

**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

Pobl Group
Pobl House
Swansea Enterprise Park
Llansamlet
Swansea
United Kingdom

Name and address of the agent

Mr Phil Baxter
Asbri Planning
Suite D
220 High Street
Swansea
SA1 1NW
United Kingdom

DATE REGISTERED: 2 September 2021

APPLICATION NO: P2021/0879

LOCATION: Land Off , Crown Way , Llandarcy, Neath

PROPOSAL: Application to vary condition 1 (approved plans) of planning permission P2019/5698 approved on the 13/03/2020. To allow material changes to house types to approved plots 19,20,50,51,58-71,81,82 including changes to slab/roof lines of plots 58-69

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:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents, unless directed by any other condition of this permission:

9117-PH2-PL01 Location Plan
9117-PH2-PL03B Proposed Site Plan
9117-PH2-S73-PL03 Preliminary Site Plan
9117-PH2-PL04A Proposed Boundaries Plan

9117-PH2-PL05B Proposed Materials Plan
9117-PH2-PL07A Proposed Heights Plan
9117-PH2-PL08A Proposed Waste Management Plan
2304 011 LLAP Play Area Design- Liz Lake Associates.
2304 Landscape Management Plan- Liz Lake Associates Feb 2020
2304-006 Rev 04 Planting Plan 1 of 3
2304-007 Rev 04 Planting Plan 2 of 3
2304-008 Rev 04 Planting Plan 3 of 3
2304-009 01 Planting Details and Specification
2432-501 Rev A - Impermeable Areas Plan
2432-520-01 Rev A - Engineering Layout - Sheet 1 of 3
2432-520-02 Rev A - Engineering Layout - Sheet 2 of 3
2432-520-03 Rev A - Engineering Layout - Sheet 3 of 3
2432-550 - Proposed Works at Tank Farm Road
2432-551 - Tank Farm Road Construction Details
2432-555-01-A - Proposed GA Plan - Junction Visibility (1 of 2)
2432-555-02-A - Proposed GA Plan - Junction Visibility (2 of 2)
2432-556-A - Proposed GA Plan - Forward Visibility
2432-600-1 Rev A - Roads & Sewers - Longitudinal Sections - Sheet 1 of 2
2432-600-2 - Roads & Sewers - Longitudinal Sections - Sheet 2 of 2
2432-601 Rev A - Elevated Footway - Plan & Section
2432-650-01-A - Refuse Vehicle Swept Path Assessment
2432-650-02-A - Fire Appliance Swept Path Assessment
9117 Heritage Gate - Phase 2 - RM Application- Compliance Statement Rev E
9117-PH2-PL11A Proposed Site Sections
9117-PH2-PL12A Proposed Street Elevations
9117-PH2-PL30A Type C 2B4P
9117-PH2-PL31A Type D 3B6P
9117-PH2-PL33 Type E 3B5P
9117-PH2-PL34A Type F 3B5P
9117-PH2-PL35A Type L 3B5P
9117-PH2-PL36A Type L1 3B5P
9117-PH2-PL37 Type G1A 4B8P
9117-PH2-S73-PL10 Rev A Type W1A
9117-PH2-PL38 Type G1B 4B8P
9117-PH2-S73-PL11 Rev A Type W1B
9117-PH2-PL40 Bungalow AF2B
9117-PH2-PL41 Type AF2B
9117-PH2-PL42 Type AF3B
9117-PH2-PL43A Apartments
9117-PH2-PL44 Type AF2B
9117-PH2-PL45 Type AF3B
9117-PH2-PL50 Garages
9117-PH2-PL51 B&CS
663573_9117-PH2-PL44 Type AF2B
12494 Geoenvironmental Remediation Review - Jan 2020 FINAL
Contamination Report Condition 11
CMRA Phase 1
CMRA Phase 2
CMRA Phase 3
Proof drilling report
Coed Darcy Reptile Supervision
Construction and Operational site waste management plan

Energy Statement

Plus the following plans in respect of Plots 19, 20, 50, 51, 58-71, 81,82 only.

9117-PH2-S73-2021-PL01 Housetype LR floor plans elevations
9117-PH2-S73-2021-PL02 Housetype L1R floor plans elevations
9117-PH2-S73-2021-PL03 Site Layout - 20 plots
9117-PH2-S73-2021-PL04 Site Layout - 20 plots
9117-PH2-S73-2021-PL11 Proposed Street Scenes

Reason:
In the interests of clarity.

Pre-Commencement Conditions

- 2 The Construction Management Plan CMP as approved by planning permission P2020/0345 on the 20th August 2020 shall be strictly adhered to during the whole of the construction phase.

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.

- 3 The Construction Phase surface water management plan and strategy as approved by planning permission P2020/0345 on the 20th August 2020 shall be strictly adhered to during the whole of the construction phase.

Reason
In the interest of mitigating any flooding downstream during the course of construction phasing and to accord with Policy BE1 of the Local Development Plan.

- 4 The Tank Farm Road design as approved under Planning Permission P2020/0346 on the 16th October 2020 shall be undertaken prior to the first occupation of any dwelling fronting that highway.

Reason
In the interests of Highway and Pedestrian safety and to accord with Policy TR2 of the Local Development Plan

- 5 The Phasing as approved under Planning Permission P2020/0346 on the 16th October 2020 shall be strictly adhered to during the construction phase of the development.

Reason
In the interests of highway and pedestrian safety, and to accord with Policy TR2 of the Local Development Plan.

- 6 The comprehensive surface water strategy as approved under Planning Permission P2020/0346 on the 16th October 2020 shall be implemented on site and retained for 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

Action Conditions

- 7 The planting details as approved under Planning Permission P2020/0347 on the 20th August 2020 shall be carried out on site in strict accordance with the approved details.

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.

- 8 Notwithstanding the details submitted Plots 64 to 69 inclusive shall be finished in Render- Parex- Blanc de litteral/ roughcast.

Reason

In the interests of visual amenity, and the character of the adjoining Conservation Area of Llandarcy Village and Policy BE1 of the Local Development Plan.

- 9 The planting landscape management plan, including management responsibilities and maintenance, for all landscaped areas, including that area fronting Tank Farm Road, and the elevated footway, and the LLAP Play Area, other than privately owned domestic gardens, as approved under Planning Permission P2020/0347 on the 20th August 2020 shall be implemented and adhered to in accordance with the approved details.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas that lie outside of the curtilage of individual properties, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 10 The LLAP Play area as approved under Planning Permission P2020/0347 on the 20th August 2020 shall be carried out on site in strict accordance with the approved details and completed in accordance with the details hereby approved prior to the occupation of Plots A12-A24 inclusive and Plots A27 to A30 Inclusive. The play area shall be retained as such thereafter, and managed and maintained in accordance with the details as approved under Condition 9 of this permission.

Reason

In the interests of amenity, and health and wellbeing, and Policies SP4, SP10, I1, OS1, BE1 of the Neath Port Talbot Local Development Plan.

- 11 The car parking to serve the dwelling as shown on the plans hereby approved shall be provided prior to the first use of that dwelling, and no parking space within the

curtilage of that dwelling can be removed unless a scheme for replacement parking is submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 12 Notwithstanding the details submitted, and prior to the construction of Plot 22, revised means of enclosure to the rear garden adjoining the footpath link, and landscaping to the rear of the plot shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that secured by design and designing out crime principles are considered, in the alignment of the footpath, and its safe use by the public.

Reason

In the interests of designing out crime and crime prevention and to accord with Policy BE1 of the Local Development Plan.

- 13 The developer shall ensure that the proof drilling as identified and recommended within the Integral Geotechnique (Wales) Ltd are completed prior to any development taking place, and any treatment necessary of any shallow coal mining workings submitted to and approved in writing by the Local Planning Authority prior to development taking place within that affected area. The gas protection measures recommended within the URS Validation Report (January 2010) shall be completed for each dwelling.

Reason

In the interests of amenity and public safety, and to accord with Policies SP16 and EN8 of the Local Development Plan.

- 14 The Energy Assessment and Waste Management Plan submitted under conditions 6 and 7 of the Outline Planning Permission and approved as part of this application, shall be strictly adhered to.

Reason

In the interests of clarity, and to accord with Policies W3, SP18 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 15 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), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors / windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 17 Notwithstanding the provisions of Schedule 2, Part 1, Class E 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 buildings including outbuildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 18 Any garage hereby approved shall not be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of any conversion works and shall provide for one additional car parking space for each space lost by any conversion works.

Reason:

To ensure that adequate car parking provision is maintained within the curtilage of the dwelling in the interest of highway safety, and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

Reason for granting planning permission

The proposal represents an appropriate form of development that would have no unacceptable impact on visual amenity and the character of the area as a whole, including the Conservation Area designation. Highway and pedestrian safety, residential amenity, pollution and biodiversity. Accordingly, the proposed development is in accordance with Policies SC1, I1, H1, AH1, OS1, EN6, EN7, EN8, RE2, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 20 October 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.