

Superseded

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 R Miller
Guinevere Holdings
Former Castleton Baptist Chapel
Newport Road

Name and address of the agent

Ms Carolyn Merrifield
Downs Merrifield architects
The Studio
5 Cefn Coed Crescent
Cardiff
CF23 6AT

DATE REGISTERED: 2 March 2020

APPLICATION NO: P2020/0174

LOCATION: Land At , Cramic Way, Port Talbot

PROPOSAL: Section 73 Application to vary condition 23 (Approved Plans List) of Planning Application P2014/0995 to allow minor material amendments to development, including amended siting of block units, changes to parking and vehicular access.

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 Decision Notice is REVISION NUMBER 3 issued on August 17th 2021

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.

List of Approved Plans

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

- Site Location Plan 061 A-00-000 rev A
- Site Location Plan 061 A 00 000 rev B
- Site Plan 061 A-00-101 rev G
- Revised Site Plan 225 A(P) 02 rev 4
- Revised Plans 225 A(P) 06 rev 3
- Block 1 Elevations 061 A-00-102 rev C
- Revised Block 1 Elevations 225 A(P) 03 rev 1
- Block 2 Elevations 061 A-00-103 rev B
- Revised Block 2 Elevations 225 A(P) 04 rev 2
- Block 2 Elevations 061 A-00-104 rev D
- Revised Block 3 Elevations 225 A(P) 05 rev 2
- Proposed Main Access Option 2 Incorporating Proposed Harbour Walk Works DWT033 SK03
- Landscape Scheme: Planting Plan 2380-01 issue 02.
- Phase 1 External Works Layout 14.3122 001 rev E
- External Works Details 14.3122 002 Rev A
- Drainage Details 14.3122 003
- Travel Plan Project Ref DWT037 September 2014.
- Flood Risk Assessment Project 14.3122 September 2014.
- Design and Access Statement September 2014.
- Design and Access Statement Addendum February 2020.
- Geotechnical and Geo-Environmental Report - Terra firma October 2014
- Transport Statement project DWT037 September 2014.
- Reptile Survey Report Wildwood Ecology Ltd 06 October 2014.
- Preliminary Ecological Appraisal Report Wildwood Ecology Ltd 06 October 2014.
- Tree and Vegetation Appraisal for Potential Development Site Cedarwood Tree Care - October 2014.
- Planning Statement - DPP October 2014 ref MO/1618CA/R0001.

Reason:

In the interests of clarity.

Action Conditions

3 Prior to work commencing on construction an assessment should be undertaken in line with the sustainability tool within NPT car parking standards for block 3 the results of which shall be submitted to and for the written approval of the LPA. This scheme as approved shall be implemented prior to first occupation.

Reason

In the interest of highway safety

Details in respect of the above condition were approved by planning permission ref. P2020/0868 on the 19/02/2021

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- 4 In accordance with the travel plan hereby submitted the name of the travel plan coordinator shall be submitted to the Local Planning Authority together with a monitoring regime which has first to be agreed in writing by the Local Planning Authority. This monitoring regime shall be in the first, third and fifth year of the appointment of the travel plan coordinator. Interim reports shall be submitted to and agreed in writing with the Local Planning Authority for the second and fourth years, the recommendations of which shall be implemented during the subsequent years. After five years of operating the first travel plan, a further travel plan addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan shall be submitted to and agreed in writing by the Local Planning Authority and implemented accordingly. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.

Reason

In the interest of highway safety

- 5 Notwithstanding the submitted details, no development on the superstructure of any building 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 order to meet the Councils aim of high quality design within the Strategic Regeneration Area.

Details in respect of the above condition were approved by planning permission ref. P2020/0191 on the 16/04/2021

- 6 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.

- 7 Prior to the first beneficial use of the approved development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with details agreed under Planning Application

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P2019/5667 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 offsite receptors.

- 8 Prior to any construction works on the superstructure of any buildings details of the floors level of the development shall be submitted to, and approved in writing by the local planning authority. The development shall be completed in accordance with these agreed levels unless otherwise agreed in writing with the Local Planning Authority.

Reason

In the interest of the amenities of the area and to ensure a satisfactory street picture.

Details in respect of the above condition were approved by planning permission ref. P2021/0727 on the 17/08/2021

- 9 Notwithstanding Dwg A-(P)-02 Rev 4 Prior to work commencing on Blocks 1&3 a scheme shall be submitted to and approved in writing by the LPA detailing the junction access onto harbourside road on the western boundary These details shall include:-

- i. Longitudinal section showing a maximum gradient of 1in 20 for the first 20 metres
- ii. Lighting details.
- iii. Tie in details to existing cycle /pedestrian route.
- iv. Surface water drainage proposals.

These details as approved shall be implemented prior to first use of Blocks 1 & 2.

Reason

In the interest of highway safety

Details in respect of the above condition were approved by planning permission ref. P2020/0868 on the 19/02/2021

- 10 Prior to construction works commencing details of the proposed highway improvements shown on DRG A(P)-REV 4 including widening of the footway on Cramic Way shall be submitted to and for the written approval of the LPA this scheme shall include:-

Street Lighting Proposals.
Surface water drainage proposals
Construction details.

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This scheme as approved shall be constructed prior to first occupation of any building and remain open to the public thereafter.

Reason

In the interest of highway safety

Details in respect of the above conditon were approved by planning permission ref. P2020/0868 on the 19/02/2021

- 11 Prior to first use of the buildings hereby approved a Traffic Regulation Order scheme shall be submitted to and approved in writing by the Local Planning Authority, this scheme shall cover the full extent of the site fronting onto Cramic Way including the area edged blue shown on Dwg A-00-000 Rev B and shall include the provision of double yellow lines and limited waiting provision. The scheme as approved shall then be implemented prior to occupation of the buildings and retained as such.

Reason

In the interest of highway safety

- 12 No construction works shall take place, including any works of demolition 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

Reason

In the interest of highway safety

Details in respect of the above conditon were approved by planning permission ref. P2020/0868 on the 19/02/2021

- 13 Prior to the implementation of any external lighting on site, full details of a lighting strategy shall be submitted to and approved in writing with the Local Planning Authority. The submitted scheme shall include details of the location and specification of all lighting units together with proposed lux levels. The approved scheme shall then be implemented on site and then retained as such on site.

Reason

In the interest of highway safety

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- 14 Prior to first beneficial use of the buildings a cycling parking provision scheme shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall then be implemented prior to first use and retained as such thereafter.

Reason

In the interest of highway safety.

- 15 Prior to first occupation of the buildings a refuse storage scheme shall be submitted to and approved in writing with the Local Planning Authority. The approved scheme shall be implemented prior to first beneficial use of any building and shall be retained as such thereafter.

Reason

In the interest of visual amenity and health and safety

- 16 Prior to the first beneficial use of the buildings hereby approved, the surface water drainage strategy as agreed under Planning Application P2019/5667 shall be implemented on site and retained as such thereafter.

Reason

In the interest of good land drainage.

- 17 Prior to first beneficial use of the approved buildings a Flood Management/Evacuation scheme for access and egress of the site shall be submitted to and approved in writing with the Local Planning Authority. The site shall be operated at all times in accordance with the approved scheme.

Reason

To safeguard future occupiers of the development site

- 18 Notwithstanding the submitted plans, prior to the first beneficial use of the buildings hereby approved, a soft and hard landscaping scheme shall be submitted to and approved in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development hereby permitted, whichever is the sooner and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason

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

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Regulatory Conditions

- 19 No gate shall be erected across any vehicular access within 20.0 metres of the public highway.

Reason

In the interest of highway safety

- 20 No outside storage whatsoever shall take place at the premises without the prior written consent of the local planning authority.

Reason

In the interests of the visual amenity of the area.

- 21 The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No development (including the raising or lowering of ground levels) will be permitted within 5 metres either side of the centreline of the public sewer.

Reason:

To protect the integrity of the public sewer and avoid damage thereto.

- 22 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 erection, extension or alteration of any industrial building, installation of additional or replacement plant or machinery or construction of a refuse or cycle store other than those allowed by a condition of this permission shall be allowed without written Planning Permission. Similarly the provision of a hard surface within the curtilage of an industrial building is not permitted.

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 the above described works having regard to the particular layout and design of the estate.

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 proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed

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development would be in accordance with Policies BE1, TR2 and EC1 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: 23 April 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.