

**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

Tai Tarian
Ty Gwyn
Brunel Way
Baglan Energy Park
Neath Port Talbot
SA11 2FP

Name and address of the agent

Mr Daniel Lemon
Asbri Planning Ltd
Suite D, 1st Floor
220 High Street
Swansea
SA1 1NW

DATE REGISTERED: 20 February 2023

APPLICATION NO: P2023/0150

LOCATION: Land North Of , Bevin Avenue, Sandfields , Port Talbot, SA12 6JU

PROPOSAL: Section 73 application to vary condition 19 (obscure glazing) of planning permission P2022/0481 approved 22/11/22 for the refurbishment of the existing 69 no. 2 bed flats, conversion of 3 no. 2 bed flats to 3 no. new 1 bed flats and the construction of an additional 1 no. 2 bed and 54 no. 1 bed flats, with associated car parking, landscaping and infrastructure works

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:

Conditions:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans:

Site Plan REV H (ref: A010)

Blocks 01/02 - Elevations 1/2 REV H (ref: N927 - A011)

Blocks 01/02 - Elevations 2/2 REV H (ref: N927 - A012)

Blocks 03/04 - Elevations 1/2 REV H (ref: N927 - A013)
Blocks 03/04 - Elevations 2/2 REV H (ref: N927 - A014)
Blocks 05/06 - Elevations 1/2 REV I (ref: N927 - A015)
Blocks 05/06 - Elevations 2/2 REV J (ref: N927 - A016)
Proposed Elevations REV D (ref: N927 - A017)
Roof Plan REV \$ (ref: N297 - A021)
Overall Ground Floor Plan REV F (ref: N297 - A022)
Overall First & Second Floor Plan REV F (ref: N297 - A023)
Overall Third & Fourth Floor Plan REV E (ref: N297 - A024)
Proposed Landscape Works (ref: 788.01 REV G)
Flat Type A02 (ref: N297 - A101)
Flat Type A03 (ref: N297 - A102)
Flat Type A04 (ref: N297 - A103)
Flat Type A05 (ref: N297 - A104)
Flat Type A06 (ref: N297 - A105)
Flat Type A07 (ref: N297 - A106)
Flat Type A08 (ref: N297 - A107)
Flat Type A09 (ref: N297 - A108)
Flat Type A10 (ref: N297 - A109)
Flat Type A11 (ref: N297 - A110)
Flat Type A12 (ref: N297 - A111)
OAD5174_1201 - Flat B01 REV D
OAD5174_1230 - Flat B02.2 REV E
OAD5174_1210 - Flat C01 REV C
OAD5174_1231 - Flat C02.2 REV D
OAD5174_1220 - Flat D01 & D02 REV B
OAD5174_1220 - Flat D01 & D02 REV B (as per above)
OAD5174_1250 - Flat E01 Rev B
OAD5174_1232 - Flat E02 REV B
OAD5174_1240 - Flat F01 Proposed Second Floor Rev D and
OAD5174_1241 - Flat F01 Proposed Third Floor Rev D
Flat Type G01 (ref: N297 - A112)
Flat Type G02 (ref: N297 - A113)
Flat Type H01 (ref: N297 - A114)
Flat Type H02 (ref: N297 - A115)
Flat Type J01 (ref: N297 - A116)
Flat Type J02 (ref: N297 - A117)
Flat Type A01 (ref: N297 - A100).
Bin Store Plans & Elevations Sheet 1 REV C (ref: N927 - A019).
Bin Store Plans & Elevations Sheet 2 REV C (ref: N927 - A020).
OAD5174_1202_Flat B01.1_Rev B - Block 4 Ground Floor.
OAD5174_1211_Flat C01.1_Rev B - Block 4 First Floor.
Approved Site Phases N297-A122
Landscape Management Maintenance Plan
Obscured Glazing Locations (ref: N297 - A211)

Reason:

In the interests of clarity.

Action Conditions

- 2 Notwithstanding the submitted information, no development shall commence on any phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) until an assessment of the nature and extent of contamination affecting the application site area related to that phase has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
 - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

Details in respect of the above condition have been partially approved by planning permission ref. P2021/0562 on the 29/07/2021 (Details have been provided in relation to phase 1)

- 3 No development shall commence on any phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) until a remediation scheme to bring the site area related to that phase 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 have been partially approved by planning permission ref. P2021/0562 on the 29/07/2021 (Details have been provided in relation to phase 1)

- 4 If piling is to be undertaken on site, no piling activities for the construction of the authorised development may commence until a piling method statement has been submitted to and approved by the local planning authority. Piling shall be carried out in accordance with the approved method statement.

Reason:

In the interest of, 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.

- 5 The passive and active low energy design measures and the roof mounted solar system shall be constructed in accordance with the submitted details (Energy Assessment; Energy Assessment Supplementary Report; Air Source Heat Pumps (Product Information Sheet (ref: Ecodan_EHPT15-30X-UKHDW) and Monobloc Air Source Heat Pump Product Information Sheet (ref: Ecodan_PUZ-WM50VHA)); Battery Specification (Pure Storage II DC Battery Brochure); M&E Specifications (MEP Building Services Scope of Works); PV Details (ValkPVplanner - Project Report; ValkPitched - Roof Membrane - Installation Manual; Solar Panel Coordination - (ref: SL012.1)); SAP Report Submission for Building Regulations Compliance for Blocks 1 - 7; Sero Energy (IES Drawing - New Build; IES Drawing - Retro; Email from Anne-Marie Ratcliffe) and any additional detail submitted for each phase. Any further detail required for further phases shall be submitted to and approved in writing by the local planning authority prior to the occupation of that phase. Each phase of the development shall be constructed in accordance with the approved details for that phase.

Reason

In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.

- 6 Prior to first beneficial use of the development, a scheme detailing a refuse and recycling strategy 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 each of phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) 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 adopted Neath Port Talbot Local Development Plan.

Details in respect of the above condition have been partially approved by planning permission ref. P2022/0831 on the 11/11/2022 (Details have been provided in relation to phase 1 and of the overall refuse strategy)

- 7 Unless otherwise agreed in writing prior to their use, materials used in the construction of the external surfaces of the development shall be as shown on Materials Schedule REV B (Ref: N297 - A175). 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.

- 8 Prior to first beneficial use of any phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases), a verification report which demonstrates the effectiveness of the agreed remediation works for that phase carried out in accordance with condition 3 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.

- 9 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.

- 10 The bin stores, cycle storage and mobility scooter storage as shown on drawings Bin Store Plans & Elevations Sheet 1 REV C (ref: N927 - A019) and Bin Store Plans & Elevations Sheet 2 REV B (ref: N927 - A020), shall be provided prior to the first beneficial use of each phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) and retained as such thereafter. Notwithstanding the approved plans the stores shall not cause obstruction to either

vehicular or pedestrian visibility with no doors allowed to open out over the public highway.

Reason:

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

- 11 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;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

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

Regulatory Conditions

- 12 A site notice shall be display (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.

- 13 Development shall be carried out in accordance with the Construction Environmental Management Plan submitted to and approved in writing by the Local Planning Authority on the 24/09/2021 under discharge of condition reference P2021/0493.

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.

- 14 Development shall be carried out in accordance with the Construction Noise and Vibration Management Plan submitted to and approved in writing by the Local Planning Authority on the 24/09/2021 under discharge of condition reference P2021/0493.

Reason:

In the interest of 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.

- 15 The landscaping works shown on the plan entitled Proposed Landscape Works (ref: 788.01 REV G) shall be carried in accordance with the implementation programme detailed on this plan.

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.

- 16 All approved nesting sites / and bat brick / tubes as detailed on drawing Proposed Landscape Works (ref: 788.01 REV G) and in letter report entitled discharge of condition relating to bat and bird nesting boxes, County Flats by Hawkeswood Ecology as approved by discharge of condition P2021/0623 on the 29/07/2021 shall be implemented prior to the first occupation of each building to which it relates.

Reason:

In the interest of Biodiversity and mitigation for the loss of habitat within the site and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 17 Development shall be carried out in accordance with the Waste Management Plan submitted to and approved in writing by the Local Planning Authority on the 24/09/2021 under discharge of condition reference P2021/0493.

Reason:

To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot Local Development Plan.

- 18 The landscape management maintenance plan (by Asbri Planning dated February 2022) shall be implemented and adhered to in accordance with the approved details therein.

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.

- 19 Notwithstanding the details submitted, prior to the first beneficial use of each flat to which the windows hereby approved relate, the front facing windows on the elevations fronting Bevin Avenue and Moorlands Road serving the bathroom of each unit shall be fitted with obscured glazing, and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter.

Reason:

In the interest of the amenities of the adjoining properties, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

- 20 The existing Traffic Regulation Order shall be re-instated prior to the occupation of the last unit of accommodation as approved under discharge of condition reference P2022/0793 on the 04/10/2022.

Reason:

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

- 21 The scheme for clothes drying areas approved by discharge of condition reference P2021/0863 on the 15/10/2021 shall be fully implemented prior to the beneficial use of the development and shall be retained for such use thereafter.

Reason

In the interest of residential and visual amenity and to ensure compliance with Policy.

- 22 Each vehicular access point shall be provided with a pedestrian vision splay measured at 2.4 metres x 2.4 metres behind back of footway and shall be retained thereafter so that nothing over 600 mm in height above back of footway level is erected or allowed to grow within these areas.

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

- 23 There shall be no outside storage of bins and recycling equipment except within the designated bin storage areas.

Reason:

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

- 24 Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturdays, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 25 The car parking courts hereby approved shall be constructed in accordance with drawing number Site Plan REV H(ref: A010) , prior to the first beneficial use of each of phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) and retained for access and parking of residents' vehicles only thereafter.

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 For each phase of the development hereby approved it shall be connected to the mains sewerage system prior to the first beneficial use of a flat within each phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) and retained as such thereafter.

Reason:

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

- 27 All measures identified within the Travel Plan hereby approved shall be implemented in accordance with the approved details, with full monitoring reports submitted to the Local Planning Authority following each monitoring period, with a final report and updated Travel Plan submitted after year 5, for the approval of the Local Planning Authority, which shall seek to address any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan.

Reason:

In the interests of promoting sustainable transport and to ensure the development complies with Policy SP20 of the Neath Port Talbot Local Plan.

- 28 All highway works are to be completed in accordance with the details shown on the approved plans prior to the first beneficial use of each of phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) and retained 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.

- 29 Prior to the first beneficial use of any new dwelling unit within blocks 5, 6 and 7, the combined footway/cycle route through the site linking Moorland Road and Bevin Avenue shown on Site Plan REV H(ref: A010) shall be constructed and lit in accordance with a scheme submitted to and approved in writing by the Local Planning Authority on the 22/11/2022 under discharge of condition reference P2022/0809. The route thereafter shall be retained open and maintained and free for public use.

Reason

To promote Active Travel Routes and in the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan

- 30 The EV charging scheme submitted to and approved in writing by the Local Planning Authority on the 22/11/2022 under discharge of condition reference P2022/0809 shall be fully implemented prior to the first beneficial use each of phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) 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.

- 31 The lighting scheme submitted to and approved in writing by the Local Planning Authority on the 22/11/2022 under discharge of condition reference P2022/0809 shall be fully implemented prior to the first beneficial use each of phase of the development (as defined under approved phasing plan N297-A122 Approved Site Phases) and shall be retained for such use thereafter.

Reason:

In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

Reason for approval:

The decision to recommend planning permission be issued has been taken in accordance with Section 38(6) of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

The minor material amendment to the wording of condition 19 in relation to the development being undertaken at the County Flats, Bevin Avenue is considered to form minor acceptable changes to the design of the scheme. It is considered that the proposal continues to represent an appropriate form of development that would have no unacceptable impact. Accordingly, the proposed development remains in accordance with Policies SP1; SP2; SP3; SP4; SP5; SP7; SP8; SP10; SP15; SP16; SP18; SP19; SP20; SC1; I1; AH1; OS1; OS2; TO4; EN8; RE2; W3; TR2; and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 13 April 2023

IMPORTANT:

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

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

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

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

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

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

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

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-

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

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

Making an Appeal

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

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

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 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.