

Superseded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
Jones Brothers (Henllan) Ltd And Tai
Tarian
C/o Agent

Name and address of the agent
Clodagh Meehan Macken
Boyer
Third Floor
Park House
Greyfriars Road
Cardiff
CF10 3AF

DATE REGISTERED:	20 April 2021
APPLICATION NO:	P2021/0428
LOCATION:	Land Off Meadow Road, Eaglesbush Valley, Neath, SA11 2AF
PROPOSAL:	Development of 52 affordable dwellings and associated access, landscaping and site infrastructure (Amended plans/documents received 23/6/21 and 5/7/21) (Amended Plans/Documents Rec 26/7/21 and 29/7/21)(Protected Species Surveys Rec 2/8/21)(Addendum Ecological Report 23/8/21)(Amended site layout, external engineering works and drainage strategy rec 3/9/21) (Amended landscape scheme rec 6/9/21)

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 1 issued on 08/04/2022

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Superseded

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:

Pre-application (PAC) Report	Boyer	March 2021
Section 106 Heads of Terms	Boyer	March 2021
Planning, Design and Access Statement	Boyer	March 2021
Arboricultural Report ArbTS		June 2021
Landscape Specification and Management Plan	TDA	December 2020
Preliminary Ecology Appraisal	Hawkeswood Ecology	April 2021
(HE/26/2020 - Issue 5)		
Protected Species Survey	Hawkeswood Ecology	July 2021
(HE/26/2020/P S - Issue 1)		
Protected Species Survey Addendum	Hawkeswood Ecology	August 2021
(HE/26/2020/P S/Addendum - Issue 1)		
Tree Climbing Bat Roost Assessment	Hawkeswood Ecology	February 2021
(HE/26/2020/Climb - Issue 1)		
Construction Environmental Management Plan		
(inc. Site Waste Management Plan)	Jones Brothers	July 2021 (JP/CEMP/REV 0)
Written Scheme of Investigation	Cardiff Archaeological Consultants	February 2021 (WSI 2021-02)
Site Investigation Report	Integral Geotechnique	March 2021
(12722/LW/20/SI Rev C)		
Transport Statement	Vectos	April 2021 (V5)
Travel Plan	Vectos	April 2021 (V4)
Stage 2 Road Safety Audit	J Bartlett Consulting Ltd	September 2021
Stage 2 Road Safety Audit - Designer's Response	Spring Design	September 2021 (2430)
awing		
Number	Revision	Drawing
2330-00(02)100	Rev T	Sketch Layout

Superseded

2430-01(02)101 Rev C	Site Location Plan
2430-05(02)105	House Finishes Layout
2430-(02) 335	HT 211 Elevations Plots 12-15
2430-(02) 334 Rev A	HT 642 Detached Elevations
2430-(02) 333 Rev A	HT 641 Detached Elevations
2430-(02) 332 Rev A	HT 421 and 531 Terrace Elevations Plots 50 to 52
2430-(02) 331 Rev A	HT 421 and 531 Semi Elevations Plots 2 and 3
2430-(02) 330 Rev A	HT 531 Semi Elevations
2430-(02) 329 Rev A	HT 421 Terrace Elevations Plots 43 to 46
2430-(02) 328 Rev A	HT 421 Terrace Elevations Plots 25-27
2430-(02) 326 Rev A	HT 421 Semi Elevations
2430-(02) 325 Rev A	HT 322 Elevations
2430-(02) 324 Rev A	HT 321 Elevations Plots 16-18
2430-(02) 323 Rev A	HT 321 Semi Elevations
2430-(02) 322 Rev A	HT 211 Elevations Plots 19-24
2430-(02) 320 Rev A	HT Semi Elevations
2430-(02) 235	HT 211 Floor Plans Plots 12-15
2430-(02) 234	HT 642 Detached Floor Plans
2430-(02) 233	HT 641 Detached Floor Plans Plot 01
2430-(02) 232	HT 421 and 531 Terrace Floor Plans Plots 50-52
2430-(02) 231	HT 421 and 531 Semi Floor Plans Plots 2 and 3
2430-(02) 230	HT 531 Semi Floor Plans Plots 30 -33
2430-(02) 229	HT 421 Terrace Floor Plans Plots 43-46
2430-(02) 228	HT 421 Terrace Floor Plans Plots 25-27
2430-(02) 226	HT 421 Semi Floor Plans
2430-(02) 225	HT 322 Floor Plans
2430-(02) 224 Rev A	HT 321 Floor Plans Plots 16-18
2430-(02) 223	HT 321 Semi Floor Plans Plots 14 and 15
2430-(02) 222	HT 211 Floor Plans Plots 19 -24
2430-(02) 220	HT 211 Semi Floor Plans Plots 39-42
2430-630 Rev B	Site Sections
2430-500 Rev H	Drainage Strategy Plan
2430-526 Rev F	External Engineering Works
2430-631 Rev A	Site Access Cross Section
2430-600 Rev B	Road Longitudinal Section
TDA.2582.01 TDA Rev G	Detailed Soft Landscape Proposals
205496A_A03c Rev B	Proposed Site Access
2430-553	278 levels and sections
205496A_A01 Rev G	Proposed site appraisal general arrangement
205496A_ATB01 Rev F	Swept Path Analysis Refuse Collection
205496A_ATB02 Rev E	Swept Path Analysis Fire Tender
205496A_ATB03 Rev B	Swept Path Analysis 7.5ft Panel Van
2430-49(03) 349	Cycle store plans and elevations
2430-48(03) 348	Bin store plans and elevations

Reason:
In the interests of clarity

Pre-Commencement Conditions

Superseded

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.

4 No development shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in Land at Eaglesbush Valley, Neath, Neath Port Talbot - Written Scheme of Investigation (Cardiff Archaeological Consultants Report Wintertree Software Inc. 2021-02 dated February 2021

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource as required by Planning Policy Wales and SP21 of the Neath Port Talbot Local Plan.

5 Notwithstanding the submitted information, 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

Superseded

- 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.

- 6 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 agreed 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. P2022/ 0170 on 08/04/2022

- 7 No development shall take place until all trees shown to be retained are protected in accordance with the details contained within the Arboricultural Report -Arbs_717.11 - April 2021. The fencing shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within the fenced area, and the ground levels within those areas shall not be altered, nor any excavation made, without the prior written consent of the Local Planning Authority.

Reason

To ensure the existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

Superseded

- 8 Prior to commencement of development except for demolition works, a scheme to provide roosting opportunities for bats which includes either the addition of manufactured bat boxes onto the building/trees or incorporation of manufactured bat bricks into the building shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained in accordance with the approved details.

Reason

In the interest of protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 9 Prior to the commencement of development details of all retaining walls (including structural calculations) adjacent to the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the first beneficial occupation of any part of the development, and retained as such thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure the development complies with Policies TR2 and BE1 of the Neath Port Talbot Local development Plan.

- 10 Notwithstanding the submitted information and prior to the commencement of development a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the following:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- The Construction Method Statement shall be signed by a competent person(s).
- Scheme showing the route delivery vehicles will take to and from site (to the nearest classified highway)
- A construction surface water and ground water phasing plan to mitigate overland flows, exceedance and flooding nuisance.

The approved Statement shall be adhered to throughout the construction period.

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 Neath Port Talbot Local Development Plan.

Superseded

- 11 Prior to the commencement of development a Traffic Management Scheme in the form of a Traffic Regulation Order for Meadow Road and the site access road shall be submitted to and approved in writing by the Local Planning Authority. No dwellings hereby permitted shall be occupied until such time as the Traffic Regulation Order has been approved and implemented on site, and retained as such thereafter.

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 Neath Port Talbot Local Development Plan.

- 12 Notwithstanding the submitted details and prior to any work commencing on site a scheme for the off-site highway works shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: -

- all construction details of the road widening/narrowing of Meadow Road
- white lining diagrams,
- associated signage and advanced warning signage along Meadow Road,
- road narrowing amendments

All works shall thereafter be undertaken in accordance with the approved details prior to the occupation of the final unit of the development, or in accordance with the approved timetable for implementation.

Reason:

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

- 13 Prior to the commencement of development, cross sections at chainage 95, 123 and 215 (including the pond) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

Reason:

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

Action Conditions

- 14 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. 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;

Superseded

- 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
- iv) 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.

- 15 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 6 shall have been submitted to and agreed 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.

- 16 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.

- 17 Prior to occupation of any part of the development, a lighting scheme for the whole 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:

Superseded

a) Incorporate the best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation. The dark route shall allow commuting from Eaglesbush House to the retained woodland (North Boundary).

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 scheme, 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 in the interests of highway and pedestrian safety in accordance with Policies BE1, EN6, EN7 and TR2 of the Neath Port Talbot Local Development Plan.

- 18 Prior to the first occupation of any residential unit hereby approved, a scheme to provide integrated artificial nesting sites for birds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include detail and locations of the integrated bird nesting boxes spread throughout the site. All approved artificial nesting sites shall be implemented in accordance with the approved details prior to the first occupation of each building to which it relates.

Reason

In the interest of biodiversity enhancement and to mitigate the loss of bird nesting /foraging habitats under the Habitat Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 19 Notwithstanding the submitted plans, prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development, shall be 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.

- 20 Notwithstanding the submitted details and prior to the first beneficial use of the development, 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 scheme as agreed shall be

Superseded

erected prior to the first beneficial occupation of each plot they are located on, 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.

- 21 Notwithstanding the requirements of Condition 20 and prior to the occupation of those properties which back onto Eaglesbush Local Nature Reserve buffer a scheme detailing the rear boundary treatment consisting of walls incorporating a15x15cm gap to allow hedgehogs to commute shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial use of the associated dwelling.

Reason

In the interests of biodiversity, and to accord with Policy SP15 of the Neath Port Talbot Local Plan.

- 22 Notwithstanding the submitted details all highway works shall be subject to a Road Safety Audit Stages 2, 3 & 4 in accordance with Design Manual for Roads and Bridges GG119 and shall at each stage of the Audit be submitted to and approved in writing by the Local Planning Authority.

Reason

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

- 23 Prior to the first beneficial use of the development a scheme shall be submitted to an approved in writing detailing the provision of Electric Vehicle Charging Points. The scheme shall include a minimum of 5 spaces and shall also include details how future electric charging points can be delivered. The scheme as agreed shall be fully implemented prior to the first beneficial use of the development and shall be retained for such use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 10, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

- 24 The cycle parking hereby approved shall be provided in accordance with Drawing 2330-00(02)100 Rev T -Sketch Layout prior to the first beneficial occupation of any part of the development to which it relates, and shall be retained thereafter.

Reason

To ensure the promotion of sustainable means of transport and to ensure compliance with Planning Policy Wales 11, and Policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

Superseded

- 25 The car parking spaces/ driveways hereby approved shall be constructed in accordance with drawing number 2330-00(02)100 Rev T - Site Layout Plan prior to the first beneficial occupation of any part of the development to which they relate, and shall thereafter be retained for access and parking of vehicles only.

Reason

In the interest of highway and pedestrian safety, to ensure that the development is served by sufficient parking and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 26 The approved landscaping scheme Drawing No TDA.2582.01 TDA Rev G - Detailed Soft Landscape Proposals 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 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.

- 27 In accordance with the recommendations contained in the approved Preliminary Ecological Appraisal /Tree Bat Roost Assessment -Hawkeswood Ecology April 2021 buffer zones to the woodlands must be kept free of any tipped material.

Reason

To ensure all existing trees are protected and in the interests of biodiversity in accordance with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 28 Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme. The scheme shall be implemented as approved.

Reason

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

Superseded

Regulatory Conditions

- 29 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 30 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 Plots 36 and 37 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.

- 31 Adequate provision shall be made for the drainage of the site, during the course of construction to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development.

Reason

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

- 32 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.

Reason

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

- 33 Pedestrian vision splays 2.4 metres by 2.4 metres shall be maintained each side of each vehicular access within which nothing over 600mm in height shall be erected or allowed to grow and shall be retained as such thereafter.

Reason

Superseded

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

- 34 Any gates provided across the access drive(s) shall be of a type which open inward only and can be seen through, and shall be retained as such 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.

- 35 The Landscape Specification and Management Plan (December 2020) as approved shall be fully implemented.

Reason

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

- 36 During works all excavation trenches shall be covered or fenced (excluding heras fencing or any other type which includes a gap at the bottom) overnight to prevent any wildlife being trapped.

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 and to accord with Policy SP15 of the Neath Port Talbot Local Development Plan.

- 37 All development on site shall be undertaken strictly in accordance with the Construction Environmental Management Plan (July 2021)

Reason

To protect the amenity of the locality, especially for people living nearby, in accordance with Policies BE1 and EN8 of the adopted 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

Superseded

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 No site/vegetation clearance/demolition should take place between 1st March to 31st July inclusive to minimise the potential for nesting birds to be disturbed as they are protected by law.

3 In respect of Condition 17 the use of personal security lighting on any housing should be discouraged, possibly by the provision of low level lighting being provided on the new properties should they back onto the retained hedgerows and adjacent woodlands. If it cannot be avoided, any domestic lighting will be placed at a level lower than three metres, be cast to the ground with no uplighting and will ideally be on a time switch to ensure any resultant light scatter is limited in duration; it should only be used in areas where safety is a consideration.

4 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 www.npt.gov.uk/sab These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an

Superseded

additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab

5 In respect of condition 5 it is 'It is recommended that the topsoil is further sampled and tested for arsenic, including bio accessibility testing to further assess the contamination identified and to determine the most appropriate re-use of those soils. It is also recommended that the made ground encountered on site is further delineated during site clearance, and additional sampling and testing should be undertaken for a range of contaminants, including asbestos.'

6 Any agreement to adopt the roads relating to this development should be entered into with the Council prior to the commencement of development. Such an agreement will be under Section 38 of the Highways Act 1980 relating to the specification, timescale and subsequent adoption of the roads and a Bond to ensure that the Authority can complete the works if the Developer defaults on the roadworks.

7 Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Nicholas Waters, telephone number (01639) 686051 or e-mail n.waters1@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works.

8 Works on the Existing Highway Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-(i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.(ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.(iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that any principle contractors and/or subcontractors that are on the Local Authority's framework approved

Superseded

list are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section on request.

9 For the implementation of the Traffic Regulation Order you should contact the Project Manager Specials and Traffic of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG f.a.o. Mr Martin Brumby Project Manager Highways (e-mail m.brumby@npt.gov.uk or telephone 01639 686013) who will advise you of the procedure for the implementation of the required Traffic Regulation Order. *Please note this process can take up to 4 months - subject to the consultation process outcome*.

Reason for decision

The decision to recommend granting 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.

For the reasons given above, it is concluded that the development of this site, which is allocated for housing within the Neath Port Talbot Local Development Plan, will contribute towards the delivery of affordable housing within the County Borough in a sustainable location, and that subject to the imposition of conditions, the proposed development would have no unacceptable impacts upon the character and appearance of the surrounding area, on residential amenity or on highway and pedestrian safety, ecological interests, Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP5, SP7, SP10, SP15, SP16, SP19, SP20, SP21, SC1, I1, H1, AH1, OS1, EN6, EN7, EN8, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 21 December 2021

Superseded

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.

Superseded

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

Superseded

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.