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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
Kate Harrison - Persimmon Homes West
Wales
Dragon House
Parc Y Ddraig
Penllergaer Business Park
Swansea
SA4 9HJ

DATE REGISTERED:	14 April 2021
APPLICATION NO:	P2021/0226
LOCATION:	Former Afan Lido Site , Aberavon Seafront, Princess Margaret Way, Port Talbot, SA12 6QW
PROPOSAL:	Construction of 137 dwellings and associated, roads, parking, landscaping and infrastructure. (revised/additional information relating to layout, parking, access, house type, landscaping, secure storage, bin storage land contamination, energy assessment, electric vehicle charging points, lighting report, construction management plan and a design and access statement.)

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 REVISION NUMBER 11, issued on 14/12/2022

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.

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List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans:
 - LP01 - Site Location Plan
 - SL01 REV F Site layout
 - Boundary Treatment Plan Rev B
 - Dimensions Plan Rev B
 - Detail Soft Landscape Proposals Rev D Sheets 1
 - Detail Soft Landscape Proposals Rev D Sheets 2
 - 10267 - 100 - 01O – Engineering
 - 10267 - 100 - 02O - Engineering
 - 10267 - S278 - 00 - Site Location
 - 10267 - S278 - 01 - General Arrangement
 - 10267 - S278 - 02 - Kerbs & Finishes
 - 10267 - S278 - 03 - Highway Construction Details
 - 10267 - S278 - 04 - Site Clearance
 - 10267 - S278 - 05 - Signs & Road Markings
 - 10267 - S278 - TRO Plan
 - Aberavon - Tracking Layout
 - Bin Stores - BS01 Rev A
 - Garages 6X3 3X6 SG and DG
 - Railing Details
 - Screen Wall With Timber Infill Panels
 - Street Scene - Plots 44-72 Rev B
 - Street Scene - Plots 93-119 Rev A
 - Street Scene - Plots 123-134 Rev A
 - Timber Hit and Miss Fence
 - AN-WD05-COL REV B 0638 Alnwick Planning Elevations (Coloured)(Plots 80-82)
 - AN-WD05-COL REV B 0638 Alnwick Planning Elevations (Coloured) (PLOTS 17-19, 35-36, 38-39 & 135-136 ONLY)
 - BR-WD06-COL REV B 0761 Barton Planning Layout (Coloured) (PLOTS 6-7, 15-16, 23-24, 31-33 ONLY)
 - MS-WD05-COL REV B 0762 Moseley Planning Elevations (Coloured) (PLOTS 76-78 ONLY)
 - GM-WD06-COL REV B 0921 Grasmere Planning Elevations (Coloured) (PLOTS 9, 10, 22, 25, 28, 40, 42, 43, 89, 90 & 131 ONLY)
 - DW-WD06-COL REV B 0969 Derwent Planning Elevations (Coloured) (PLOTS 83 & 91 ONLY)
 - DW-WD06-CO REV B 0969 Derwent Planning Elevations (Plots 88 & 92)(Coloured) PLOTS 88 & 92 ONLY
 - DW-WD08-COL-GR REV B 0970 Windermere Planning Elevations (Coloured)(Plot Specific) (PLOTS 4, 5, 12, 13, 73, 74, 121 & 122 ONLY)
 - WM-WD08-COL-LI REV B 0970 Windermere Planning Elevations (Contemp)(Coloured)(Lilac Blue Cladding) (PLOTS 58, 60, 111, 113, 126, 128 ONLY)
 - WM-WD08-COL-GR REV B 0970 Windermere Planning Elevations (Contemp)(Coloured)(Light Grey Cladding) (PLOTS 52, 54, 105, 107, 117 & 119 ONLY)
 - CL-WD13-COL-GR REV B 0980 Carleton Planning Elevations (Contemp)(Coloured)(Light Grey)(PLOTS 53, 106 & 118 ONLY)

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CL-WD13-COL-LI REV B 0980 Carleton Planning Elevations (Contemp)(Coloured)(Lilac Blue)(PLOTS 59, 112 & 127 ONLY)
LK-WDC05-COL REV B 0999 Lockwood Corner Planning Elevations (Coloured) (PLOTS 20, 27, 30, 37, 41, 75 & 79 ONLY)
HR-WD06-COL REV B 1096 Hornsea Planning Elevations (Plot 26)(Coloured) (PLOT 26 ONLY)
HR-WD06-COL REV B 1096 Hornsea Planning Elevations (Coloured) (PLOTS 3, 8, 11, 14, 21, 29, 84, 85, 132 & 137 ONLY)
UW-WD07-COL REV B 1097 Ullswater Planning Elevations (Contemp)(Coloured) (PLOTS 55-57, 61-64, 101-104, 108-110, 114-116, 123-125, 129-130 ONLY)
CD-WD17+CO 1222 Coniston+(Contemporary)(Col)(Plots 133 & 134) Rev A
CD-WD07+ 1222 Coniston Working Drawings (Contemporary - Plots 133 & 134)(Rev L)
CN-WD06-COL REV B 1222 Coniston Planning Elevations (Coloured) (PLOTS 1, 2, 34, 86, 87 & 120 ONLY)
CB-WD01-COL REV H Corby Apartment Planning Elevations (Contemp)(Coloured)
PI-WD01-COL REV H Piel Planning Elevations (Contemp)(Coloured) (PLOTS 65-72 & 93-100 ONLY)

Reason:

In the interests of clarity

Details in respect of the above condition were amended by a non-material Amendment under planning permission ref. P2022/0166 on the 08/06/2022

Pre-Commencement Conditions

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

The applicant notified the Local Planning Authority in writing, their intended start date which is the 4th January 2022 and displayed a notice on site to this effect on the 23rd December 2021.

4 Notwithstanding the submitted plans, No dwelling shall be occupied until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If

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necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building.

Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the site is served by a suitable potable water supply.

Details in respect of the above condition were amended by a non-material Amendment under planning permission ref. P2021/1114 on the 10/12/2021

Details in respect of the above condition were approved under Planning Application P2022/0328, issued on 28/07/2022

- 5 Notwithstanding the submitted plans, no development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Details in respect of the above condition were approved under Planning Application P2021/1057, issued on 17/12/2021

- 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 under Planning Application P2021/0975, issued on 25/11/2021

Revised Details in respect of the above condition were approved under Planning Application P2022/0386, issued on 28/07/2022

- 7 Notwithstanding the submitted plans, no development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- a) A statement setting out the design objectives and how these will be delivered;
- b) details of delivery and timing and implementation;

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- c) earthworks showing existing and proposed finished levels or contours;
- d) other vehicle and pedestrian access and circulation areas;
- e) hard surfacing materials;
- f) minor artefacts and structures (e.g. furniture, play equipment, signs, etc.),

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (which should be native), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant). The landscaping works shall be carried out in accordance with the approved details in accordance with the agreed implementation program.

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 under Planning Application P2021/0975, issued on 25/11/2021

Action Conditions

- 8 Prior to the construction of any dwelling a detailed 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: -

- a Construction Phasing Programme
- b Full drainage network details inclusive of the position of any existing gullies.
- c Relocation of existing gullies / upgrading where necessary of any existing pipework.
- d New footways / footway connections.
- e Tactile crossing points.
- f Radii junction details.
- g Highway markings (white lining TRO lining).
- h Traffic Regulation Order Scheme.
- i Relocation of any existing street furniture / signage to facilitate the development.
- j Relocation of the existing bus stop on the south side of Channel View.
- k Full Traffic Management Scheme.
- l Timetable for implementation

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 Policy TR2 of the Neath Port Talbot Local Development Plan

Details in respect of the above condition were amended by a non-material Amendment under planning permission ref. P2021/1257 on the 21/12/2021

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Details in respect of the above condition were approved under Planning Application P2022/0089, issued on 22/06/2022

- 9 No residential property shall be occupied until such time as a scheme demonstrating noise mitigation measures (as set out within the noise constraints assessment by WYG dated March 2020) for all properties in proximity to The Princess Margaret Way, Channel view and the sports field has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all noise mitigation measures shall be implemented in full accordance with the approved scheme prior to the occupation of any affected residential property identified within the scheme, with all such measures thereafter retained in accordance with the approved scheme.

Reason:

To ensure that the amenities of residents are protected, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved under Planning Application P2022/0167, issued on 29/07/2022

- 10 There shall be no piling activities related to the construction of the development hereby approved unless a piling method statement has first been submitted to and approved in writing by the Local Planning Authority. Any piling shall only be carried out in accordance with the approved method statement.

Reason:

In the interest of residential amenity during the construction phase and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 11 The apartment blocks hereby approved shall not be occupied until such time as a photovoltaic solar system has been installed (as identified within the Sustainable Energy Statement dated 16/06/21 Rev. 2) in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be operated in accordance with the approved details and retained as such thereafter.

Reason:

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved under Planning Application P2022/0167, issued on 29/07/2022

- 12 All dwellings and apartments shall be constructed in accordance with the Fabric first approach as set out within the Sustainable Energy Statement dated 16/06/21 Rev. 2 and retained as such thereafter.

Reason

In the interest of sustainability and to comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan.

- 13 Prior to the first occupation of any dwelling unit hereby approved, a landscape management plan, including the long term design objectives, management responsibilities and maintenance schedules, for all landscaped areas, shall have

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been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas within the site 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 under Planning Application P2021/0975, issued on 25/11/2021

- 14 Prior to the first occupation of any dwelling unit hereby approved a scheme to provide integrated artificial nesting sites for birds (preferably starling) shall have been 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 as mitigation for the loss of habitat within the site and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved under Planning Application P2022/0167, issued on 29/07/2022

- 15 Prior to the first beneficial use of each associated dwelling, Electric Vehicle Charging Points (EVCP) shall be provided to house types Hornsea and Grasmere and as shown on drawings PL01 Rev H in accordance with the Sustainable Energy Statement dated 16/06/21 Rev2, with such EVCP retained for such use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 11, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

- 16 Notwithstanding the submitted plan, and prior to the first beneficial occupation of any residential unit within the apartment blocks, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design, finish and internal layouts of the bin storage buildings and storage buildings serving the apartment blocks (which shall also ensure no bin store area doors shall open out over the public highway). The secure storage building and bin storage buildings identified on the approved scheme / plans shall be completed prior to the first beneficial occupation of any unit within the apartment block that they serve, with such storage buildings retained for such use thereafter.

Reason:

In the interest of visual amenity, residential amenity and to ensure adequate bin storage is provided for future residents and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan

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Details in respect of the above condition were approved under Planning Application P2022/0167, issued on 29/07/2022

- 17 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, including details of the balustrade for all balconies, 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 under Planning Application P2022/0328, issued on 28/07/2022

- 18 Notwithstanding the submitted plans, prior to the first beneficial use of the development a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority.

a, the location and design of the 1.1m high wall and railings to be positioned along Princess Margaret Way and Channel View

b, Details of the boundary around the external washing line area to plots 93-100

c, Details of all retaining walls, including their finish

d, Details of the solid brick facing wall along the Northern Boundary

e, Details of the boundary along the sport pitch to the North East

f, Details of the location and design of the railings along the swale crossings.

The scheme as agreed shall be erected prior to the first beneficial occupation of each plot they are located on / relate to, 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

Details in respect of the above condition were approved under Planning Application P2022/0167, issued on 29/07/2022

- 19 Notwithstanding the requirements of condition 18, the boundary treatment as detailed on BTP-01 Rev. B - Boundary Details (excluding the details required under condition 18) shall be completed, as approved, prior to the first beneficial use of the plot(s) 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

- 20 Prior to the first beneficial use of either part of the site (i.e. the site to North West of Channel View and the site to the South East of Channel View) as shown on drawing LP01 Site Location Plan, 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.

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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 under Planning Application P2022/0851, issued on 14/12/2022 (partial approval of soil capping for plots 135-137).

- 21 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

- 22 Prior to the occupation of any residential unit, a public lighting scheme for the site as a whole shall be submitted to and agreed in writing by the Local planning Authority . The approved lighting scheme shall be implemented on site prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of providing adequate street lighting, highway and pedestrian safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan

Details in respect of the above condition were approved under Planning Application P2022/0328, issued on 28/07/2022

Regulatory Conditions

- 23 The submitted Construction Method Statement document titled Construction Method Statement - The Former Afan Lido, Aberavon Seafront, Port Talbot (February 2021) (approved under planning application P2021/0226) and submitted plan referenced Construction Plan - Afan Lido, (revised under non material amendment P2022/0305) including all hours of construction and measures identified therein, shall be adhered to throughout the demolition and construction phase of the development as a whole.

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Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

Details in respect of the above condition were amended by a non-material Amendment under planning permission ref. P2022/0305 on the 27/07/2022

- 24 The car parking spaces/ driveways/ garages hereby approved shall be constructed in accordance with drawing number PL01 Rev H - Site Layout Plan and Dimensions Plan Rev B, 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

- 25 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 on plots 17 to 19, 21 to 26, 52 to 64 and 101 to 119, 123 to 130, 133 and 134 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.

- 26 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 (other than those expressly authorised by this permission) shall be erected 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.

- 27 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:

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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, 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

- 28 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 52 to 64 and 101 to 119, 123 to 130, 133 and 134 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.

- 29 As detailed on the submitted plans drawing number T20.101 Appendix C, the proposed vehicular access points off Channel View and Princess Margaret Way shall retain visibility splays of 2.4 metres by 43 metres in either direction where nothing over 600 mm in height shall be constructed or allowed to grow.

Reason:

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

- 30 No detached garage is to be converted to residential use unless a scheme for replacement car parking has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any conversion works commencing.

Reason:

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

- 31 No trees shall be planted within the footway nor any trees be planted within 2m of the back of footway unless a suitable root barrier has been provided.

Reason:

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

Informatives:

- 1 HIGHWAYS NOTES S.278 and S.38 Agreements To ensure the road works you are required to undertake are carried out to the satisfaction of the local planning authority you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (Highway Development Control Section Telephone No. 01639 686850 or e-mail hdc@npt.gov.uk) to agree the specification, enter an adoption agreement and arrange

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onsite inspection of your works. The Final Completion (adoption) Certificate for the required S.278 Agreement of the Highways Act 1980 to facilitate the junction giving access to the development, will not be issued until confirmation is submitted to the Local Planning Authority that a S.104 Agreement of the Water Industry Act 1991 has been completed and is in its maintenance period prior to adoption by DCWW. Works on the Existing Highway (S.38 / 278 Hybrid)

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. Traffic Regulation Order As part of this process you are advised that only certain contractors 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. 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 FAO 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*. Active Travel Development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established, as per Planning Policy Wales, Edition 11 and Future Wales - The National Plan 2040. All new walking and cycling infrastructure should be built to standards set out in Welsh Government's Active Travel Guidance and off-site infrastructure should link to (where possible) routes on Neath Port Talbot Council's Active Travel Network Map. This shows where walking and cycling routes already exist (Existing Routes) and where upgrades or brand new routes are anticipated for the next 15 years (Future Routes) in built up areas. Further information on the Active Travel Guidance and Neath Port Talbot's Active Travel Network Map can be found here www.npt.gov.uk/activetravel Highways Act 1980. The developer's attention is drawn to the provisions in the Highways Act 1980. If any works are required within the

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highway, the written consent of the Highway Authority is required to be sought. This includes the placement of any skips, scaffolding, hoarding or any traffic management on the highway. If any damage arises to the highway as a consequence of any works adjoining the highway, the damage will be required to be made good to the satisfaction of the Highway Authority. Failure to do so may result in the Highway Authority making good the damage and recovering any expenses reasonably incurred by them in so doing. You should therefore contact the Highways Maintenance Unit of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG FAO Gary Thomas (Tel No. 01639 686327) e-mail g.thomas3@npt.gov.uk to discuss any licenses or approval required. This is required to be undertaken before any works commence on the highway.

Driveways. Each drive shall be a minimum length of 6 metres (9.6 metres in length for tandem parking) from back of footway to the front of the garage structure, 3.6 metres (5.2 metres wide for two car parking adjacent) and prior to the first use of the dwelling surfaced in a porous material in compliance with the material proposed in the required SAB Application Approval. To a maximum gradient of 1 in 9 and no less than 1:150. Sustainability The sustainability appraisal provided is in line with Neath Port Talbot County Borough Councils' SPG - Parking Standards October 2016. Therefore, a reduction of 1 space per dwelling is acceptable. However, prior to work commencing on site and notwithstanding the submitted plans all parking spaces are to have a minimum width of 2.6 metres with two adjacent parking spaces having a minimum combined width of 5.2 metres.

Carriageway and footway construction. The carriageway and footway construction throughout the development shall be a minimum of 5.5 metres and 2 metres respectively in width and maintained as such. Landscaping and SAB In the interest of clarity, all landscaping proposals for the development must reflect the planting provision as required by the SAB Approving body in line with the SAB Application required for this development.

2 SAB ADVISORY NOTE

Please note that SAB approval will be required prior to any work commencing. The required SAB permission is separate from any planning permission that might be granted and any works commenced without SAB approval will be deemed 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, which could mean removing any work that has commenced. As such under this legislation you are not permitted to start work on site until SAB approval has been granted for your proposed development. You can search the Authority's web site for further information using the link <https://www.npt.gov.uk/17534> , or contact the Highway Development Control Section using hdc@npt.gov.uk or 01639 686850.

3 WELSH WATER ADVISORY NOTEAs 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

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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.

4 The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended) section 1, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

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 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. Accordingly, the proposed development is considered to accord Policies SP1, SP2, SP3, SP4, SP5, SP7 SP8, SP10, SP15, SP16, SP18, SP19, SP20, SP21, SC1, CCRS1 I1, H1, OS1, EN7, EN8, RE2, 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: 31 August 2021

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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.