

**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 Dorian Payne
Neath Developments SPV 1 Ltd
10 Gloster Place
Newport
NP19 7EG

Name and address of the agent

Mr Griffiths
Kennedy James Griffiths
10 Victoria Park Court
516 Cowbridge Road East
Cardiff
CF5 1DB

DATE REGISTERED: 29 May 2020

APPLICATION NO: P2020/0423

LOCATION: Former Skewen Snooker Club , Cae Nant Terrace, Skewen,
SA10 6UP

PROPOSAL: Demolition of existing building and the construction of two
number two storey residential blocks consisting of 10 no.
affordable housing apartments and associated works including
cycle and bin stores (Amended Construction Environmental
Management Plan and response to noise queries received
06.07.20)

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

THIS DECISION NOTICE IS REV 2. ISSUED 01/04/2022

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

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

1428-PA-04 Rev A - Block B Floor Plans
1428-PA-03 Rev A - Block A Floor Plans
1428-PA-02 Rev A - Proposed site plans
1428-PA-14 Rev A - Boundaries and levels
1428-PA-01 - Location Plan
1428-PA-13 - Site Management Plan
1428-PA-08 - Sectional Elevation to Caenant Terrace
1428-PA-09 - Bird and bat boxes
1428-PA-03 - Block A Floor Plans
1428-PA-04 - Block B floor plans
1428-PA-05 - Typical elevation
1428-PA-07 - Block B Elevations
1428-PA-12 - Survey and demolitions
1428-PA-06 - Elevation A and materials
1428-PA-10 - Site Plan in Context
1428-PA-11 - Bins, Cycles and fencing
SK101 Rev P1 - Proposed drainage

Reason:

In the interests of clarity.

Action Conditions

- 3 If the entire scheme is not Social Housing Grant Funded, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the dwellings. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25 % of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to secure an appropriate level of affordable housing in accordance with Policies AH1 and I1 of the Neath Port Talbot Local Development Plan.

- 4 Notwithstanding the submitted information, prior to beneficial use of the proposed development commencing, all noise mitigation measures shall be carried out in accordance with the recommendations of the approved environmental noise assessment dated 17 February 2020 (by acoustic consultants LTD) and a verification report which demonstrates the effectiveness of the agreed noise mitigation measures and that internal noise levels stipulated within BS8233 can be achieved within all of the flats hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The agreed noise mitigation measures shall be maintained and retained as such thereafter.

Reason:

In order to protect the amenity of the occupants of this noise sensitive development as the site is located adjacent to a train line

- 5 With the exception of demolition works, 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 and retained and maintained as 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.

Details in respect of the above condition were approved by planning permission ref. P2020/0934 on the 14/12/2020

- 6 Notwithstanding the submitted plans the parking spaces shall have dimensions of 2.6 x 4.8m in line with the Authority's Parking Standards and the 16 proposed parking spaces shall be constructed in a hardwearing porous material, such as block paving or asphalt, marked out and be available for use in accordance with this requirement and the agreed parking layout prior to first occupation of the development hereby approved. The parking spaces / layout shall be retained and maintained for parking of vehicles as such thereafter.

Reason

In the interests of highways and pedestrian safety

- 7 The bat and bird boxes specified in the approved plans shall be implemented prior to occupation of the development hereby approved and retained and maintained as such thereafter.

Reason

In the interests of biodiversity

- 8 Prior to occupation of the development hereby approved, a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of wildlife with no direct lighting of vegetation. The agreed scheme shall be implemented prior to occupation of any of the flats hereby approved and retained and maintained as such thereafter.

Reason

In the interests of Biodiversity

Details in respect of the above condition were approved by planning permission ref. P2022/0108 on the 01/04/2022

- 9 Prior to the first beneficial occupation of the dwelling hereby approved, the parking area shall be constructed in a hardwearing porous material, such as block paving or asphalt, and retained as such use thereafter.

Reason:

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

- 10 Prior to the occupation any of the flats hereby approved, the boundary treatment as detailed on drawing number 1428-PA-14 Revision A shall be completed, as approved and retained as such thereafter.

Reason:

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

- 11 Prior to the occupation any of the flats hereby approved, the bin and cycle stores as detailed on drawing number 1428-PA-02 Revision A shall be completed, as approved and retained as such thereafter.

Reason:

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

- 12 Notwithstanding the submitted information, demolition or construction works shall not take place outside the hours of 8.30 - 18.00 Monday to Friday, Saturday 8.30 - 13.30 and no works shall be undertaken on Sundays or bank holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 13 The finished levels of the development shall be in accordance with the level details on approved drawing number 1428-PA-14 Revision A

Reason

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

- 14 Prior to beneficial use of the proposed development commencing, all noise mitigation measures shall be carried out in accordance with the recommendations of the approved environmental noise assessment dated 17 February 2020 (by acoustic consultants LTD) and a verification report which demonstrates the effectiveness of the agreed noise mitigation measures and that internal noise levels stipulated within BS8233 can be achieved within all of the flats hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The agreed noise mitigation measures shall be maintained and retained as such thereafter.

Reason:

In order to protect the amenity of the occupants of this noise sensitive development as the site is located adjacent to a train line

- 15 All the trees on and adjacent to the site shall be retained and the recommendations and guidance in the Cardiff Treescapes report dated 14th February 2020 and correct working practices near trees shall be followed at all times.

Reason

In the interests of the health of the trees on and adjacent to this site and visual amenity

- 16 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2020/0934 on the 14/12/2020

- 17 No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment

shall be prepared and submitted to and approved in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2020/0934 on the 14/12/2020

- 18 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 17 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 19 The development shall be carried out in accordance with the approved Kennedy James Griffiths Construction Environmental Management Plan (Revision 3) (including the demolition method statement in appendix C).

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.

- 20 Prior to their use in the construction of the development hereby permitted, 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.

Details in respect of the above condition were approved by planning permission ref. P2020/0934 on the 14/12/2020

- 21 Notwithstanding the submitted plans / information, prior to the commencement of the construction of any retaining walls / structures, full details including calculations, specifications, materials and landscaping scheme for any retaining walls / structures that may be required and a detailed method statement detailing how the works are to be carried out shall be submitted to and approved in writing by the Local Planning Authority. Any retaining walls / structures shall be constructed in accordance with the agreed details.

Reason:

In the interests of public safety.

- 22 Prior to occupation of the development, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority together with a landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas other than privately owned domestic gardens. These details shall include but not be limited to a revised grass seed mix for the bio retention areas that contains a majority of native or wildlife friendly species. The agreed soft landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following occupation of the development and the hard landscaping works prior to occupation of the development. The completed scheme shall be retained and maintained and carried out as approved as such thereafter and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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.

Details in respect of the above condition were approved by planning permission ref. P2022/0108 on the 01/04/2022

Regulatory Conditions

- 23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

Informatives:

1 Network Rail / Network Rail Mining Team notes to developer:

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact assetprotectionwales@networkrail.co.uk. DRAINAGE Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks

GROUND LEVELS

The developers should be made aware that Network Rail needs to be consulted on any alterations to ground levels. No excavations should be carried out near railway embankments, retaining walls or bridges.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

DEMOLITION

The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building, due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land

.LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision. Permitted: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees - Pines (Pinus), Hawthorne (Cretaeagus), Mountain Ash - Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebрина" Not Permitted: Alder (Alnus Glutinosa), Aspen - Poplar (Populus), Beech (Fagus Sylvatica), Wild Cherry (Prunus Avium), Hornbeam (Carpinus Betulus), Small-leaved Lime (Tilia Cordata), Oak (Quercus), Willows (Salix Willow), Sycamore - Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), London Plane (Platanus Hispanica). LIGHTING Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

2 Welsh Water notes to developer:

We advise that the proposed development site is crossed by a 225mm combined public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the 'Proposed Site Plans' (Drawing No. 1428-PA-02), it appears the proposed development would be situated outside the protection zone of the public sewer measured 3 metres either side of the centreline.

3 Welsh Water notes to developer:

4 Advisory Notes 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. 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. 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. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation. If you have any queries please contact the undersigned (Sion Jones) on 0800 917 2652 or via email at developer.services@dwrcymru.com Please quote our reference number in all communications and correspondence.

4 Designing out Crime Officer notes to developer: Having reviewed the drawings I would have the following observations to make in respect of the above for the development to achieve the Secured by Design (SBD) Gold Award which it is required to achieve under the Welsh Government's Development Quality Requirements (DQR) for grant funded social housing projects:-(i). Perimeter security. The rear of the development rear gardens and communal areas should be protected by walls/fencing at least 1.8 metres high. They must be robust and designed so they are difficult to climb over. Gates giving access to the side and rear of the apartment block must be sited on the front building line of the property, be lockable either side with a key and the same height as the adjacent walls/fencing.(ii). Lighting. The site, especially the vehicle parking bays, cycle stores and bin stores must be lit, during the hours of darkness. The corridors and entrances into the building must also be lit during the hours of darkness, when in use. Lighting must be controlled by preferably photo electric cells or time switches, or PIR detectors. (iii). Vehicle parking areas. All the vehicle parking bays must be overlooked by the rooms in the properties preferably that are usually occupied i.e. living rooms/kitchens. The bays must be illuminated at night and they must enjoy good natural surveillance with unobstructed views from the apartment blocks.(iv). Bicycle stores. The bicycle stores, with individual stands for securing bicycles, must be secure. The stores must be lit during the hours of darkness (please visit website www.securedbydesign.com for more information).(v). Landscaping. Trees and other landscaping features must not be positioned where they could obscure lighting or provide a potential climbing aid into properties. All planting should ideally be of the low-level type. Shrubs should have a mature growth height of 1 metre and trees should be bare stemmed to a height of 2 metres from the ground. Trees must not be positioned to act as climbing aids and trees or planting should not obscure doors and windows.(vi). Bin storage. The bin store must be a secure area and ideally located away from the apartment blocks. (vii). Drainpipes. Drainpipes must be located within the fabric of the buildings or be flush fitting and of a design that is difficult to scale.(viii). Utilities. The utility meters must be located to the outside and front of the apartment blocks or on the ground floors.(ix). Door security. The entrance doors into the apartment blocks must meet SBD standards e.g. PAS 24 2016, LPS1175 SR2 or equivalent and preferably be third party certificate. Doors that are

described as fire doors, or where fire performance is declared or implied, are required to have third-party certification for both security and fire performance. The individual apartment external doors must also meet the standard PAS 24 2016 or equivalent. Glass fitted in or adjacent to door panels must be laminated. Fire doors must have no external furniture fitted. Doors in recesses of more than 600 mm deep must be avoided.(x). Window security. All vulnerable windows must meet the SBD standard PAS24 2016 or equivalent and preferably be third party certificated. Vulnerable windows must have window locks fitted, preferably ones that are key operated. (xi). Access control. Access into the apartment blocks must be controlled if there are 4 or more apartments. Entry must be controlled by access control with visual verification fitted that meets SBD standards and specifications. (xii). Dwelling identification. The apartment blocks must be clearly identifiable and the individual apartments must be clearly numbered. If you require discussing any of the points raised in this report please do not hesitate to contact me.

5 Natural Resources Wales note to developer:

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

6 SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

6 Wales and West Utilities note to developer:

The developers attention is brought to the important consultation response / information provided by Wales and West Utilities that was forwarded to the applicants agent prior to issuing of this decision notice.

8 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:www.gov.uk/government/organisations/the-coal-authority

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is further considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

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 SP8, SP10, SP20, SP21,

SP16, SC1, I1, AH1, OS1, EN8, TR2, and BE1 of the Neath Port Talbot Local Development Plan.

Approval is therefore recommended.

RECOMMENDATION

Approval with Conditions, subject to the signing of a Section 106 Legal Agreement with the following Heads of Terms:

(1) Prior to the first beneficial occupation of any of the flats hereby permitted, a sum of £13,620 shall be provided for the provision, enhancement, maintenance and improvement of and access to outdoor pitch and non-pitch sports fields, play space, informal space within the ward of Coedffranc Central and allotments within the Neath Special Area

A handwritten signature in black ink, appearing to read 'Ceri Morris', is written over a horizontal line.

Signed:

Ceri Morris – Head of Planning & Public Protection

Date: 14 October 2020

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/pes .
- (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.