

**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 OUTLINE PLANNING PERMISSION

Name and address of the applicant

Mr & Mr Davies
Davies
C/o Agent
United Kingdom

Name and address of the agent

Mr Cellan Jones
Prime Architecture Ltd
Unit 4
3 Llandeilo Road
Cross Hands
Llanelli
SA14 6NA
Carmarthenshire

DATE REGISTERED: 16 September 2020

APPLICATION NO: P2020/0289

LOCATION: Former Gwaun Cae Gurwen County Primary School, Water Street,
Gwaun Cae Gurwen, Ammanford, Neath Port Talbot, SA18 1HA

PROPOSAL: 10 dwellings and associated works (outline with all matters reserved)
(Tree Survey: Arboricultural Impact Assessment and Tree Protection
Scheme received 13/10/2020)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **PERMITS** 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 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

The application was made for outline planning permission.

- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

List of Approved Plans

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

Proposed site plan 01 Rev H.

Tree Report I and G Ecological Consulting dated October 2020

Design and Access Statement Oct 2019

Location Plan and Block Plan 03 Rev B.

I and G Ecological Consulting Ecological Appraisal Report April 2019

Welsh Language Action Plan Oct 2019

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 5 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.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 6 Unless otherwise agreed in writing by the Local Planning Authority, No development shall take place 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:
- (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
 - (vi) measures to control the emission of dust and dirt during construction
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - (viii) scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
 - (ix) The Construction Method Statement shall be signed by a competent person(s).
 - (x) Hours of working, and deliveries.

Reason

In the interests of Highway and pedestrian safety, and residential amenity and Policies BE1 and TR2 of the Local Development Plan.

- 7 Prior to any site clearance, and as part of the first reserved matters a Reptile Mitigation Strategy, as recommended within the I and G Ecological Consulting Ecological Appraisal Report April 2019 shall be submitted to and approved in writing by the Local Planning Authority.

The strategy shall include but not be limited to site clearance methodology, construction phase, and post construction phases, and includes measures for the protection and relocation of/and retention of reptiles and habitat within the application site, hibernacula creation and any temporary or permanent protection afforded to these areas and any monitoring required.

The strategy as approved shall be strictly adhered to during all phases of development, including site clearance, as approved.

Reason

In the interests of Biodiversity and ecology, and policies EN6, and EN7 of the Local Development Plan

- 8 No development shall take place until full details of landscaping containing a majority of native and/or wildlife friendly species has been submitted to and approved in writing by the local planning authority and these works shall be carried out within the next available planting season, or in accordance with an approved phasing. This should include the native hedgerows on site being augmented with native tree saplings and then managed for wildlife. (as recommended in the I and G Ecological Consulting Ecological Appraisal Report April 2019).

Reason

In the interests of biodiversity and ecology and Policies EN6 and EN7 of the Local Development Plan

Action Conditions

- 9 A landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason.

In the interests of visual amenity, and biodiversity, and to accord with Policies BE1 and EN6, and EN7 of the Local Development Plan.

- 10 As part of the first reserved matters application a scheme shall be submitted and approved in writing by the Local Planning Authority detailing the upgrading of the highway known as Water Street. The scheme shall allow for the following:
- (i) The widening of the carriageway to provide an overall width 5.5m fronting the development site
 - (ii) The provision of a 2m footway fronting the development
 - (iii) Upgrading/alteration to the highway drainage system as a consequence of the improvement works
 - (iv) Alterations/upgrading to the public lighting system as a consequence of the highway improvement works

The scheme as approved shall be completed in its entirety prior to the commencement of development on site, or in accordance with any phasing agreed as part of this submission.

Reason

In the interests of Highway and Pedestrian safety, and Policy TR2 and BE1 of the Local Development Plan.

Regulatory Conditions

- 11 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

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, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 12 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development, and retained as such thereafter.

Reason:

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, and

ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 13 The development shall be carried out in strict accordance with the parameters of development as set out on Proposed Site Plan 01 Rev H

Reason

In the interests of clarity and Policy BE1 of the Local Development Plan.

Informatives:

1 The Head of Engineering and Transport, Highway Section clarify to the developer that the development should provide a 5.5 metre wide carriageway with 2 metre wide footways either side shall be provided along with the following:

- (i) Longitudinal sections showing a gradient of not more than 1 in 12 or less than 1 in 150
- (ii) Cross sections every 20 metres, and/or where any culvert outfalls, headwalls are located
- (iii) Highway Drainage (including gullies, gully leaders, manholes, pipe sizes and gradients)
- (iv) Highway Construction details
- (v) A schematic street lighting design
- (vi) Highway Retaining Walls (if any), along with full structural and design calculations. The new junction onto Water Street shall be provided with an adequate visibility splay of 2.4m by 45m in accordance with Manual for Streets. Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mrs Delyth Thomas, telephone number (01639) 686404 or e-mail d.a.thomas@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works. 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 10 working days' notice in writing of the date of commencement of the works. As part of this process you are advised that only certain contractors 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.

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

Reason for granting Planning Permission.

The proposal represents an appropriate form of development that would have no unacceptable impact on the character of the area, residential amenity, highway and pedestrian safety, or biodiversity. Accordingly, the proposed development is in accordance with Policies SC1, I1, OS1, EN6, EN7, TR2, BE1 & WL1 of the Neath Port Talbot Local Development Plan.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 7 July 2021

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.