design Ltd
1 Graig Road
Gwaun Cae Gurwen
Ammanford
18 1EG

DATE REGISTERED: Thursday, 04 May 2017

APPLICATION NO: P2016/0717

LOCATION: LAND ADJACENT TO 261 GRAIG ROAD GODRE'R GRAIG
SWANSEA

PROPOSAL: Detached split level dwelling, with associated engineering
works and off street car parking (Amended plans and
supporting information received 04.05.17)

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 hereby permitted shall be begun before the expiration of five years
from the date of this permission.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act
1990.

Approved Plans

(2) The development shall be carried out in accordance with the following approved plans:

- Drawing No. 001 Rev A - Site Location plan
- Drawing No. 002 Rev A - Existing site survey
- Drawing No. 003 Rev C - Proposed site plan
- Drawing No. 004 Rev A - Existing and proposed site sections
- Drawing No. 005 - Existing and proposed site sections 2
- Drawing No. 006 - Existing and proposed site sections 3
- Drawing No. 007 - Proposed elevations
- Drawing No. 008 - Proposed floor plans

Reason

In the interests of clarity.

Pre-Commencement Conditions

(3) Notwithstanding the submitted drainage scheme, with the exception of works required in connection with the temporary drainage scheme identified on drawing 002 rev. A, no development shall commence until such time as amended details of a permanent land drainage scheme for the site (including a management and maintenance regime and timeframe for works) that also fully ensures historical land drainage connections to the site from adjoining land and how they will be permanently incorporated into the development and measures for land drainage during construction, has been submitted to and approved in writing by the local planning authority. The dwelling hereby approved shall not be occupied until such time as the approved drainage scheme has been implemented in accordance with the agreed timeframe of works, and shall thereafter be retained, managed and maintained in accordance with the agreed management and maintenance plan.

Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(4) Notwithstanding the submitted information, no development shall take place until details of all retaining works and final slope design have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):

- i) A construction methodology outlining how the proposed works can be undertaken within the application site and not detrimentally impacting upon land adjacent to the site; ii) earthworks / slopes showing existing and proposed finished levels or contours; iii) retaining wall details including calculations; iv) temporary support works; v) hard surfacing materials; vi)

The development shall be carried out in accordance with the approved details

Reason

In the interests of public safety, to protect the stability of the site and adjacent land and in order to ensure adequate design of retaining features and slopes

(5) Prior to commencement of development on site an ecological mitigation scheme which shall include a tree re-planting scheme and landscaping proposals, shall be submitted to

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and agreed in writing with the local planning authority. The scheme shall include a tree replanting scheme which shall include tree numbers, species, location, full specification and planting methods and post planting maintenance. The approved scheme shall be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the local planning authority gives written consent to any variation.

Reason

In the interest of visual amenity and biodiversity in order to mitigate to the loss of trees and habitat resulting from the development.

(6) Notwithstanding the submitted plans, prior to first occupation of the dwelling hereby approved, details of a privacy screen to west facing elevation of the first floor balcony shall be submitted to and agreed in writing by the local planning authority. The agreed privacy screen shall be in place prior to occupation of the dwelling and retained and maintained as such thereafter.

Reason

In the interests of residential amenity

Action Conditions

(7) The temporary drainage works identified on dwg. 002 rev. A shall be fully implemented on site within two months of the date of this decision, and shall thereafter be retained in its approved form until such time as the permanent drainage solution required by condition (3) has been implemented on site.

Reason

In the interest of satisfactory drainage of the application site and to ensure the drainage of any adjoining land is not interrupted or otherwise adversely affected.

(8) Prior to their first use in the development, samples of the materials to be used in the construction of the external surfaces of the development, including retaining structures and driveways / turning areas, hereby permitted have been 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) All retained trees on the site and adjoining land that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be

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altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason

In order to protect the long term health of the trees to be retained.

(10) Prior to occupation of the dwelling, three off-street parking spaces, of which one shall be retained in the integral garage, shall be provided for the dwelling and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(11) Prior to the occupation of the dwelling, the associated car parking spaces as shown on drawing 003 Rev C shall be hard surfaced in porous asphalt 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 to a maximum gradient of 1 in 9 and no less than 1 in 150. The drive/hard standing shall be drained so that no surface water including roof and yard flows out onto the public highway or vice versa and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(12) Notwithstanding the submitted plans, the masonry boundary wall fronting the highway shown on drawing no. 003 Rev c shall be constructed to a height of no greater than 600mm and the timber close boarded fence to the boundary of the site shall be reduced to 600mm in height within 1m of the highway. Both the wall and fence shall be retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety and in order to allow for adequate vehicle and pedestrian visibility.

(13) Notwithstanding condition 12, the approved boundary treatment indicated on drawing number 003 Rev C 'proposed site plan' shall be completed prior to occupation of the development hereby approved and retained and maintained as such thereafter.

Reason

In the interests of residential amenity

Regulatory Conditions

(14) If during the course of development, any unexpected land instability issues are found / occur which were not previously identified, development shall cease immediately and measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The development of the site shall incorporate the approved measures which shall be retained [for the period agreed in the remediation scheme / in perpetuity].

Reason

In the interests of public safety and to protect the stability of the site and adjacent land

(15) 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

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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.

(16) Foul water and surface water discharges shall be drained separately from the site.

Reason

In the interest of adequate drainage.

(17) Any gates fronting onto the highway shall be of a type which open inwards only, and retained and maintained as such thereafter.

Reason

In the interests of highways and pedestrian safety

(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 over 600mm in height shall be erected within the curtilage of the dwelling house forward of any wall of that dwellinghouse which fronts onto a road or private access drive.

Reason

In the interest of visual amenity and highways and pedestrian safety

(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), no garages or outbuildings shall be erected (other than those expressly authorised by this permission).

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the elevated ground levels of the application site

(20) 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.

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 additional windows, having regard to the particular layout of the development and design of the dwelling

(21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting

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that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted (including the erection of a detached garage) 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 of the development and elevated ground levels of the application site

(22) The use of the garage shall be restricted to the garaging of private motor vehicles and uses incidental to the use of the associated dwellinghouse only and for no industrial, commercial or business use and shall be retained as such in perpetuity.

Reason

In the interests of amenity and to clarify the extent of this consent.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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 adopted January 2016

The development is considered be a justified and appropriate form of residential development within settlement boundaries, complying with Policies SP15, SP16, SP20, SP21, SC1, TR2, BE1 , EN6, EN7 and EN8 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

NOTES TO DEVELOPER:

(1) STANDING ADVICE - DEVELOPMENT LOW RISK AREA

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

This Standing Advice is valid from 1st January 2017 until 31st December 2018

(2) HIGHWAYS NOTE TO DEVELOPER

For the construction of a vehicular crossing over the footway, you are advised to contact the Senior Highways Inspector of Neath Port Talbot County Borough Council at the Quays, Brunel Way, Baglan, Energy Park, Neath SA11 2GG (Tel: 01639 686407 or 686344). If you propose to do the works yourself you should contact the above prior to commencing any works within the highway in order to arrange the necessary indemnity and specification for works.

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Signed : 
Nicola Pearce – Head of Planning & Public Protection

Date: 28/06/2017

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):-
 - Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - Householder Appeal see endnote i Within 12 weeks
 - Minor Commercial Appeal see endnote i Within 12 weeks
 - Listed Building or Conservation Area Consent appeals Within 6 months
 - Tree Preservation Order (TPO) Consent Within 28 days
 - Advertisement Consent Within 8 weeks
 - Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - 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 5938, 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.