

Superseded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

Mr Ashley Pass
Pass Property & Development Ltd.
ARFRYN
Penybanc Lane
Gorseinon
Swansea
SA4 4FZ

Name and address of the agent

Mr C Diamond
Chris Diamond Chartered Surveyor
3 Brynmill Terrace
Brynmill
Swansea
SA2 0BA

DATE REGISTERED: 17 June 2020

APPLICATION NO: P2020/0501

LOCATION: Land Off March Hywel , Cilfrew, Neath, SA10 8ND

PROPOSAL: Construction of two detached dwellings together with associated works including access and drainage

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 3. ISSUED 16/05/2022

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

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

~~CD / 1085 / 23 - Site Plan with Tree Survey overlaid on Topographical Survey (Rev A)~~

~~CD / 1085 / 01 - Site Location & Block Plans (Rev A)~~

~~CD / 1085 / 02 - Topographical Survey (Rev A)~~

~~CD / 1085 / 20 - Proposed Site Plan (Rev A)~~

~~CD / 1085 / 10 - Proposed Ground Floor Plan (Rev A)~~

~~CD / 1085 / 11 - Proposed First Floor Plan (Rev A)~~

~~CD / 1085 / 13 - Proposed Elevations (Rev A)~~

~~CD / 1085 / 22 - General Notes (Rev A)~~

~~Althon Drainage detail - SFA20C Headwall 400 x 300mm Toe SFA1 1050 Outfall Safety Grille (dated 04.10.18)~~

~~Drainage detail - Culvert Catchpit (S10 culvert chamber)~~

~~Reason:~~

~~In the interests of clarity.~~

The above condition was amended as a non-material amendment by planning permission ref. P2021/1088 on 18/11/2021 as follows:

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

CD/1085/20 Rev B -Plot 2: Proposed Ground floor plan (Plot 2 only)

CD/1085/21 Rev B -Plot 2: Proposed first floor plan (Plot 2 only)

CD/1085/23 Rev B -Plot 2: Proposed first floor plan (Plot 2 only)

CD / 1085 / 23 - Site Plan with Tree Survey overlaid on Topographical Survey(Rev A)

CD / 1085 / 01 - Site Location & Block Plans (Rev A)

CD / 1085 / 02 - Topographical Survey (Rev A)

CD / 1085 / 20 - Proposed Site Plan (Rev A)

CD / 1085 / 10 - Proposed Ground Floor Plan (Rev A) (Plot 1 only)

CD / 1085 / 11 - Proposed First Floor Plan (Rev A) (Plot 1 only)

CD / 1085 / 13 - Proposed Elevations (Rev A) (Plot 1 only)

CD / 1085 / 22 - General Notes (Rev A)

-Althon Drainage detail - SFA20C Headwall 400 x 300mm Toe SFA1 1050 Outfall Safety Grille (dated 04.10.18)

-Drainage detail - Culvert Catchpit (S10 culvert chamber)

Reason:

In the interests of clarity.

Pre-Commencement Conditions

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- 3 The tree protection fencing shown on the approved plans and documents shall be erected in accordance with the approved details 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 any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

To ensure all 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.

Action Conditions

- 4 Prior to the first beneficial occupation of the dwelling(s) hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;

Nest Box Specifications for House Sparrow Terrace:

Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.

Entrance holes: 32mm diameter

Dimensions: H310 x W370 x D185mm

or

Swift Nest Box Specification:

Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.

Dimensions: H150 x W340 x D150mm

Reason:

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

- 5 Prior to the erection of any lighting, a light mitigation strategy, including measures to reduce light spillage onto adjacent habitats, shall be submitted to and approved in writing by the Local Planning Authority. The light mitigation strategy shall be implemented prior to first occupation of either of the dwellings and retained in accordance with the approved details.

Reason:

To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected; and to ensure compliance with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2022/0201 on the 16/05/2022

- 6 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.

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Reason:

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

- 7 Surface water within the curtilage of each property shall not discharge onto the highway and surface water from the highway shall not discharge into the curtilage of any property.
Reason
In the interest of highways and pedestrian safety
- 8 The recommendations of the approved tree survey, arboricultural method statement and Tree information Letter shall be fully implemented in accordance with the agreed details and followed at all phases of the ground preparation and construction works. Only those trees recommended for felling on the approved tree survey shall be felled.
Reason
To ensure the protection of the retained trees and in the interests of public safety
- 9 Notwithstanding the submitted plans the parking spaces on the driveways shall have minimum dimensions of 2.6m wide x 4.8m in depth, and the spaces in the garage shall be 3m wide x 6m deep (measured externally). 3 car parking spaces (2 on drive 1 in garage) per approved dwelling shall be provided on site prior to first occupation of either of the dwellings and shall be retained open and free for such use in accordance with the above dimensions thereafter.
Reason
In the interest of highway and pedestrian safety
- 10 Notwithstanding the details shown on the landscaping proposals no trees shall be planted within the footway or within 2 metres of the back of footway unless a suitable root barrier is placed along the back of footway and maintained as such thereafter.
Reason
In the interest of highway and pedestrian safety
- 11 Prior to the occupation of either dwelling hereby approved, the associated car parking spaces shall be hard surfaced in porous asphalt or permeable block paving or a provision must be made to direct run-off water from the hard standing to a permeable or porous area within the curtilage of the dwelling house to a maximum gradient of 1 in 9 and no less than 1 in 150. The drive/hard standing shall be drained so that no surface water including roof and yard flows out onto the public highway or vice versa and retained and maintained as such thereafter.
Reason
In the interests of highways and pedestrian safety
- 12 Any gates fronting onto the highway / shared drive shall be of a type which open inwards only, can be seen through and once provided shall be retained and maintained as such thereafter.
Reason
In the interest of highway and pedestrian safety
- 13 Prior to occupation of any of the dwellings hereby approved, a scheme shall be submitted to and agreed in writing by the local planning authority indicating pedestrian vision splays of 2.4 metres by 2.4 metres within which nothing over

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600mm in height shall be erected or allowed to grow, for the individual access points for each dwelling off the shared driveway as well as the shared drive vehicular access onto March Hywell. The approved scheme shall be implemented prior to the occupation of any of the dwellings hereby approved and retained and maintained as such thereafter.

Reason:

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

- 14 No building shall be occupied until the foul, surface water and land drainage scheme hereby approved has been completed in accordance with the approved details. The approved drainage scheme shall be maintained and retained as such thereafter and no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system 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 and to ensure adequate drainage infrastructure is implemented for the development.

- 15 Prior to the commencement of works on any retaining walls / retaining features 1.5m and higher, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing any retaining walls, including full structural calculations. The approved retaining walls / features shall be fully implemented on site prior to the first beneficial occupation of the dwelling, and retained as such thereafter.

Reason

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

Details in respect of the above condition were approved by planning permission ref. P2020/1091 on the 01/02/2021

- 16 Notwithstanding the submitted plans, prior to the occupation of the dwellings hereby approved a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first occupation of either of the dwellings 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, to ensure that the proposed boundary treatment is appropriate having regard to the fact that parts of it are in close proximity to the culvert where structurally less intrusive boundary treatment would be required and to ensure that adequate pedestrian vision splays can be provided.

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- 17 All planting, seeding or turfing comprised in the landscaping scheme hereby approved, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; 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.

- 18 The development hereby approved shall be carried out in accordance with the finished levels shown on the approved plans.

Reason

In the interests of visual and residential amenity

- 19 Prior to occupation of the dwellings hereby approved, a scheme of tree planting, including details of proposed tree numbers, species, location and size of replacement trees shall be submitted to and approved in writing by the local planning authority. The agreed tree planting scheme shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees 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 in order to provide mitigation for the trees to be felled as part of this development and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 20 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be an lbstock facing brick cattybrook brunswick antique red to the external walls and a cembrit-jutland_5061 slate material (blue / black colour) for the roof covering.

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.

Regulatory Conditions

- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls

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shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a highway, carriageway, shared driveway or footpath.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such enclosures having regard to the particular layout and design of the development, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 22 Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and identified on the approved drawings.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 23 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no doors, windows or dormer windows (other than those expressly authorised by this permission) shall be constructed without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for such additional doors, windows or dormer windows, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), there shall be no extension or external alteration to any building forming part of the development hereby permitted without the prior grant of planning permission in that behalf.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for extensions, having regard to the particular layout and design of the development and need to protect the amenity of nearby properties, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

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Informatives:

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

2 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 The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development. We trust that the above comments are of assistance however, should you have any queries, please do not hesitate to contact me.

4 The Coal Authority note to developer:
The application site falls marginally within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals. Based on the information submitted, and the professional opinions of the report (Geo-technical and Geo-environmental Report (October 2006, prepared by Terra (Firma) Wales Limited) author set out therein, the Coal Authority wishes to raise no objection to the planning application. However, further more detailed considerations of ground conditions, foundation design and gas protection measures may be required under the Building Regulations.

5 Coal Mining note to applicant:
The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals. Prior to the commencement of any development, the applicant is therefore advised to take the relevant precautions and obtain advice in relation to this matter including in respect of more detailed considerations of ground conditions, foundation design and gas protection measures which may be required.

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.

The development is considered be a justified and appropriate form of residential development within settlement boundaries, complying with Policies SP15, SP16, SP20, SP21, SC1, TR2, BE1 , EN6, EN7 and EN8 of the Local Development Plan and also complying with the principles of good design as set out within TAN12: Design and Planning Policy Wales, which encourages and promotes good design principles having regard to a site's specific opportunities and constraints.

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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.

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

Signed:

Ceri Morris – Head of Planning & Public Protection

Date: 7 October 2020

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IMPORTANT:

(1) Please note that for all decisions issued after 16th March 2016 for outline or full planning permission, a revised decision notice will be issued whenever a subsequent consent is given, for example providing details of any Reserved Matters approvals (outline applications only) and/or approval of conditions (including on Reserved Matters). This will ensure that the current status of the conditions applied to a consent is clear. Accordingly you are advised to visit www.npt.gov.uk/planning to view the application documentation to see if this is the current version, or whether it has been superseded by a more up-to-date revision of this Decision Notice. For Reserved Matters approvals the revised Decision Notice will only be shown under the Outline approval.

(2) Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

(3) In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition). Please note that any works carried out without compliance with the conditions attached to this approval will be entirely at the risk of the persons involved and may result in formal action being taken by the Local Planning Authority.

(4) The developer should have regard to Sections 4, 7, 8 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the British Standards Institution's Code of Practice for "Design of buildings and their approaches to meet the needs of disabled people" (BS 8300:2009+A1:2010).

(5) From 1st October 2012 it has been an offence to install a public sewer or lateral drain without having an adoption agreement in place. From the 1st October 2012 the vast majority of all existing private sewers and lateral drains which link with the public sewer network were transferred to Welsh Water. For further details on how this will affect your development please contact: Welsh Water Developer Services, PO Box 3146, Cardiff, CF30 0EH. Telephone No. 0800 9172652 or email: developer.services@dwrcymru.com.

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IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

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accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.