

**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 Terry Casey
28 Wern Road
Ystalyfera
SA9 2LY

Name and address of the agent

Mr Kevin Jones
Kevin H Jones Planning Consultancy
Office 22
Sandfields Business Centre
Purcell Avenue
Port Talbot
SA12 7PQ
United Kingdom

DATE REGISTERED: 21 October 2021

APPLICATION NO: P2021/1078

LOCATION: 28 Wern Road, Ystalyfera, SA9 2LY

PROPOSAL: Retention of change of use of ground floor from shop to residential use associated with existing first floor residential use at 28 Wern Road so the property can be used as a single dwelling house

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:-

Time Limit Conditions

List of Approved Plans

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

745514 - Location Plan (Prepared by Kevin Jones, 23-11-20)

745515 - Dwg. No. 21313P/101 (Prior to alterations ground & first floor general arrangement plans)

745516 - Dwg No. 21-313P/102 (As built / proposed ground & first floor general arrangement plans)

Reason:

In the interests of clarity.

Action Conditions

- 2 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:

As the application site falls within the defined Coal Authority Development High Risk Area and as such there may be coal mining features and hazards such as (but not limited to) a risk to the development and future users of the land / property posed by mine gas migration which need to be considered as part of future development proposals and to ensure that risks from related land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and in order to accord with Policies BE1, SC1, SP16 and EN8 of the Neath Port Talbot Local Development Plan

Regulatory Conditions

- 3 Notwithstanding the submitted plans, no vehicular access or egress shall be permitted from / on to Wern Road and the area of land between the front facing principal elevation of the application property and the back edge of footway (of Wern Road) shall not be used for vehicular parking.

Reason:

As any such access/egress and parking provision together with their associated vehicular movements would have an unacceptable impact on pedestrian and vehicular highway safety and generate hazards for other road users given that an adequate vehicular driveway and access /egress arrangement is not available to serve the residential use hereby approved and to ensure the development complies with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 4 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 (including garage doors), windows or dormer windows or new external openings or altered external openings (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 (including garage doors) / windows / altered openings / new openings, having regard to the particular character and appearance of the host building and the local area and in order to prevent the conversion of any part of the ground floor of the property to a vehicular parking space or garage as any such development would have an unacceptable impact on pedestrian and vehicular highway safety and to ensure the development complies with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 5 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 garages or outbuildings having regard to the particular layout and design of the development, residential amenity and as the application site falls within the defined Coal Authority Development High Risk Area and as such there may be coal mining features and hazards, such as (but not limited to), a risk to the development and future users of the land / property posed by mine gas migration, which need to be considered as part of future development proposals and in order to accord with Policies BE1, SC1, SP16 and EN8 of the Neath Port Talbot Local Development Plan

Informatives:

1 The proposed development lies within an area that has defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible

be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

2 The developer / applicant is advised that the granting of this planning permission in no way permits any form of vehicular parking or vehicular access arrangement to the front of the property / from Wern Road. The developer should also note that part of the reason conditions 4 and 5 of this planning permission are required is given the planning Inspectors comments in relation to a related appeal decision (Appeal Ref: APP/Y6930/A/21/3271815) that concerned the application site. Extracts from this appeal decision are provided below for clarity: Wern Road is a busy through road. The appeal property is set back from the road behind an enclosed front courtyard and pavement. This courtyard is partially obscured from drivers travelling northeast by the neighbouring boundary wall. There is an existing dropped kerb which would have facilitated off street parking of vehicles associated with the use of the shop. Any cars parked close to and on the northeast side of the access would obstruct forward visibility of the crossover from approaching drivers and cyclists. They would similarly obstruct the visibility of any drivers exiting the driveway, particularly if they were reversing into the highway. As a consequence, the use of the driveway to access the proposed garage and parking space would generate hazards for other road users. Equally, the proposed driveway would not be of a sufficient area to ensure that vehicles could enter and leave the site in a forward gear; thus, use of the access would involve either reversal into or off the highway, with consequent manoeuvres taking place on this busy road. I acknowledge that the ground floor use of the appeal property would have involved a number of vehicle movements including deliveries, given its use as a shop. Nevertheless, the appellant points out that removable bollards were installed to prevent customers from parking off-road and these were only removed for deliveries. Customers would have therefore parked on the street. Whilst delivery vehicles would have had to negotiate similar highway manoeuvres to that set out above, these would be less intensive than that of a residential dwelling. Therefore, I give limited weight to this fall-back position. For these reasons I conclude on this issue that the proposal would have an unacceptable impact on pedestrian and vehicular highway safety. It would therefore conflict with LDP policies BE1 and TR2, which, amongst other considerations, require that development proposals would not have a significant adverse impact on highway safety and does not compromise the safe, effective and efficient use of the highway network. The garage would be constructed by removing one of the existing front ground floor windows and wall and replacing it with an electric roller shutter garage door. Whilst the external alterations do not enlarge the appeal property, the garage door noticeably contrasts with the more modest proportions of No 28. From Wern

Road, the garage, even with the use of sympathetic materials, would draw the eye as a substantial and prominent feature that in my opinion disrupts the otherwise composed and modest style of the host building. Moreover, the proposal would erode the legibility of the building and would diminish its role in the historic development of the local area.

The decision to grant 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 Future Wales - the National Plan 2040 and 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, and there would be no adverse impact upon highway and pedestrian safety. Hence, the proposed development would be in accordance with Policies BE1 (Design), TR2 (Design and Access of New Development), SP16 (Environmental Protection), EN8 (Pollution and Land Stability) of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and 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: 17 December 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 686820 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.