

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 & Mrs E & A Davies

Bryncoed Bungalow, Starvin Hill

Crynant

SA10 8PP

Name and address of the agent

Mr Ian Jones

Dimension Drawing Services

Stebonheath Terrace

Llanelli

SA15 1NE

United Kingdom

DATE REGISTERED: May 2020

APPLICATION NO: P2020/0214

LOCATION: Land Adjacent To Bryncoed Farm , Starvin Hill, Crynant, SA10 8PP

PROPOSAL: Retention and completion of realignment and improvement of existing track, reduction of width and improvement of existing bridleway and associated drainage, landscaping and surfacing works including culverting and re-profiling of land

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 no. 1 issued on 12/10/23

Conditions:-

List of Approved Plans

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

-Drawing Number AE-01 Rev D (Track realignment/improvement)

Reason:

In the interests of clarity.

Action Conditions

- 2 ~~Notwithstanding the submitted information, unless a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority within three months of the date of this planning permission, the use of the site shall cease until such time as it has been. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and provide details of any hard surfacing. All planting, seeding or turfing and surfacing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following its approval 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.~~

The changes to the above condition were approved as a non-material amendment by application reference P2023/0728 approved on 12/10/23.

- 2 Notwithstanding the submitted information, unless a scheme of soft and hard landscaping has been submitted to and approved in writing by the Local Planning Authority within six months of the date of this planning permission, the use of the site shall cease until such time as it has been. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and provide details of any hard surfacing. All planting, seeding or turfing and surfacing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following its approval 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.

- 3 ~~Within three months of the date of this planning permission, a scheme shall be submitted to and agreed in writing by the local planning authority detailing how vehicular access to the area of track shaded brown (drawing PLA1 attached to this decision notice) will be prevented. The scheme shall be implemented as agreed within 3 months of the date of the approval of details by the Local Planning Authority and retained as such thereafter.~~

~~Reason:~~

~~In the interest of highway and pedestrian safety and residential amenity as this section of access is not suitable for use by vehicles having regard for its design and layout as well as its location adjacent to existing residential properties and to ensure the development complies with Policy TR2 and BE1 of the Neath Port Talbot Local Development Plan.~~

The changes to the above condition were approved as a non-material amendment by application reference P2023/0728 approved on 10/10/23.

- 3 Within six months of the date of this planning permission, a scheme shall be submitted to and agreed in writing by the local planning authority detailing how vehicular access to the area of track shaded brown (drawing PLA1 attached to this decision notice) will be prevented. The scheme shall be implemented as agreed within 3 months of the date of the approval of details by the Local Planning Authority and retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and residential amenity as this section of access is not suitable for use by vehicles having regard for its design and layout as well as its location adjacent to existing residential properties and to ensure the development complies with Policy TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 4 ~~Unless a scheme of Ecological Enhancement Measures and an Implementation Timetable has been submitted to and approved in writing by the Local Planning Authority within three months of the date of this planning permission, the fence shall be removed until such time as it has been. The Ecological Enhancement Measures shall be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.~~

~~Reason:~~

~~In the interests of biodiversity and to provide Ecological Enhancement Measures on site in accordance with Policy 9 of Future Wales and so as to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.~~

The changes to the above condition were approved as a non-material amendment by application reference P2023/0728 approved on 10/10/23.

- 4 Unless a scheme of Ecological Enhancement Measures and an Implementation

Timetable has been submitted to and approved in writing by the Local Planning Authority within six months of the date of this planning permission, the use of the access shall cease until such time as it has been. The Ecological Enhancement Measures shall be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason:

In the interests of biodiversity and to provide Ecological Enhancement Measures on site in accordance with Policy 9 of Future Wales and so as to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 5 The access track hereby approved shall be used for pedestrian and equestrian use only with exception of the section of track between points 1 and 2 (as shaded yellow on drawing No. PLA 1 attached to this decision notice) which shall also be permitted for use by vehicles linked to the use at Bryncoed bungalow and any associated use at Bryncoed Farm (only). No vehicles shall be permitted to use the section of track between points 3 and 4 (as shaded brown on drawing no. PLA1 attached to this decision notice).

Reason:

In the interest of highway and pedestrian safety and residential amenity as the access track is only suitable for use by a limited number of vehicles having regard for its design and layout as well as location adjacent to existing residential properties and to ensure the development complies with Policy TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 6 All retained trees on and adjacent to the application site that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any ground work commences and before any equipment, machinery or materials are brought on to 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 in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason:

To ensure all existing trees are protected throughout the development, in the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Informatives:

1 SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on www.npt.gov.uk/sab Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's SAB & Highway Development Control Section before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDs design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab

2 The Coal Authority The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

3 The proposed development lies within an area that has defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; Geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencingdistanceof-mine-entries>. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider. If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

4 Natural Resources Wales. 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.

Reason for decision

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

It is considered that the development would improve provision of access and given its location and individual site characteristics, the retention of the track would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area/open countryside, and there would be no adverse impact upon highway and pedestrian safety, flooding or ecological interests. The development therefore represents an appropriate form of development.

Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3 SP4, SP5, SP7, SP11, SP12, SP15, SP16, SP20, SP21, SRA2, SC1, I1, H1/17, EC1/4, EN6, EN8, TR1, BE1 and R1/3 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.

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: 30 June 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: developerservices@welshwater.co.uk.
- (6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommended the applicant review the information and guidance on Building Over Sewers available on Welsh Water's website at enquiries@wwutilities.co.uk

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water 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.

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):-
 - Planning Permission (with the exception of Minor
Commercial and Householder applications – see below) Within 6 Months
 - Householder Appeal ^{see endnote i} Within 12 weeks
 - Minor Commercial Appeal ^{see endnote i} Within 12 weeks
 - Listed Building or Conservation Area Consent appeals Within 6 months
 - Tree Preservation Order (TPO) Consent Within 28 days
 - Advertisement Consent Within 8 weeks
 - Certificate of Lawfulness of Existing (Section 191) or Within 6 months Proposed
(Section 192) Use or Development
 - 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 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.

Site Plan - Scale - 1:500 - Printed At A3

