

Superseded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

Yr Hadau Ltd
(on behalf of Sero Homes Ltd)
C/o Agent

Name and address of the agent

Osian Roberts
DPP Planning
Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ

DATE REGISTERED: 30 October 2019

APPLICATION NO: P2019/5543

LOCATION: Land At Waun Sterw, Rhyd Y Fro, Pontardawe

PROPOSAL: Full planning permission for the proposed development of 35 zero carbon homes plus community building along with associated works including landscaping, parking, access, engineering works and ecological mitigation.

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 Revision 2 dated 18th November 2021

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:

Location Plan 1912 - PARC HADAU - OS MAP- L100

Parc Hadau_1912 - S001 rev A - Proposed Site Plan

Parc Hadau_1912 - S150 rev A - GF CONTEXT PLAN - TYPE A - B - G

Parc Hadau_1912 - S151 rev A - FF CONTEXT PLAN - TYPE A - B - G

Parc Hadau_1912 - S152 rev A - ROOF LVL CONTEXT PLAN - TYPE A - B - G

Parc Hadau_1912 - S160 rev B - GF CONTEXT PLAN - TYPE C - C1

Parc Hadau_1912 - S161 rev B - FF CONTEXT PLAN - TYPE C - C1

Parc Hadau_1912 - S162 rev B- ROOF LVL CONTEXT PLAN - TYPE C - C1

Parc Hadau_1912 - S170 rev A - GF CONTEXT PLAN - TYPE D - D1 - D2 - E - E1

Parc Hadau_1912 - S171 rev A - FF CONTEXT PLAN - TYPE D - D1 - D2 - E - E1

Parc Hadau_1912 - S172 rev A - ROOF LVL CONTEXT PLAN - TYPE D - D1 - D2 - E - E1

Parc Hadau_1912 - S180 rev A - GF CONTEXT PLAN - TYPES E - F

Parc Hadau_1912 - S181 rev A - FF CONTEXT PLAN - TYPE E - F

Parc Hadau_1912 - S182 rev A - ROOF LVL CONTEXT PLAN - TYPE E - F

Parc Hadau_1912 - S400 rev A - Proposed Site Section 01

Parc Hadau_1912 - S401 rev A - Proposed Site Section 02

Parc Hadau_1912 - S402 rev A - Proposed Site Section 03

Parc Hadau_1912 - SUB01 - Substation

Parc Hadau_1912 HOUSETYPE A rev A

Parc Hadau_1912 HOUSETYPE B rev A

Parc Hadau_1912 HOUSETYPE C rev A

Parc Hadau_1912 HOUSETYPE C.1 rev A

Parc Hadau_1912 HOUSETYPE C.2 rev A

Parc Hadau_1912 HOUSETYPE D rev A

Parc Hadau_1912 HOUSETYPE D.1 rev A

Parc Hadau_1912 HOUSETYPE D.2 rev A

Parc Hadau_1912 HOUSETYPE E rev A

Parc Hadau_1912 HOUSETYPE E.1 rev A

Parc Hadau_1912 HOUSETYPE F rev A

Parc Hadau_1912 HOUSETYPE G rev A

Parc Hadau_191023-FarrerHuxley-ParcHadau730-FH-XX-00-DP-L-201-hard

Parc Hadau_191023-FarrerHuxley-ParcHadau-730-FH-XX-00-DP-L-401-soft

Parc Hadau_194718 - Transport Statement - Appendices R 18.10.19

Parc Hadau Design and Access Statement

Parc Hadau_Drainage Statement - Rev A

Parc Hadau_Ecological Assessment

Parc Hadau_PAC FINAL Issued 24 October 19

Parc Hadau_PL-101 Rev 03 - Engineering Layout

Parc Hadau_PL-102 Rev 01 - Highway Longitudinal Sections

Parc Hadau_R0001 - 3564CA - Planning Statement - Sept19

Parc Hadau_R0002 - 3564CA - Welsh Language Impact Assessment -Sept19

Parc Hadau_R0003 - 3564CA - Energy Statement

Reason:

In the interests of clarity.

Pre-Commencement Conditions

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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 following condition was discharged under P2020/0665 on the 18th Sept 2020

4 No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020), until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction method statement shall be 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 and construction phases. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) Routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities to prevent deposition of material onto any hard surface road;
- g) measures to control the emission of dust and dirt during construction;
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- i) scheme for the erection of temporary/semi-temporary signage warning drivers of speed restrictions;
- j) The frequency and size of vehicles used to transport the waste material arising from the demolition works;
- k) Measures to prevent stacking of vehicles onto the public highway;
- l) Identification of the significant construction and 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;

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m) Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction 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 following condition was discharged under P2021/0875 on the 18th Nov 2021

- 5 No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020), until a detailed landscaping plan has been submitted to and approved in writing by the LPA. This shall set out: a palette of species to be planted that will be a majority of native and/or wildlife friendly species, the retention of semi-natural habitat and shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of the construction; the design of the site wetland features, including design of watercourse encroachment, wetland creation and attenuation ponds to reinstate, create and enhance, where possible, the biodiversity interest of such features; together with associated planting proposals.

The approved scheme shall be carried out in the first planting season after completion of the phase of construction or its occupation, whichever is the sooner and any trees or plants which within a period of five years 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 biodiversity, visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990 and Policies BE1, EN6 and EN7 of the Neath Port Talbot Local Development Plan

The following condition was discharged under P2020/0665 on the 18th Sept 2020

- 6 No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020), until a Construction Environmental Management Plan shall be submitted and approved in writing by the LPA. The CEMP (biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones" (including retained habitat areas, buffer areas including the 10-15m eastern buffer, ancient woodland, wildlife receptor sites).
- c) Details of pre-commencement checks for protected species.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). Measures shall include, but are not limited to: a method statement for

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the conservation of reptiles and common Toads (including details of receptor sites and their suitability); measures to prevent wildlife becoming trapped in excavations; measures to prevent pollution of watercourses on and off-site; measures to eradicate invasive non-native species; measures to deter species where necessary.

- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication and the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) A programme of updated surveys to address any changes in ecological constraints which may occur as a result of the construction timetable / phasing.

The approved strategic CEMP shall be adhered to and implemented throughout the construction strictly in accordance with the approved details, and the Ecological Clerk of Works appointed until completion of the construction phase of the development.

Reason

In the interests of biodiversity and the protection of habitats and the environment, and to accord with Policies BE1, EN6 and EN7 of the Neath Port Talbot Local Development Plan.

The following condition was discharged under P2020/0665 on the 18th Sept 2020

- 7 No development shall commence (including any site clearance, but with the exception of the tree works detailed within the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020), until such time as a draft framework for a Habitat Management Plan (HMP) has been submitted to and approved in writing by the LPA for all areas of retained/created habitat onsite, including wetland features. The content of the HMP shall include the following and shall deliver the measures set out in the Ecological Assessment and Parc Hadau-comments on ecology chapter (letter 3/12/2019):
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Preparations of a work schedule (including an annual work plan capable of being rolled forward over a minimum of a 25-year period).
 - g) Details of the body or organisation responsible for the implementation of the plan.
 - h) Ongoing monitoring and remedial measures.

The final HMP shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development hereby approved, and shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with

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the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the HMP are not being met) how contingencies and /or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives or the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

To secure appropriate means to manage and monitor biodiversity mitigation measures, and to accord with Policies EN6 and EN& of the Local Development Plan.

Action Conditions

- 8 Prior to the occupation of any dwelling hereby approved a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use of that property and retained as such thereafter.

Reason:

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

- 9 Prior to occupation of any part of the development, a lighting design strategy for the site taking into full consideration the biodiversity on and adjoining the application site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:

a) Identify those areas/features on site (particularly along the eastern and northern parts of the site) that are particularly sensitive for nocturnal wildlife, especially bats, and that are likely cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

and

b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstance should any other external lighting be installed.

Reason

To ensure nocturnal wildlife are not adversely affected or disturbed by the lighting of the site and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended), and Policies BE1, EN6 and EN7 of the Neath Port Talbot Local Development Plan

- 10 Prior to the first occupation of any dwelling hereby approved, a vehicle electric charging point shall be provided for each property, and retained as such thereafter.
- Reason

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In the interests of sustainability, and Policy RE2 of the Neath Port Talbot Local Development Plan.

- 11 Prior to the first occupation of any part of the development hereby approved, a long term management and maintenance plan for the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the management and maintenance schedule and responsibilities for a minimum of 25 years from first occupation and shall include as a minimum:
- a) All communal and shared spaces, including all hard and soft landscaping, habitat features, including wetland areas. Together with a plan identifying all communal areas, which will remain as such thereafter, and shall not be incorporated into any residential curtilage, and the frequency of any inspection, and maintenance work.
 - b) All Roads, car parking areas and associated lighting.
 - c) Community building use and operation.
 - d) Land and surface water drainage systems.

The scheme as approved shall be fully implemented in strict accordance with the approved details, which shall be reviewed after the first 12 months and subsequently on the 3rd and 5th year, and every subsequent 5 year anniversary from the date of approval.

Reason

As the site is proposed to be maintained and managed in its entirety by a management company, and is not being designed to adoptable standards that could in the future be adopted by the Local Authority. In addition, to ensure that the amenity of future residents is protected, and that the site is managed and maintained in the interests of amenity, highway and pedestrian safety, and pollution control and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 12 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of that dwelling and retained as such thereafter.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 13 The developer shall carry out the recommendations as set out within Section 5 of the Welsh Language Assessment, Sept 2019.

Reason

To accord with Policy WL1 of the Neath Port Talbot Local Development Plan.

- 14 With the exception of the section of the northern watercourse buffer stated as to be impacted in Parc Hadau-comments on ecology chapter (letter 3/12/2019), a 7m buffer zone shall be put in place from all watercourses (as measured 7m either side, from the top of the bank) within which development will not take place. The zone shall be permanently/temporarily fenced-off prior to any site clearance or development taking place, and maintained as a development free buffer thereafter.

Reason

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In the interests of biodiversity, and to maintain the riparian habitat and corridor.

- 15 All mature native trees shall be retained as they may provide habitats for nesting birds and roosting bats. Notwithstanding the tree survey submitted, no tree works shall be undertaken within the buffer zone or ancient woodland unless in line with the HMP and/or CEMP for the development. If any features that may be used by bats (crack, crevices, gaps, loose bark etc) are identified during the works then the branches shall be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work shall stop immediately. NRW shall be contacted as a licence may be required to continue. A 15m buffer zone shall be put in place from the ancient woodland within which development will not take place. The zone will be temporarily/permanently fenced-off prior to works taking place, including and site clearance, and permanently maintained thereafter as a development free buffer.

Reason

To protect ancient woodland, to conserve habitats that support species such as birds and bats; and to ensure compliance with the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

- 16 Details of the provision of artificial nesting sites for birds or roosting opportunities for bats shall be submitted to and approved in writing by the Planning Authority and implemented prior to building completion. Provision can be made in the form of manufactured bird/bat bricks incorporated into the fabric of the building or artificial boxes placed on the outside of the building or trees.

Reason

To contribute towards the mitigation of loss of wild bird habitat to the development and to comply with the Conservation of Habitats and Species Regulations 2010 and to comply with the biodiversity conservation duty under the Environment (Wales) Act 2016.

- 17 Habitat piles and structures for hedgehogs and invertebrates shall be provided on site prior to the first occupation of any dwelling hereby approved, in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be retained in accordance with the approved details.

Reason

To contribute towards the mitigation of loss of wildlife habitat to the development and to comply with the biodiversity conservation duty under the Environment (Wales) Act 2016.

- 18 Prior to first beneficial occupation of any dwelling hereby approved, a scheme detailing a refuse and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented from first beneficial occupation, and thereafter the site shall be managed in full accordance with the approved scheme.

Reason :

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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.

- 19 The developer shall provide to the Local Planning Authority on an annual basis, for a period of 3 years from the first date of occupation an annual report of the metering and monitoring for the proposed development as a whole on the operation of the energy efficiency and renewable energy / zero carbon aspirations of the site.

Reason

In the interests of sustainability and Policy RE2 of the Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 20 The community Building shall be used for a community building only and for no other purpose (including any other purpose in class D1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.

- 21 No footpath link into the ancient woodland to the west of the site shall be implemented until such time as a scheme for the path has been submitted to the Planning Authority for approval. The scheme shall include an assessment of impacts of the proposals on biodiversity and the ancient woodland of the route and details of mitigation measures.

Reason

To ensure that the impacts of any infrastructure is fully assessed in relation to biodiversity impacts.

- 22 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 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.

- 23 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 fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that

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dwelling house which fronts onto a highway, carriageway, shared driveway or footpath.

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 enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 24 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.

- 25 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.

- 26 The tree removal shall be undertaken strictly in accordance with the BSG Ecology Parc Hadau, Method Statement for woodland cutting dated 31st January 2020.

Reason

In the interests of clarity and to accord with Policy EN7 of the Neath Port Talbot Local Development Plan.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 3 March 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.