

**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

Mrs Anwen O'Mahoney
37 Graig Road
Gwaun Cae Gurwen
SA18 1EG

Name and address of the agent

Liam Jones
5 Smithfield Road
Pontardawe
SA8 4LA
United Kingdom

DATE REGISTERED: 19 August 2020

APPLICATION NO: P2020/0750

LOCATION: 37 Graig Road, Gwaun Cae Gurwen, SA18 1EG

PROPOSAL: Variation of Condition 2 (List of Approved Plans) of planning permission P2016/0934 granted on 17/3/2017 to amend the siting and size of the dwelling including an increase in the length from 9.34m to 11m and height from 4m to 4.3m

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 development shall be carried out in accordance with the following approved plans and documents:
Site Location & Existing Block PA/2020/01A Rec 13/10/2020

Proposed Elevations, Floor & Roof Plans PA/2020/02A Rec 13/10/2020
Street Scene Elevation PA/2020/03A Rec 13/10/2020
Proposed Block Plan PA/2020/04A Rec 13/10/2020

Reason

In the interests of clarity.

Pre-Commencement Conditions

- 3 No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing intrusive site investigations for the mine entries and shallow coal workings which shall include the following:
- (a) the submission of a report of findings arising from both of the intrusive site investigations;
 - (b) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
 - (c) the submission of a scheme of treatment for the mine entries on site for approval;
 - (d) the submission of a scheme of remedial works for the shallow coal workings for approval; and

The scheme as approved, including any remedial works identified by the site investigations shall be undertaken prior to the construction of the development.

Reason: In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan

Action Conditions

- 4 No development shall take place until the highway improvement works to Graig Road as detailed under planning application P2014/0876 drawing no 0687 001 Rev B titled, proposed access arrangements have been completed in its entirety and written confirmation of this being provided to the developer by the Local Planning Authority.

Reason

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development

- 5 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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 and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 6 Prior to first occupation of the dwelling, the parking area as shown on drawing number PA/2020/04A titled proposed block plan 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 no greater than 1 in 9 and no less than 1 in 150. The driveway shall be drained so that no surface water, including roof and yard, flows out onto the public highway or vice versa and must be maintained to ensure it complies with the above requirements. The surface water shall not drain directly or indirectly into the highway drainage network.

Reason

In the interest highway and pedestrian safety and to ensure the development complies with policy TR2 of the Neath Port Talbot Local Development Plan.

- 7 Prior to first occupation of the dwelling, the footway as shown on drawing number PA/2020/04A titled, proposed block plan, shall be constructed to highway authority specification in its entirety and shall be retained open for public use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 8 Prior to occupation of the dwelling hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason

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

- 9 The hedge along the Eastern boundary as shown on the proposed block plan PA/2020/04A shall be retained and its removal shall not take place until a scheme indicating the height and type of replacement boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Such replacement boundary treatment shall be erected within 2 months of removal of the hedge and be retained as such thereafter.

Reason

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

Regulatory Conditions

- 10 Any gates fronting onto the highway 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 safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 11 Adequate provision shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

Reason

In the interest of satisfactory drainage of the site.

- 12 Any existing drainage pipe, highway drain or highway run off entering, crossing or discharging onto the development site must be accommodated into the site development works, by the developer. No building shall be erected over or within the safety zone of any culvert or watercourse.

Reason

In the interest of satisfactory drainage of the site.

- 13 No surface water or land drainage run off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless applied for and approved in writing by the Local Planning Authority.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to ensure no pollution of or detriment to the environment, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

Informatives:

- 1 The applicant should not 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.

2 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 potable uses, such as garden irrigation.

3 It is recommended that vegetation clearance should avoid the bird breeding season 1st March to 31st July inclusive in accordance with the Wildlife and Countryside Act 1981, as amended.

Reason for decision

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 visual and residential amenity, or highway and pedestrian safety. Accordingly, proposed development is in accordance the Policies SP3, SP15, SP20, SP21, SC1, 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: 3 November 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.