

**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

Linc Cymru
C/o Agent

Name and address of the agent

Ms Kathryn Williams
KEW Planning
Suite 4
11 Cathedral Road
Cardiff
CF11 9HA

DATE REGISTERED: 9 January 2023

APPLICATION NO: P2022/1063

LOCATION: Former Dyffryn Lower School, Talcennau Road, Port Talbot,
SA13 1EP

PROPOSAL: Development for 43no. affordable dwellings and associated
works including a new access, an internal road network,
landscaping, sustainable drainage, car, cycle parking and
partial demolition of school.

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 3 issued on 28/05/2024.

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

- 2 The development shall be carried out in accordance with the following approved plans and documents:
- 10429 PL01B Site Location Plan
 - 10429 PL03P Proposed Site Plan
 - C2204-ATP-DR-TP-002_Devonshire Place_Visibility and SPAs 10429 PL10C Garden Areas Plan
 - 10429 PL08A Waste Management Plan
 - 10429 PL04D Proposed Site Boundaries Plan
 - PL30G Apartments
 - PL40 Apartments handed PL31C Walk-Up apartments
 - PL32D Walk-up apartments corner - plans PL33 Walk-up apartments corner - elevations PL35E 2B4P House
 - PL45 2B4P House handed
 - PL37E 3B5P House Type 1
 - PL47 3B5P House Type 1 handed
 - PL38D 3B5P House Type 2
 - PL48 3B5P House Type 2 handed PL39A 3B5P House retained building
 - Design and Access Statement by Roberts Limbrick Architects
 - Transport Statement (9 December 2022) by Apex Transport Planning
 - Thermal Comfort Report (13 June 2022) by Services Design Solution Ltd
 - Arboricultural Report (Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement) (6 December 2022) by ArbTS
 - Ecology Assessment Report (December 2022) by Pure Ecology
 - Drainage Strategy - Devonshire Place (6 December 2022) by Jubb
 - 22305_JUBB_00_XX_DR_C_500 P4- Drainage Layout

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you must do the following:-
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
 - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.

Reason:

To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

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

- 4 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 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.

This condition was partially discharged (to allow demolition and site clearance only) by planning permission ref. P2024/0141 approved on 30.05.2024.

- 5 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.

This condition was partially discharged (to allow demolition and site clearance only) by planning permission ref. P2024/0141 approved on 30.05.2024.

- 6 No works to which this permission relates shall commence until an appropriate programme of historic building recording (Level 2) and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and in accordance with policy SP21 of the Neath Port Talbot Local Development Plan.

This condition was discharged by planning permission ref. P2024/0151 approved on 12.04.2024.

- 7 ~~Prior to work commencing on site~~ Prior to commencement notwithstanding works of demolition and site clearance, full details of the refuse/recycling proposals for the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include whether the service will be provided by a private contractor or Neath Port Talbot County Borough Council's Kerbside Refuse and Recycling Scheme, together with details of the proposed collection arrangements including bin storage areas, collection arrangements and where requested details of swept path analysis of the contractors' vehicle accessing the site. The approved details shall be fully implement on site prior to the first beneficial use of the hereby approved development.

Reason:

In the interests of highway and pedestrian safety while also ensuring the provision of adequate waste collection services and in accordance with policy TR2 of the Neath Port Talbot Local Development Plan.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 8 No development shall commence, notwithstanding works of demolition and site clearance, until full details of soft and hard landscape treatments have been submitted to and approved in writing by the Local Planning Authority. These details shall, reflect the detail provided on approved drawing 222006-FDL-ASL-XX-XX-DR-L-0001-P2 - Landscape General Arrangement; 222006-FDL-ASL-XX-XX-DR-L-0002-P1 - Proposed Hard Standing; and 222006-FDL-ASL-XX-XX-DR-L-0003-P1 - Soft landscaping. Soft landscape details shall include planting plans and specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where

appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats, together with implementation timetables and maintenance programmes detailing all operations to be carried out to allow successful establishment of soft landscaping. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with the timetable approved by the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be approved in writing by the Local Planning Authority.

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.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 9 ~~No development shall commence until~~ Prior to the occupation of the development, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small domestic gardens, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out and the landscaping maintained in accordance with the approved details.

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.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 10 No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) have been submitted to and approved in writing by the Local Planning Authority. The CEMP/CMS shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice. for noise and vibration control on construction and open sites". The CEMP/CMS shall include the following information: -
- 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. General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
 - iii. 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.
 - iv. Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors.
 - v. 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 and primary school.
 - vi. Specific provisions in relation to the removal of existing concrete foundations and mitigation measures undertaken shall be detailed.
 - ~~vii. Waste: a scheme for recycling/disposing of waste resulting from demolition and construction works~~
 - vii. Waste Management Plan: a plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.
 - viii. Signage: scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
 - ix. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP/CMS and emergency contact details.
 - x. The CEMP/CMS shall be signed by a competent person(s).
 - xi. Traffic management: plan showing the route demolition, construction and delivery vehicles will take to and from site (to the nearest classified highway) shall be submitted.
- The development shall be carried out in full accordance with the approved CEMP/CMS.

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.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

This condition was discharged by planning permission ref. P2024/0141 approved on 30.05.2024.

- 11 No development, notwithstanding works of demolition and site clearance, 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.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 12 Prior to the commencement of development, notwithstanding works of demolition and site clearance, an external lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include any lighting proposed within the public open space and a schematic street lighting scheme. Lighting shall avoid conflict with bat mitigation/enhancement measures, flight lines and woodland habitats and shall be implemented as approved. The lighting scheme shall be fully implemented prior to the beneficial use of the development.

Reason:

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

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 13 ~~Prior to the commencement of development works,~~ Prior to the commencement of works to construct dwellings, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should update the biodiversity mitigation and enhancements identified in the Ecological Assessment Report by Pure Ecology dated December 2022 to reflect amendments to the proposal. The scheme shall be implemented in accordance with the approved details and maintained thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (2017) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

- 14 No development, notwithstanding works of demolition and site clearance, shall occur until an engineering scheme has been submitted detailing the upgrading of the highway known as York Place, Talcennau Road, Devonshire Place and Broad Street and approved in writing by the Local Planning Authority. The scheme shall allow for the following:
- i. The provision of a new junction to facilitate the site to be accessed from the existing public highway at York Place. The new spine road into the development shall have a minimum width of 5.5 metres.
 - ii. The provision of a 2m footway from the development site to tie into the existing footway fronting the development along with the upgrading of the existing footway surfacing to the perimeter of the site.
 - iii. All other existing highway access points both pedestrian and vehicular on the perimeter of the site, not forming part of the means of access for the proposed development shall be reinstated to full height kerb/footway construction.

iv. Where necessary upgrading/alteration to the highway drainage system as a consequence of the improvement works.

v. Where necessary alterations/upgrading to the public lighting system as a consequence of the highway improvement works.

All highway works agreed in this scheme are to be completed within 6 months of the completion of 95% of the dwellings on the site.

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.

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

~~15 No development shall commence until, a Waste Management Plan for the control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the agreed waste plan. The plan shall be implemented as approved.~~

~~Reason:~~

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

15 The control, management, storage and disposal of any waste material generated during the demolition and construction of the development shall be treated in accordance with the agreed Waste Management Plan. The plan shall be implemented as approved.

Reason:

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

This condition was amended by a non-material amendment application planning permission ref. P2024/0050 approved on 22.02.2024.

Action Conditions

16 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 5 shall be 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.

- 17 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.

- 18 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.

- 19 Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and internal layouts of bin storage areas, cycle / mobility scooter storage and domestic sheds shown on plan 10429 PL03M Proposed Site Plan. The bin stores, shed / cycle storage and mobility scooter storage as agreed shall be provided in accordance with the approved scheme prior to the first beneficial use of the development and retained as such thereafter.

Reason:

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

- 20 Prior to its installation within the site details shall be supplied of the proposed new electricity substation together with any proposed boundary treatment to its compound. Installation shall be in accordance with the approved details prior to the first use of the substation.

Reason:

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

- 21 Within twelve months of the first beneficial occupancy of the development the boundary treatment as detailed on 10429 PL04D Boundaries Plan shall be completed, as approved, and retained as such thereafter.

Reason:

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

- 22 Prior to the occupation of any residential unit a scheme shall be submitted detailing the implementation of and removal of Traffic Regulation Orders in the form of Junction Protection for the new proposed site access off York Place and the removal of School Orders on Talcennau Road. This scheme shall be implemented as approved.

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.

- 23 Prior to the first beneficial occupation of the development hereby permitted, the junction and visibility splays shown on Drawing No. C22004-ATP-DR-TP- 002 shall be provided on site, and 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.

- 24 Prior to the first beneficial use of the development a scheme shall be submitted to and approved in writing detailing the feasibility and provision of Electric Vehicle Charging Points to serve the development. The scheme shall include a minimum of 5 spaces and shall also include details how future electric charging points can be delivered. The scheme as agreed shall be fully implemented within twelve months of the occupation of a residential unit and shall be retained for such use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 10, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

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

Reason:

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

Regulatory Conditions

- 26 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of the first approved 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.

- 27 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 EN8 of the LDP.

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

Reason:

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

- 29 The car parking areas hereby approved shall be constructed in accordance with drawing number 10429 PL03P Proposed Site Plan, prior to the first beneficial use of the residential unit associated with the parking area and retained for access and parking of residents' vehicles only thereafter.

Reason:

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

Informatives:

- 1 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.

2 This permission is subject to an obligation under Section 106 of the Town and Country Planning Act 1990, as amended.

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: Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000

4 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 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 Welsh Water 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.

5 For the implementation of the Traffic Regulation Order you should contact the Project Manager Specials and Traffic of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG f.a.o. Mr Martin Brumby Project Manager Highways (e-mail m.brumby@npt.gov.uk or telephone 01639 686013) who will advise you of the procedure for the implementation of the required Traffic Regulation Order. *Please note this process can take up to 4 months - subject to the consultation process outcome*.

The decision to recommend issuing a planning permission 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 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 on the visual amenity of the area, residential amenity, local environment or highway safety and the free flow of traffic. Accordingly, the proposed development is in accordance with Policies SP1; SP2; SP3; SP4; SP5; SP7; SP8; SP10;

SP15; SP16; SP19; SP20; SP21; SC1; SC2; H1; AH1; I1; EN6; EN7; EN9; OS1; OS2; TR2; BE1; RE2; and W3 of the Neath Port Talbot Local Development Plan.

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: 4 December 2023

IMPORTANT:

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

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

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

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

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

(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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.