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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

Mr Paul Markey
Bluefield Land Ltd
Ty To Maen Farm
Newton Road, Rumney
Cardiff
CF3 2EJ

Name and address of the agent

Mr Damian Barry
RPS Consulting Services Ltd
2 Callaghan Square
Cardiff
CF10 5AZ

DATE REGISTERED: 5 June 2023

APPLICATION NO: P2023/0265

LOCATION: Land To The North Of , Old Foundry Road,, Pontardawe, SA8 4ET

PROPOSAL: Construction of 15 no. light industrial/commercial units (Use Class B1,B2, B8) with associated parking, servicing, hard and soft landscaping and drainage 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:

This Decision Notice is REVISION NUMBER 1 issued on 11/12/2023

Conditions:-

Time Limit Conditions

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

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

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

Drawing no. 1618:PL1-04 Revision B - Proposed Site Plan
1618:PL1 05 - Proposed Block/Layout Plans
1618:PL1-08 - Site Sections
1618:PL1-06 - Proposed Elevations (sheet 1)
1618:PL1-07 - Proposed Elevations (sheet 2)
P:14834_900 Rev.04 - Vehicle Tracking
P:14834/C700 Rev.03 - Vehicle and Pedestrian Site Access Scheme
P:14834_510_Rev.02 - Drainage Concept Plan
1618:PL1 03 -Existing Site Topo Plan
Preliminary Ecological Appraisal (January 2023)
Planning Statement (JPW1985 1 - 24 March 2023)
1618-PAC:DAS -Design & Access Statement
Pre-Application Consultation (PAC) Report (JPW1985 1 - 24 March 2023)
1618:PL:CEMP - Construction Environmental Management Plan
Arboricultural Report (21st July 2019)
Flood Consequence Assessment (February 2023)
Noise Impact Assessment (Reference: 10286/BL)
Renewable Energy Assessment (June 2023)
Welsh Language Action Plan (May 2023)
Air Quality Compendium (May 2023)
Site Investigation Report (12360/RAH/19/SI)
1618-PL1-02 - Analysis Plan
1618-PL1-01 - Site Location Plan

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the erection of any external lighting, a lighting scheme for the site (including lux contour and mitigation to prevent light spillage onto foraging habitats and the adjacent canal corridor) has been submitted to and approved in writing by the Local Planning Authority and any lighting shall be implemented as approved. The scheme shall incorporate best practice guidance to ensure the retention of dark corridors for the movement of bats with no direct lighting of vegetation.

Reason:

To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2017 are adequately protected; and to ensure compliance with Policies SP15 and EN6 of the Neath Port Talbot Local Development Plan.

- 4 Details of a scheme showing integral bat and bird boxes as recommended in Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023 shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing and thereafter installed in accordance with the approved details prior to occupation of the units. The integral bat and bird boxes shall thereafter be retained as part of the development in perpetuity.

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Reason:

In the interest of biodiversity, and to mitigate to loss of foraging habitats and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 5 As recommended in Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023, gaps must be created in any fencing proposed on site if it would act as a barrier for hedgehogs or other small mammals to commute/forage in the area. Details of this provision shall be submitted to the Local Planning Authority for approval pursuant to condition 25 of this planning permission prior to the installation of any fencing and implemented in accordance with the approved details prior to occupation of the units.

Reason:

In the interests of biodiversity, and to maintain habitat and corridors in accordance with Policy EN7 of the adopted Neath Port Talbot Local Development Plan.

- 6 Prior to the commencement of development, a detailed scheme and method statement for the treatment and disposal of soils affected by any invasive non-native plant species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be in accordance with current best practice. Thereafter the development shall be carried out in accordance with the approved scheme.

Reason:

In the interests of amenity, and to ensure that the treatment is carried out in accordance with recognised good practice and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 7 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. 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.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

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- 8 Prior to the first occupation of any unit hereby approved, a landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall have 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 that lie outside of the curtilage of individual units, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of the trees/scrub on the canal bank shown to be retained in the Review of PEA, Land at Old Foundry Road, Pontardawe. Hawkeswood Ecology -January 2023 and the drawings hereby approved. The approved protection scheme shall include an appropriate buffer to protect root protection zones which must be protected by the erection of suitable protective fencing.

The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

To ensure all existing trees/scrub are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies BE1 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 10 Prior to the commencement of any development a further check and consideration for the presence of Otters within or immediately adjacent to the site shall be undertaken by a suitably qualified ecologist and the findings reported to the Local Planning Authority. If Otters are discovered NRW should be contacted immediately as a licence may be required to continue with the works.

Reason:

To ensure conservation of protected species and their habitats, and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 11 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be

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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.

- 12 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 approved 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.

- 13 Prior to commencement of development, details of the proposed excavations, earth movement removal and foundations, including risk assessments and methodology to be undertaken shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only proceed in accordance with the approved details.

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Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 14 Prior to commencement of development, details of the proposed protective fencing to be erected to safeguard the waterway infrastructure during construction works shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 15 Notwithstanding any other details which may be given in the plans hereby approved, details of all existing and proposed ground levels, including cross-sections from the canal to road level through blocks 4-11 and 12-15 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure no adverse impact on the integrity of the canal and in order to comply with Policies EN8 and BE3 of the Adopted Neath Port Talbot Local Development Plan.

- 16 Prior to the occupation of Units 1-3, an updated Noise Assessment shall be undertaken, the methodology for which shall be first submitted to and approved in writing by the Local Planning Authority prior to construction of these units and which measures the noise output from the intended business occupier(s). The assessment shall include details of how the units can be constructed / adapted so as to provide sound insulation against internally generated noise to protect the residential amenity of neighbouring properties. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with BS 4142:2014 Method for rating and assessing industrial and commercial sound. The sound insulation and attenuation works shall be completed as approved before the use of the building begins and thereafter retained as such in perpetuity.

Reason:

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

- 17 Notwithstanding any other materials details which may be given in the plans hereby approved, prior to their use in the construction of the development, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted, including sample panels of the external materials provided, for the written approval the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

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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.

- 18 No development shall commence until a 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. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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.

- 19 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.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 20 Notwithstanding any other details which may be given in the plans hereby approved, a scheme indicating the positions, height, design, materials and type of all boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall accord with the requirements of condition 5 of this permission and any gates fronting onto the highway shall be of a type which open inwards only and can be seen through. The boundary treatment(s) shall be completed, as approved, prior to the first beneficial occupation of the units and thereafter retained as such in perpetuity.

Reason:

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

- 21 Prior to development commencing on site, details of the proposed refuse/recycling arrangements for the development shall be submitted to and approved in writing by the Local Planning Authority, which shall include whether it will be a private

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contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme. If the local authority's service is to be used then provision must be made for the storage and location of the refuse /recycling receptacles directly adjacent to the public highway and details of this included in the submission. Alternatively, if a private contractor is to be used then the proposed locations of the bin store along with a swept path analysis of the contractors' vehicle accessing the site shall be included in the submission.

Reason:

To ensure the provision of satisfactory refuse/recycling services, in the interests of amenity and highway safety and to accord with Policies BE1 and W3 of the Adopted Neath Port Talbot Local Development Plan.

- 22 Notwithstanding any other details which may be given in the plans hereby approved, prior to commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Construction details for the internal access routes; and
- A scheme for replacing the proposed stepped pedestrian access with a ramped access, including retaining works, gradient and surfacing

The details as approved shall be implemented in their entirety prior to first beneficial occupation of the development and thereafter retained as such in perpetuity.

Reason:

To promote sustainable active travel, in the interest of highway safety and to ensure the development complies with Policies SP20, BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

Action Conditions

- 23 All turning and manoeuvring facilities as annotated on drawing No.14834_900 R04 hereby approved shall be kept free of any vehicles to enable all vehicles facilitating the development to enter and egress from the site in a forward gear.

Reason:

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

- 24 Prior to occupation of any of the units, secure cycle parking shall be provided on site in accordance with the plans hereby approved and thereafter retained for use as such in perpetuity.

Reason:

To promote sustainable active travel, in the interests of highway safety and the well-being of future occupiers of the site and to ensure the development complies with Policies SP20, BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 25 Prior to the beneficial occupation of any unit, that unit shall be provided with 3 no. on-plot parking spaces, including electric vehicle charging capacity, in accordance with the site layout plan hereby approved. These parking spaces shall be surfaced in a

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porous or permeable material, to a maximum gradient of 1 in 9 in order to control surface water. Thereafter these spaces shall be used solely for the parking of vehicles associated with the occupation of the unit to which they form part and their visitors and for no other purpose and shall be permanently retained as such.

Reason:

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

- 26 Prior to the first beneficial occupation of the development hereby permitted, 2.4m x 90m visibility splays shall be provided in either direction at the point of access to the site which shall thereafter be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason:

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

- 27 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 12 shall have been submitted to and approved 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.

- 28 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.

- 29 The development shall be carried out in accordance with the recommendations in the 'Old Foundry Road Flood Consequence Assessment' hereby approved.

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Notwithstanding any other details which may be given in the FCA and/or plans hereby approved, the units shall have a flood resilient design to a minimum level of 33.4m AOD and a minimum finished floor level of ~~33.95m AOD~~ 32.95 AOD.

Reason:

To minimise and manage the risk of flooding to an acceptable level.

The above condition was amended by NMA application P2023/0784 on 11/12/2023.

- 30 The development hereby approved shall be carried out strictly in accordance with the recommendations of the 'Old Foundry Road Welsh Language Action Plan' hereby approved. For the avoidance of doubt this recommends that occupiers take positive steps to:

- encourage the use of the Welsh Language in the workplace and in interactions with customers, the general public and other employees; - signpost occupiers to existing Welsh Language groups and events in the local area; and
- name the overall development in the Welsh Language, e.g. Parc Hen Ffordd Ffowndri

Reason:

To preserve the historic and cultural heritage of the Welsh Language in the local area and to comply with Policies SP21, SP22 and WL1 of the Adopted Neath Port Talbot Local Development Plan.

- 31 The development shall be carried out in accordance with the conclusions of the 'Renewable Energy Assessment' hereby approved. For the avoidance of doubt this confirms that the site/development is suitable for Solar PV and Air Source Heat Pumps to be used as effective Low and Zero Carbon Technologies within the scheme. Construction and specification details of these LZCs shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the development shall thereafter only be carried out in accordance with the approved details. The approved LZCs must be installed prior to occupation of the units and thereafter retained as part of the development in perpetuity.

Reason:

To enable the development to make a positive contribution towards increased energy generation from renewable and low carbon sources, in the interests of protecting the environment and amenity of the local area and to comply with Policies SP18 and RE2 of the Adopted Neath Port Talbot Local Development Plan.

- 32 Prior to occupation of any of the units, gigabit capable broadband infrastructure from the site boundary to the units hereby permitted shall be provided on site in accordance with the plans hereby approved and thereafter retained as part of the development in perpetuity.

Reason:

To support the roll-out of digital communications infrastructure and to comply with Policy 13 of Future Wales: The National Plan 2040.

Regulatory Conditions

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- 33 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended for Wales)(or any order revoking and re-enacting that Order with or without modification), use of the units hereby approved shall be restricted to B1 only with no B2 or B8 uses permitted unless and until the following has first been submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any B2 or B8 uses:

- an updated Air Quality Assessment to identify potential air pollution sources, the methodology for which shall be first agreed in writing by the Local Planning Authority prior to the Assessment being undertaken;
- a description of baseline conditions and any air quality concerns affecting the area, and how these could change both with and without the proposed B2 and B8 uses;
- the assessment methods to be adopted and any requirements for the verification of modelling air quality;
- acceptable mitigation measures to reduce or remove adverse effects; and
- measures that could deliver improved air quality.

Development of any B2 and B8 uses shall thereafter only proceed in accordance with the approved details.

Reason:

To ensure that the amenities of occupiers of properties in the vicinity are protected from further erosion of air quality in this area, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 34 Notwithstanding the provisions of Class A of Part 2 of Schedule 2 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), unless expressly granted by condition 20 of this permission, no further fences, gates or walls or other means of enclosure shall be erected around the perimeter of the site or within or around the curtilage of any individual unit without the prior, express planning permission of the Local Planning Authority.

Reason:

In order to safeguard the visual amenity of the area and highway safety 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, TR2 and SC1 of the Neath Port Talbot Local Development Plan.

- 35 Notwithstanding the provisions of Class B of Part 8 of Schedule 2 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 external extraction equipment, plant or machinery shall be installed on the site/units without the prior express grant of planning permission from the Local Planning Authority.

Reason:

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In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 36 The means of vehicular access to the units/development hereby approved shall be from Old Foundry Road only, with pedestrian and/or bicycle access only permitted from Holly Street.

Reason:

In the interests of highway safety and the amenity of adjoining residential properties and to ensure the development complies with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Development Plan.

- 37 The development shall be carried out strictly in accordance with the Construction Environmental Management Plan (1618:PL:CEMP) hereby approved.

Reason:

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

Informatives:

1 No site/vegetation clearance/demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

2 If any features that may be used by bats (cracks, crevices, gaps, loose bark etc.) are identified during the works then the branches/limbs/trunk shall be section felled, lowered carefully and left on the ground for a minimum of 24 hours to allow any wildlife, such as bats, to escape if present. In addition, if bats are discovered during the works, work shall stop immediately. NRW shall be contacted as a licence may be required to continue.

3 Bats often roost in trees, and work on these trees may disturb a bat roost. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work shall cease and NRW should be contacted immediately. Where bats or their roosts are present, no works of felling, lopping or pruning shall take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation. NRW can be contacted at: enquiries@naturalresourceswales.gov.uk, 0300 065 3000 Bat Conservation Trust can be contacted at: Studio 15, Cloisters House, Cloisters Business Centre, 8 Battersea Park Road, London, SA8 4BG, enquiries@bats.org.uk, 0345 1300 228

4 The proposed development site is crossed by public sewers with the approximate position being marked on the Statutory Public Sewer Record. The positions shall be

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accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Dwr Cymru / Welsh Water to discuss. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water 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 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. The applicant is advised to 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.

5 Please note that SAB approval will be required prior to any work commencing. It is 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.

6 The applicant is advised to contact Glandwr Cymru/The Canal and River Trust in Wales to ensure the proposal complies with the Code of Practice for works affecting the canal. Please email David Wilson at TPWSouth@canalrivertrust.org.uk

7 Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mrs Delyth Thomas, telephone number (01639) 686404 or e-mail d.a.thomas@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works. 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

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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 10 working days notice in writing of the date of commencement of the works. 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.

8 Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on NRW's website.

9 The development is located in an area at risk of flooding. Guidance on development and flood risk can be found on NRW's website. NRW recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. It is recommended that the occupiers should be signed up to NRW's flood warning service to receive Flood Alerts and Flood Warnings and that A Flood Warning and Evacuation Plan is prepared to ensure persons using the Site can evacuate safely on receipt of a Flood Warning. The developer can access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', which is available from the .Gov website. Guidance on improving flood resistance of properties can be found via the following link:https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/451622/LIT_4284.pdf The Association of British Insurers published a paper, 'Climate Adaptation: Guidance on Insurance Issues for New Developments', to help developers ensure any properties are as flood proof as possible and insurable:<https://www.abi.org.uk/globalassets/sitecore/files/documents/publications/public/migrated/flooding/climate-adaption-guidance-on-insurance-issues-for-new-developments.pdf>

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 Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the development proposal represents an appropriate form of development that would have no unacceptable impact on the character and appearance of the area, residential amenity, highway and pedestrian safety, environmental factors, ecology, the Swansea Canal or the Welsh Language. Accordingly, whilst the development fails to accord with Policy H1/LB/32, in all other respects the proposed development is in accordance with Policies SC1, EN6, EN7, EN8, RE2, TR2, BE1, BE3 and WL1 of the Neath Port Talbot Local Development Plan.

Superseded

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: 22 August 2023

Superseded

IMPORTANT:

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

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

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

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

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

(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 recommend the applicant review the information and guidance on Building Over Sewers

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available on Welsh Water's website at

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.

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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 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.