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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

Neath Port Talbot County Borough Council
The Quays
Brunel Way
Baglan Energy Park
Neath
SA11 2GG

Name and address of the agent

Miss Emma Harding
Asbri Planning Ltd.
Unit 9
Oak Tree Court
Cardiff Gate Business Park
Cardiff
CF23 8RS

DATE REGISTERED: 20 December 2019

APPLICATION NO: P2019/5679

LOCATION: Former Dwr Y Felin Lower Comprehensive School, Heol Penlan, Neath, SA10 7LB

PROPOSAL: Demolition of existing school and construction of new primary school, access, parking, landscaping and associated works

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 IS DECISION NOTICE REV 1 DATED 27TH NOVEMBER 2020

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

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

19014-05-1002 Proposed Site Plan
19014-05-1003 Ground Floor Plan
19014-05-1004 Upper and Lower First Floor Plans
19014-05-1005 Proposed Roof Plan
19014-05-1006 Proposed Elevations
19014-05-1009 Proposed Building Sections
19014-05-1011 Proposed Bin Store and Sprinkler and Hydrant Tank Enclosure
19014-05-1012 Parking Allocation
19014-05-1013 Hard Landscape
19014-05-1018 Proposed Bat Box Locations
CCTV Layout ABBY-ACM-XX-XX-DR-E-9002
External Lighting Layout ABBY-ACM-XX-XX-DR-E-9001
Transport Assessment T19.138.TA.D2 _ Final
T189.138.D3 Interim Travel Plan Rev A

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you must do the following:

a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

- 4 No development shall commence until further intrusive site investigations have been carried out on site to establish the presence or otherwise of mine entry 273197-034. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. In addition, the location of the mine entry (if found present within the site) together with the calculated zone of influence of the mine entry shall be illustrated on the approved layout plan. The

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intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

Reason:

As the findings of previous intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, and to accord with Policy EN8 of the Local Development Plan.

The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

- 5 No development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. This should include a grouting grid overlaid over the approved layout plan. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

Reason:

As the findings of previous intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, and to accord with Policy EN8 of the Local Development Plan.

The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

- 6 No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) Routing of construction vehicles and phasing of development.
 - g) measures to control the emission of dust and dirt during demolition and construction; and
 - h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Method Statement, and any associated phase-specific plans, shall be adhered to throughout the construction of the approved development.

Reason:

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

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The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

- 7 No development shall commence until a Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Noise and Vibration Management Plan shall identify all significant construction noise and vibration sources; detail the physical and operational management controls necessary to mitigate emissions from these sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and vibration disturbance to surrounding properties. The approved Noise and Vibration Management Plan shall also detail noise limit monitoring and noise and vibration complaint investigation procedures, together with any phase-specific plans. The approved Noise and Vibration Management Plan, and any associated phase-specific plans, shall be adhered to throughout the construction of the approved development.

Reason:

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

The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

Action Conditions

- 8 Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall 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.

- 9 Notwithstanding the details submitted and prior to the first use of the development hereby approved a scheme indicating the positions, height, design, materials and type of all enclosures / boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The enclosures / boundary treatment shall be completed, as approved, prior the first beneficial use of the development and retained as such thereafter. The scheme submitted shall ensure when installed, the fence line erected adjacent to the Public Right of Way is set in from its existing position to ensure that the definitive and legal width of Footpath 19 is a minimum of 6 feet.

Reason:

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

- 10 Notwithstanding the submitted details and prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted

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to and approved in writing by the Local Planning Authority detailing the location of all external lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required. The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation, and include the provision of low level lighting in areas outside of parking areas if necessary at all, to reduce light pollution, and to respect ecological features. The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter. No additional external lighting shall be erected without the prior written permission of the Local Planning Authority.

Reason:

In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN6, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 11 Notwithstanding the details submitted and prior to the first beneficial use of the school hereby approved, details of both hard and soft landscape works (including any phasing of landscaping works) shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) pedestrian access and circulation areas, including details of all vehicular gates and barriers
- b) hard surfacing materials;
- c) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- d) water features.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation and management programme.

The landscaping works shall be carried out in accordance with the approved phasing details and the completed scheme shall thereafter be maintained in accordance with the approved scheme of maintenance.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 12 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed land contamination remediation works to be carried out in accordance with the recommendations of the Supplementary Ground Conditions Assessment Report, Jubb Consulting Engineers Ltd, 19264-GCA-01 shall have been submitted to and approved in writing by the Local Planning Authority.

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Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 13 Following implementation and completion of the approved remediation scheme (as required by Condition 5 above in respect of formal coal mining activity and ground stability) and prior to the occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason

As the findings of previous intrusive site investigations identify that coal mining legacy on the site poses a risk to surface stability, and to accord with Policy EN8 of the Local Development Plan.

- 14 Notwithstanding the submitted details no demolition of the existing school buildings on site shall take place until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Demolition Method Statement shall be made in accordance with the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The approved Statement shall be adhered to throughout the demolition works. The Statement shall provide for the following: -

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities to prevent deposition of material onto any hard surface road;
- vi. measures to control the emission of dust and dirt during demolition;
- vii. Identification of the significant demolition noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures;
- viii. Hours of working on site, and specified hours for deliveries and any elements of the demolition that could lead to amenity issues from noise and disturbance to adjoining properties.

Reason:

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

The above condition was discharged under Planning Permission P2020/0811 on the 27th November 2020.

- 15 Prior to the first use of the development hereby approved a traffic management scheme (including any Traffic Regulation Orders) for works along Heol Penlan, Heol Esgyn and the new junction/access for the school shall have been submitted to and

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approved in writing by the Local Planning Authority. The approved traffic management scheme shall be implemented on site prior to the first use of the school and retained as such thereafter.

Reason:

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

- 16 Notwithstanding the submitted Travel Plan, no less than three months prior to first beneficial use of the development hereby approved, an updated Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The amended Travel Plan shall include details of the appointment of a Travel Plan Coordinator and address the means to encourage staff to use more sustainable means of transport and reduce the demand on private transport together with encouraging use of the approved safe walking route that complies with the "Active Travel Plan Wales 2013" and "Learner Travel Guidelines" for pupils and parents/guardians that wish to travel on foot and/or cycle to and from school; together with details of how this is information, and any changes to the safe walking route, will be provided to parents/carers etc.

The Plan should also include a detailed monitoring scheme/schedule, which shall annually be reviewed for the initial five year period, together with details covering submission and approval of subsequent updated Travel Plans every five years for the duration of the operation of the development, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. All measures identified within any approved Travel Plan required by the scheme shall be implemented within three months following its approval.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

- 17 All works to be constructed on the public highway and within the parent/guardian dropping off areas shall be subject to Road Safety Audits, stages 1 to 4 in accordance with HD19/03 of the Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted for approval in writing by the Local Planning Authority. All issues highlighted at each stage, being addressed to the written approval of the Local Planning Authority within 3 months of that stage of that Road Safety Audit has been approved.

Reason

In the interests of Highway and pedestrian safety, and to accord with Policies TR2, and BE1 of the Neath Port Talbot Local Development Plan.

- 18 Prior to the first beneficial use of the school a traffic management plan shall be submitted to and approved in writing by the LPA. The approved management plan shall include timings of deliveries, traffic and pedestrian movements within the school, ensuring that all deliveries to and from the school shall be undertaken safely and outside of peak times, together with the management and control of the on site pick up and drop off areas, including any restrictions of use, for specific year groups or pupils.

The management plan as approved shall be strictly adhered to and reviewed on an annual basis to ensure that the operation of all parking and vehicular movements on site are reviewed in the interests of pupil safety. A copy of this management plan

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shall be maintained within the school, and available to, and/or provided to all persons accessing the school grounds.

Reason

In the interests of Highway and Pedestrian safety, and Policy TR2 of the Neath Port Talbot Local Development Plan.

- 19 In conjunction with the recommendations of any Road Safety Audits, Travel Plan, and on-site management plan as required under conditions 16 & 17 and 18 of this permission, and the Transport Assessment submitted in support of this application, monitoring of all parking areas for staff and parent/guardian dropping off areas within the application site shall take place over the first academic year of the operation of the school hereby approved in accordance with a scheme for monitoring which shall have been submitted to and approved in writing by the Local Planning Authority prior to the first use of the school hereby approved.

This scheme shall set out the methodology and frequency for the monitoring, and the monitoring shall take place strictly in accordance with the scheme as approved.

If any changes to the staff parking and parent/guardian dropping off areas within the application site are considered necessary prior to the end of the first academic year, an interim report setting out the justification for these changes should be submitted to and approved in writing by the Local Planning Authority, and any recommendations implemented in accordance with the timescales set out within this interim report.

Prior to the 2nd academic year commencing the results of the 1st Year monitoring shall be submitted to and approved in writing by the Local Planning Authority. This report shall set out the justification for any changes, together with associated plans, photographs and supporting data, together with any recommendations which shall be implemented in accordance with the timescales set out within the report as approved.

Reason

In the interests of Highway and Pedestrian safety, and Policy TR2 of the Neath Port Talbot Local Development Plan.

- 20 Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the Welsh Local Government Association guidance 'Requirements for the Chemical Testing of Imported Materials for Various End Uses'. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason:

To ensure that risks from topsoil or subsoil to be imported to the site to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

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Regulatory Conditions

- 21 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.
- 22 The noise rating level emitted from external plant serving the approved use shall not be greater than the existing background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with 'BS 4142:2014 Method for rating and assessing industrial and commercial sound.
- Reason:
In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.
- 23 The new junction shall have a vehicular visibility splay of 2.4 metres by 43 metres in both directions. The access road leading to the school (un-adopted) shall be no steeper than 1 in 12 gradient, together with a straight of 1 in 20 for the first 10 metres on the approach to the new junction.
- Reason
In the interests of Highway and Pedestrian safety, and Policy TR2 of the Neath Port Talbot Local Development Plan.
- 24 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 interests of Highway and Pedestrian safety, and Policy TR2 of the Neath Port Talbot Local Development Plan.

Informatives:

- 1 If the works are required within the highway, the written consent of the Highway Authority shall be sought; this includes the placement of any skips, scaffolding, hoarding or any traffic management on the highway. You should therefore contact the Highway Maintenance Unit of Neath Port Talbot County Borough Council at The Quays, Brunel

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Way, Baglan Energy Park, Neath SA11 2GG) for the attention Gary Thomas (tel: 01639 686327 or email: g.thomas3@npt.gov.uk to discuss any licences or approval required. This is required to be undertaken before any works commence on the Highway. For the implementation of the Traffic Regulation Orders you should contact the Project Manager - Engineering of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG. f.a.o Martin Brumby tel: 01639 686013 or email: m.brumby@npt.gov.uk who will advise you of the procedure for the implementation of the required Traffic Regulations Orders. * Please note this process can take up to 6 months - subject to the consultation process outcome. Works on the Existing Highway Developers attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.(ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act. (iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that any principle contractors and/or subcontractors that are on the Local Authority's framework approved list are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section on request.

2 The land Contamination Section draw to the attention of the applicant that; The Conditions Assessment Report (19264-GCA-01) would benefit from further attention given to the remediation options appraisal in the document and before consideration can be given to discharge condition LC03 I would expect a thorough remediation strategy report outlining remediation objectives with detailed site plans/drawings.

While the proposed development would be a departure from the Local Development Plan, insofar as is proposed a new school on land identified for housing development, it is considered to be a justified departure in this case due to the previous education use of the site and the overriding need for a new school facility within the catchment of the existing schools. Moreover, the development would not prejudice the development of the remaining land within the allocation for housing. Subject to the detailed conditions imposed, it is further considered that the proposal represents an appropriate form of development that would have no unacceptable impact on the amenity of adjoining properties, visual amenity, highway and pedestrian safety or ecology. Accordingly, the proposed development is in accordance with Policies SC1, I1, EN7, EN8, RE2, W3, TR2

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and BE1 of the Neath Port Talbot Local Development Plan, and the Council's 'Parking Standards' Supplementary Planning Guidance.

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: 5 February 2020

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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.

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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

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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.