

**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

L Shrimpton
13 Cae Canol
Baglan
Port Talbot
SA12 8LX

Name and address of the agent

Mr Robert Bowen
Robert Bowen Planning & Development LTD
7 Llys Sant Teilo
Llangyfelach
Swansea
SA5 7HQ

DATE REGISTERED: 22 December 2023

APPLICATION NO: P2023/0971

LOCATION: Land North Of, Maes Ty Canol, Baglan, SA12 8US

PROPOSAL: Section 73 application to vary and agree conditions 3 (coal mining risk), 4 (mine gas), 5 (construction environmental management plan), 6 (landscaping), 7 (broadband provision), and agree 9 (mine gas remediation) and 16 (materials) of planning permission P2022/0557 for the construction of highway, 8 detached self-build dwellings with associated landscaping, drainage and ancillary development (Phase 1).

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:-

Time Limit Conditions

- 1 The development shall begin no later than 10 July 2028.

Reason:

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

List of Approved Plans

- 2 The development shall be carried out in accordance with the following approved plans and documents:
- Site Layout - PL0-A100 Rev D
 - Site Section 1 - PL0-A102 Rev C
 - Site Section 2 - PL0-A103 Rev C
 - Location and site Plan - PL0-A104 Rev B
 - Site section - 3 - PL0-A105Rev B
 - Road Section - PL0-A106 - Rev B
 - Context Section PL0-A107 - Rev A
 - Plot 1 - Plans and elevations - PL1-A141 rev C
 - Plot 2 - Plans and Elevations - PL2-A141Rev C
 - Plot 3 - Plans and Elevations - PL3-A141Rev E
 - Plot 6 - Plans and Elevations - PL6-A141 Rev B
 - Plot 7 - Plans and Elevations - PL7-A141 Rev B
 - Plot 8 - Plans and Elevations - PL8-A141 Rev B
 - Plot 9 - Plans and Elevations - PL9-A141 Rev B
 - Plot 10 - Plans and Elevations - PL10-A141Rev A
 - Surface water drainage - J070/104
 - Dark Flight Corridor, Land off Maes Ty Canol Baglan (Robert Bowen Planning and Development Ltd)
 - Bat Report K069 V1.2 31st May 2022 (Sylvan Ecology)
 - Tree Survey K069 Oct 19 v1.3 (Sylvan Ecology)
 - Bat Lighting Mitigation (Sylvan Ecology)
 - Phase 1 Ecological Survey K069 V2.2 (April 2022 Sylvan Ecology)

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 No above ground development for the construction of a dwelling shall occur until:
- i. A scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and:
 - ii. Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 1502/2024.

- 4 No further development shall take place until a preliminary mine gas risk assessment setting out recommendations has been submitted to and approved in writing by the Local Planning Authority. The mine gas risk assessment shall be undertaken by a competent person as defined in the National Planning Policy Framework and conducted in accordance with 'CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance - 'Land Contamination: Risk Management (LCRM; 2020)'. It shall document the findings of each step of the decision tree in Figure 13.1 of the Decision support tool for mine gas risk assessment on page 35 of CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions.

Reason

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 15/02/2024.

- 5 No further development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development.
- ii. The parking of vehicles of site operatives and visitors
- iii. Loading and unloading of plant and materials.
- iv. Storage of plant and materials used in the road construction process.
- v. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- vi. Wheel washing facilities
- vii. Measures to control the emission of dust and dirt during construction.
- viii. A scheme for recycling/disposing of waste resulting from the construction works.
- ix. Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
- x. Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.

Reason:

In the interests of biodiversity and the amenity of the area as a whole and to ensure the development complies with Policies EN7, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 15/02/2024.

- 6 No further development shall take place until details of both hard and soft landscape works (to include details of landscape implementation and maintenance) have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation program. The completed scheme shall thereafter be maintained in accordance with an approved scheme of maintenance.

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 14/02/2024.

- 7 No further development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 15/02/2024.

Action Conditions

- 8 Prior to the first occupation of the development, or each plot or phase, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

In the interest of coal mining legacy on the site, which is located within a High Risk Area, in accordance with Policy EN8 of the Neath Port Talbot Local Development Plan.

- 9 Where the conclusions of the preliminary mine gas risk assessment required under condition number 4 identifies the need for a Detailed Mine Gas Risk Assessment, a report detailing the outcome of the suitable site investigation and lines of evidence risk assessment in accordance with CL:AIRE - Good Practice for Risk Assessment for Coal Mine Gas Emissions, October 2021' and having regard to current guidance -

'Land Contamination: Risk Management LCRM; 2020 shall be submitted to and approved by the Local Planning Authority. If the Detailed Mine Gas Risk Assessment concludes remediation is required to mitigate the risk, the report shall also include a Remediation Scheme with full details of the design of gas protection measures and a Verification Plan as described in CIRIA C735 -'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases'. The development shall be constructed in strict accordance with the scheme as approved. (See Notes to developer)

Reason

In the interests of human health and to accord with Policy EN8 of the Local Development Plan.

- 10 Prior to occupation or first use of the development hereby approved a Verification Report demonstrating that the gas protection has been installed in accordance with the scheme as approved under condition number 9 and in accordance with CIRIA C735 -'Good practice on the testing and verification of protection systems for buildings against hazardous ground gases', shall be submitted to and approved by the Local Planning Authority.

Reason

In the interests of human health and to accord with Policy EN8 of the Local Development Plan

- 11 Prior to commencement of work on construction of any dwelling, the proposed new access road inclusive of turning facility must be constructed to a 5.5 metre width with 2 metre footways either side, up to and including binder course level inclusive of drainage which shall be in full compliance with a site wide SUDs scheme which must receive full SAB Approval prior to any work commencing on site.

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

- 12 Prior to work on construction of any dwelling to be located on the proposed private shared drive used as the primary means of access. The shared drive shall be constructed to a minimum of 4.5 metres wide and not exceed 25 metres in length up to and including binder course level inclusive of drainage which shall be in full compliance with the site wide SUDs scheme and shall include an appropriate turning facility for use by residents and visitors to facilitate access and egress from the shared drive in a forward gear. All bin collection locations shall be located or provided to allow for kerbside collection adjacent to the public highway, whilst maintaining vehicular visibility onto the publically adopted highway.

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

- 13 Prior to occupation each dwelling shall be provided with one off street parking space per bedroom up to a maximum of three. Driveway car parking shall comply with the following:-

- i. Single driveway shall be 3.6m wide and 6m in length,
- ii. Parallel parking, the first space shall be 3.6m wide with the additional space or spaces thereafter being 2.6m (for example: parallel parking for two vehicle, the dimensions should be 6.2m wide (3.6m plus 2.6m) by 6m in length). For a third space you would add on an additional 2.6m wide.
- iii. Parking in tandem for a single driveway width would require a width of 3.6m wide, together with the first space being 6m in length and then other length(s) being 4.8 metres in addition (for example: two car parking in tandem would require a width of 3.6m and a length of 10.8m (6m plus 4.8m). For a third space you would add on an additional 4.8m.

Reason:

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

- 14 Prior to first use of each drive (parking area) pedestrian vision splays measured at 2.4m by 2.4m behind back of footway are to be set out and retained thereafter so that nothing over 600mm 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

- 15 Prior to occupation of any dwelling a surfaced and lit footway is to be provided along the frontage of the property and linking to the nearest public highway.

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

- 16 Prior to their use in the construction of the development hereby permitted, details and where requested samples of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

Details in respect of the above condition were approved by planning permission ref. P2023/0971 on the 15/02/2024.

Regulatory Conditions

- 17 The development hereby permitted shall be carried out in substantial accordance with the recommendations as set out within the Phase 1 Habitat Survey Report by Sylvan Ecology dated 10/04/22.

Reason:

In the interest of biodiversity, to accord with Policy SP15 and EN7 of the adopted Neath Port Talbot Local Development Plan.

- 18 The dark flight corridor identified within the document entitled "Dark Flight Corridor" by Robert Bowen Planning and Development Ltd. and the Bat Lighting Mitigation statement by Sylvan Ecology shall be fully implemented prior to the occupation of the properties and shall be retained and complied with in perpetuity.

Reason:

In the interest of biodiversity, to accord with Policy SP15 and EN7 of the adopted Neath Port Talbot Local Development Plan.

- 19 The biodiversity enhancements within the document entitled "Dark Flight Corridor" by Robert Bowen Planning and Development Ltd. and the Bat Lighting Mitigation by Sylvan Ecology shall be fully implemented within twelve months of the occupation of the first dwelling.

Reason:

In the interest of biodiversity, to accord with Policy SP15 and EN7 of the adopted Neath Port Talbot Local Development Plan.

- 20 All the trees / hedges in existence and shown on the tree protection plan within the Tree Survey K069 Oct 19v1.3 Sylvan Ecology shall be protected by strong fencing, the location and type to be as detailed in the tree survey. 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 are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 21 The development hereby approved shall be connected to the mains sewerage system prior to the first occupation of the first dwelling 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.

- 22 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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. In accordance with Policy.

- 23 No development shall take place within 3 metres either side of the pipeline that crosses the site, the approximate position of which is shown on drawing P10-A100 Rev D.

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.

Reason for decision

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.

It is considered that the proposal represents an appropriate form of development that would have no unacceptable impact. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP5, SP7, SP8, SP15, SP16, SP20, SP21, SC1, H1, AH1, EN6, EN7, EN8, 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: 15 February 2024

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

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.

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

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.