

**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 RESERVED MATTERS

Reference: P2024/0187

Name and address of the applicant

UKPI Group Ltd
Ivy Court
Stonehall Common
Kempsey
Worcester
WR5 3QQ

Name and address of the agent

Mrs Amy Cawley
Hickman & Smith Architects
LCB Depot
31 Rutland Street
Leicester
LE1 1RE

Whereas on the 10 April 2024 an application was submitted in writing for approval of detailed plans in accordance with a condition imposed by the permission granted by the Neath Port Talbot County Borough Council on the * day of **** in respect of the development of land at Land At Main Road Dyffryn Cellwen Neath Neath Port Talbot SA10 9HT short particulars of the development being as follows:-

Reserved matters application for 6 dwellings including details in respect of reserved matters conditions 1 (layout, scale, appearance, access and landscaping), 4 (landscaping), 5 (finished floor, ground and ridge levels), 6 (intrusive site investigations), 8 (lighting scheme), 9 (materials), 10 (retaining wall details), 12 (contamination assessment), 14 (means of enclosure) and 15 (contamination remediation) pursuant to outline planning permission P2023/0646 (previous outline application number P2017/0025) approved on 14/03/2024

THE NEATH PORT TALBOT COUNTY BOROUGH COUNCIL AS THE LOCAL PLANNING AUTHORITY IN PURSUANCE OF ITS POWER UNDER THE ABOVE MENTIONED ACT AND ORDER HEREBY APPROVE THE DETAIL PLANS AS SUBMITTED SUBJECT TO THE DEVELOPMENT BEING BEGUN NOT LATER THAN WHICHEVER IS THE LATER OF THE FOLLOWING DATES: (I) THE EXPIRATION OF FIVE YEARS FROM THE DATE OF THE OUTLINE PERMISSION, OR (II) THE EXPIRATION OF TWO YEARS FROM THE DATE OF THIS APPROVAL, OR IF THERE ARE ANY FURTHER RESERVED MATTERS REQUIRING APPROVAL, THE DATE OF THE FINAL APPROVAL OF THE LAST SUCH MATTERS TO BE APPROVED.

Conditions:

List of Approved Plans

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

Drawing number: Proposed site and landscape plan 0346-A-PL-100-B
Drawing number: 0346-A-RP-001-Planning Comparison CD
Drawing number: 0346-A-RP-001-Tree Surveys Summary-REV A
Drawing number: D50767 Column Option lighting D50767/AE/A
Drawing number: Location plan 0001 Rev A
Drawing number: MMDC01 - Rev A - House type 1 drawings
Drawing number: MMDC02- Rev B Site Plan and Highways Details-HSA REVISION-
Drawing number: TMMDC03 - Rev A - House type 2 drawings
Drawing number: TMMDC03 - existing levels
Drawing number: Highway cross sections CC DD - Rev B HSA REVISION
Drawing number: Highway cross sections EE FF - Rev B HSA REVISION
Drawing number: Longitudinal Section (continuation of section GG) Rev B - HSA REVISION
Drawing number: TMMDC14Highway Cross Sections Additional drawing - Rev B HSA AMENDMENT
Drawing number: Proposed Highways Plan - Rev P02
Drawing number: C006-P1 - Proposed Road Long sections
Drawing number: 1205.01 Rev ASOFT LANDSCAPE PROPOSALS
Drawing number: S001-0-retaining wall details

Reason:

In the interests of clarity.

Action Conditions

- 2 Notwithstanding the approved site and landscaping plans, all replacement trees shall be Acer campestre 'William Caldwell' variety and shall be of a 'standard' size as stated in British Standards BS3936-1:1992 Part 1: Specification for trees and shrubs.

Reason

Due to the close proximity to the A4109, an upright form of tree will prevent overhang onto the adjacent highway and in the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to add, biodiversity value and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 3 Prior to the commencement of any further development, the proposed footway for the full length fronting Main Road and for a minimum of 5m into the access road of the site on both sides of the junction, as shown on the approved plans, shall be constructed up to base course level, and any temporary enclosure to the development site shall be set to the back of footway to maintain appropriate visibility splays to the site access.

Reason

In the interests of highway and pedestrian safety, during and post construction, and to accord with Policy TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 4 Prior to occupation of any of the dwellings hereby approved, the footways, access road and lighting scheme shall be completed in accordance with the approved plans and shall be retained as such thereafter.
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.
- 5 All retained trees on the site and adjoining land that may be directly affected by the proposed development, including encroachment into Root Protection Areas, shall be adequately protected as specified in Figure 2 (page 20) BS5837:2012 'Trees in relation to Construction' by the provision of root zone protection (protective fencing). The erection of fencing for the protection of any retained tree shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
Reason
In order to protect the long-term health of the trees to be retained and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.
- 6 Notwithstanding the details submitted, prior to the first beneficial use of any of the dwellings hereby approved, all first-floor side facing windows serving ensembles, WCs, and bathrooms shall be fitted with obscured glazing, and any part of the window/s that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter,
Reason:
In the interest of the amenities of the existing and proposed adjoining property/ies and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.
- 7 Prior to occupation of any of the approved dwellings and notwithstanding the submitted plans, three off-street parking spaces per dwelling shall be provided for each dwelling (including for plot 6) and retained and maintained as such thereafter.
Reason
In the interest of highway and pedestrian safety, as plot 6 only currently shows two parking spaces and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.
- 8 A landscape and open space management plan, including management responsibilities and maintenance schedules for all areas other than privately owned dwellings and their gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwellings. The landscape and open space management plan shall be carried out as approved.
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.
- 9 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of any of the dwelling(s) 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.

- 10 Prior to the first beneficial use of the development hereby permitted, the area shaded red on approved drawing PL-100 Rev B shall be constructed in accordance with the approved plans to provide 2.4m x 25m visibility splays at the junction of the application site with Main Road and which shall thereafter be retained and maintained and kept 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.

- 11 Notwithstanding the submitted plans, the post and rail ranch style fencing fronting the A-4109 shall be constructed to a maximum height of 1m.

Reason:

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

Informatives:

1 All properties foundation and retaining walls design are to be in accordance with the Geotechnical report recommendation and all submitted for checking at the Building Control approval stage

2 It is noted that a SAB Application (SP2023.0037) has been approved by the SuDS Approving Body, the species used in the above scheme must be in accordance with the species that have been approved by the SAB.

3 Natural Resources Wales: Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 14 June 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: 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 recommended the applicant review the information and guidance on Building Over Sewers available on Welsh Water's website at <https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

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.