

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE)(WALES) ORDER 2012**

**APPROVAL OF OUTLINE PLANNING PERMISSION**

**Name and address of the applicant**

Mr & Mrs Terrell  
34 Oakwood Drive  
Bletchley  
Milton Keynes  
MK2 2JQ

**Name and address of the agent**

Mr John Griffiths  
Tecta Associates Limited  
Blacksmiths Shop  
The Forge  
Cantref  
Brecon  
LD3 8LR

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**DATE REGISTERED:** 2 September 2021

**APPLICATION NO:** P2021/0380

**LOCATION:** Land At , Blaenavon Terrace, Tonmawr, Neath

**PROPOSAL:** Outline application for two residential development plots  
(including layout and scale)

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL** as the Local Planning Authority in pursuance of its power under the above mentioned Act and Order hereby **PERMITS** the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

**Conditions:-**

**Time Limit Conditions**

- 1 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.  
Reason:  
To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
- 2 Details of the access, appearance, and landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.  
Reason:  
The application was made for outline planning permission.

- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason:  
To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

#### List of Approved Plans

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

TAL21 21 02 SITE LOCATION PLAN

TAL21 21 01

Biodiversity Enhancement Plan

Reason:

In the interests of clarity.

#### Pre-Commencement Conditions

- 5 No development shall commence until:  
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and  
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.  
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.  
Reason:  
In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.
- 6 Prior to commencement of development the biodiversity enhancements as shown on document "Biodiversity Enhancement Plan" shall be implemented as approved and maintained thereafter as long as the development remains in existence.  
Reason:  
In the interests of biodiversity, and to accord with Policy EN6 & EN7 of the Neath Port Talbot Local Development Plan.
- 7 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.  
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.
- 8 As part of the first reserved matters application, details of the materials to be used in the construction of the external surfaces of the development shall 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 the interest of the visual amenity of the area and to ensure the development complies with

Policy BE1 of the Neath Port Talbot Local Development Plan.

- 9 As part of the first reserved matters application details of proposed ground levels and finished floor levels shall be submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details 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.

### Action Conditions

- 10 Prior to occupation of the dwelling the forecourt boundary shall be set back between 1.5 m and 2.0 metres from kerb-line and the extra width shall be made up as footway construction to tie into the existing footway fronting the adjacent property, in accordance with a scheme (specification) which shall first be submitted to and approved in writing by the Planning Authority and shall be retained open and free for public use thereafter.

Reason: In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 11 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 12 Each drive shall be a minimum length of 6.0 metres from back of footway to front of garage structure, 3.6 metres minimum width and prior to first use of the dwelling shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface, to a permeable porous area or surface within the curtilage of the dwelling to a maximum gradient of 1 in 9, with no surface water aloud to flow out onto the public highway an permanently maintained as such thereafter.

- 13 Pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided and maintained each side of each access within which nothing over 600mm in height shall be erected or allowed to grow.

- 14 Any gates shall be of a type which open inwards only, can be seen through and shall be maintained as such thereafter.

## Regulatory Conditions

- 15 Prior to occupation each dwelling shall be provided with one off-street parking space per bedroom up to a maximum of three. These spaces shall be retained for such use thereafter.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 16 Prior to occupation of each dwelling a vehicular footway crossing shall be provided to Highway Authority published specification.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

### Informatives:

1 SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/17534>

2 For the construction of a footway and cross over, you should contact the Area Surveyors of Neath Port Talbot County Borough Council at the Service Response Centre, The Quays, Brunel Way, Baglan Energy Park, Briton Ferry (Tel: 01639 - 686344 or 686327). If you propose to do the work yourself, you should contact the above prior to commencing any works within the highway in order to arrange the necessary indemnity and specification for the works.

3 In order to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority and subsequently adopted if you so wish you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (f.a.o. The Senior Highway Development Engineer - Telephone No. 01639 686850 or e-mail [hdc@npt.gov.uk](mailto:hdc@npt.gov.uk)) to agree the specification, enter an adoption agreement and arrange on site inspection of your works.

4 Any utility apparatus within the site curtilage which needs to be relocated to facilitate the development shall be at the applicants' expense.

5 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

6 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

7 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### 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 Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

The proposed development has regard to the existing site context and respects the existing character and pattern of development in the area. The site, therefore, subject to an acceptable design, can provide a suitable form of infill residential development, without impacting detrimentally upon visual amenity, the character of the area as a whole, or upon the amenity of adjacent properties. In addition the proposal can be accommodated without impacting upon highway and pedestrian safety, ecological and coal mining interests. Accordingly, the proposals are in accordance with the Place making principles set out within Planning Policy Wales, and principles of good design within TAN 12 and policies SP3, SP4, SP15, SP16, SP20, SC1, I1, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan, and the Council's approved Supplementary Planning Guidance 'Design'.

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: 14 January 2022**

### **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](http://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](mailto: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 <small>see endnote i</small>                                                       | Within 12 weeks |
| (3) Minor Commercial Appeal <small>see endnote i</small>                                                  | 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](http://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 5<sup>th</sup> 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.

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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](mailto: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

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<sup>i</sup> 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.