

Superseded

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

Tai Tarian
Ty Gwyn
Brunel Way
Baglan Energy Park
SA11 2FP

Name and address of the agent

Mr Richard Bowen
Asbri Planning Ltd
Suite D, 1st Floor
220 High Street
Swansea
SA1 1NW

DATE REGISTERED: 13 June 2023

APPLICATION NO: P2023/0369

LOCATION: Land At, Heol Crwys, Cwmafan, Port Talbot, SA12 9NT

PROPOSAL: Demolition of existing structures and construction of 43no. residential dwellings with associated infrastructure works.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority in pursuance of its power under the above-mentioned Act and Order hereby **GRANTS PLANNING PERMISSION** for the development as described above to be carried out in accordance with the application and the plans submitted therewith, subject to compliance with the following conditions:

Decision Notice revision 5 dated 05/08/2024

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:

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Planning, Design and Access Statement
PAC report
Preliminary Ecological Appraisal and Protected Species Survey
Reptile mitigation briefing
Tree Report
Coal Mining Risk Assessment
Ground Investigation report
Hydraulic Model Assessment Report
Ground Investigation Report
Energy Strategy Statement
Draft CEMP
2575-500-E - Drainage Strategy Plan
2575-505-F - Engineering Appraisal
2575-550-B - Highway Works Plan
2575 - 00(03)100 Rev G Site Layout
2575 - 00(03)103B Materials Layout
2575 - 00(03)300 Street Scene Elevation
2575-00(03)300 - Bin Store Plans & Elevations
2575-01(03)300 - Cycle Store Plans & Elevations
2575-02(03)300 - Shed Plans & Elevations
211(03)200 - House Type 211 Floor Plans
~~211(03)300 - House Type 211 Elevations~~
212(03)200 - House Type 212 Floor Plans
212(03)201 - House Type 212 Block Ground Floor Plan
212(03)202 - House Type 212 Block First Floor Plan
212(03)300 - House Type 212 Elevations
212(03)301 - House Type 212 Block Elevations
212(03)302 - House Type 212 Block Elevations
213(03)200revA - House Type 213 Floor Plans
213(03)300 - House Type 213 Elevations
321(03)200Reva - House Type 321 Floor Plans
321(03)300 - House Type 321 Elevations
322(03)200 - House Type 322 Floor Plans
322(03)300 - House Type 322 Elevations
2575-630 - Site Sections
1157.01 - Soft Landscaping Proposals 1 of 2 Rev A
1157.02 - Soft Landscaping Proposals 2 of 2 Rev A
Tree Constraint Plans
Green Infrastructure Plan LH/DP Dec23
2575(20)20 Rev C – Plots 28-29 Elevation A, B, C and D.

Reason:
In the interests of clarity.

**This condition was amended under Non-Material Amendment application
P2024/0388 determined on 31/07/2024**

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

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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 take place until~~ **Prior to the commencement of works on any phase of the development with the public sewer crossing located within**, details of a scheme to divert the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No development pursuant to this **phase of the development** ~~permission~~ shall be carried out until the approved diversion scheme has been implemented and completed. The protection measures shall be retained as such thereafter.

Reason:

To protect the integrity of the public sewer and avoid damage thereto.

The wording of this condition was amended under application P2024/0336 determined on 25/06/2024

- 5 ~~No development shall commence on site until~~ **Prior to the commencement of each associated phase of development (excluding demolition)** 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 and coal mining activity which may be present, if identified as required by the desk top study:

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(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.

The wording of this condition was amended under application P2024/0336 determined on 25/06/2024

- 6 ~~No development shall commence on site until~~ **Prior to the commencement of each associated phase of development (excluding demolition)** a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to address land instability arising from coal mining legacy, human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and approved in writing by 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.

The wording of this condition was amended under application P2024/0336 determined on 25/06/2024

- 7 No development shall take place, including any works of demolition until a Demolition and Construction Method Statement inclusive of construction period site layout plan to accommodate the following requirements, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement and plan shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials

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- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust, noise and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. outline the phasing of the demolition, including the removal of any existing concrete foundations.

Reason:

To protect the residential amenity and in the interest of highway safety and to ensure the development complies with Policies BE1 and TR2 of the Neath Port Talbot Local Development Plan.

Details of this condition were agreed under application P2024/0166 determined on 26/04/2024

- 8 No construction 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 of this condition were agreed under application P2024/0166 determined on 26/04/2024

Action Conditions

- 9 If an invasive non-native species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is identified on site a methodology for the control and eradication of the species shall be submitted to and approved in writing by the Planning Authority for approval and implemented as agreed.

Reason:

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

- 10 Prior to the first beneficial occupation of the dwellings hereby approved, the parking areas shall be constructed in accordance with plan 00(03)100 Rev E site layout plan and retained as such use thereafter.

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.

- 11 Prior to the occupation of the dwellings hereby approved, a management plan shall be submitted to and agreed in writing by the Local Planning Authority that sets out the area to be enhanced and maintained for the reptiles that are moved on site. This plan

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should cover the management of the site for a minimum of 15 years and retained as such thereafter.

Reason:

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

- 12 Notwithstanding the submitted details, prior to their use in the construction of the development hereby permitted, a scheme of materials and 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 and retained as such thereafter.

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 of this condition were agreed under application P2024/0286 determined on 09/07/2024

- 13 Prior to the construction of development, a highway engineering scheme shall be submitted detailing the proposed highway realignment and lay by amendment/removal works, new vehicular access points and off street, car parking spaces along Heol Crwys and Heol Jiwbili. The scheme shall be compliant with Neath Port Talbot County Borough Council guidance - Parking Standards (Oct 2016), Highway Technical Design Guide for Residential, Commercial & Industrial Developments and the Specification for the Construction of Roads for Adoption and shall allow for the following:

(i) The provision of all new vehicular accesses to the car parking courts to facilitate the site to be accessed from the existing public highway at Heol Crwys. With a 6 metre manoeuvring area between each block of car parking spaces.

(ii) The tie in specification of the new highway construction to the existing carriageway and footway.

(iii) The provision of a 2m footway link from within the development site to tie into the existing footway where required along Heol Crwys, the upgrading of the existing footway surfacing to the frontage of the site at Heol Crwys.

(iv) All other existing highway access points both pedestrian and vehicular along the frontage of the site at Heol Crwys, not forming part of the means of access for the proposed development shall be reinstated to full height kerb/footway construction.

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

(vi) Where necessary alterations/upgrading to the public lighting system as a consequence of the highway improvement/vehicular access works.

A S.278 Agreement between the authority and the developer will be required to facilitate these works.

Reason:

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

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- 14 Foul water and surface water discharges shall be drained separately from the site.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan

- 15 Prior to the occupation of the flat units, hereby approved, the bin storage areas shall be provided for the associated flats in accordance with the approved plan 00(03)100RevE Site Layout and retained as such thereafter.

Reason:

To accord with policy BE1 of the Local Development Plan.

- 16 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works and/ or mitigation necessary carried out in accordance with condition 7 shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 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 the commencement of development on site of each associated phase of **development (excluding demolition)**, a Detailed Mine Gas Risk Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail 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 . If the Detailed Mine Gas Risk

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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.

The wording of this condition was amended under application P2024/0336 determined on 25/06/2024

- 19 Prior to occupation of the dwellings hereby approved a Verification Report demonstrating that the gas protection has been installed in accordance with the scheme as approved under condition number 18 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

- 20 In accordance with the Site Layout (2575 00(03)100D) the integral bat tubes, house sparrow terraces and swift nest boxes shall be installed as shown prior to the occupation of the dwellings and shall be retained as such thereafter.

Reason:

In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 21 Prior to the first beneficial occupation of the dwellings hereby approved, a landscaping management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and retained as such thereafter.

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 of this condition were agreed under application P2024/0286 determined on 09/07/2024

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

Reason:

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

- 23 Prior to the first beneficial occupation of the dwellings, hereby approved, the air source heat pumps shall be installed and retained as such thereafter, in accordance with the approved plans.

Reason:

To ensure the development is in accordance with policy SP1 and BE1 of the LDP.

- 24 Notwithstanding the submitted plan 00(03)100 Rev E Site Layout, the bin store located next to east of parking space P2 shall be amended to detail that no doors would extend over the public footpath and would not impede the pedestrian and vehicle vision splay, measured 2.4m x 2.4m back from the footway.

Reason:

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

- 25 No piling activities for the construction of the authorized 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 unless otherwise approved by the local planning authority.

Reason:

For the protection of residential amenity during the construction phase, in accordance with policy BE1.

- 26 Notwithstanding the submitted plans, each vehicular access point and off street driveway car parking spaces shall be provided with pedestrian vision splays measured at 2.4 metres x 2.4 metres behind back of footway each side of each access, these splays shall be annotated on plan and submitted to the Local Planning Authority prior to the construction of the development 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 interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

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

Regulatory Conditions

- 28 All bin collection areas shall be located adjacent to the adopted public highway and shall not cause obstruction to either vehicular or pedestrian visibility.

Reason:

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

- 29 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network including any increase in the roof area of the building /or impermeable surfaces within the curtilage.

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, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 30 Adequate provisions, shall be made for the drainage of the site, to ensure that the drainage of any adjoining land is not interrupted or otherwise adversely effected by the development during the life time of construction.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan

- 31 Demolition and construction works shall not take place outside the hours of 08.00 to 18.00 Monday to Friday, 09.00 to 13.00 on Saturdays and no works on Sundays or Bank Holidays.

Reason:

In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 32 The vegetation clearance should be undertaken in accordance with the submitted Notes for working with Reptiles at Heol Crwys, Cwmafan (Hawkeswood Ecology).

Reason:

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

- 33 Notwithstanding the boundary treatment hereby approved on plan 00(03)100 Rev E Site Layout, all boundary treatment shall be installed prior to the first beneficial use of

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each associated dwelling and shall accommodate the movement of hedgehogs within the site as recommended in the PEA by Hawkeswood Ecology (October 2022).

Reason:

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

- 34 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site, without prior consultation and agreement with the Authority.

Reason:

In the interest of satisfactory drainage of the site, and ensure the development complies with Policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

35

Prior to the commencement of development on site, full details of a development phasing plan sub-dividing the overall site area into phased development areas shall be submitted to and approved in writing by the Local Planning Authority. This phasing plan shall include details of any temporary access arrangements and/ or other temporary works required in connection with site investigation, together with details of the timings of delivery of the development. The development shall be carried out in accordance with these approved details.

Reason:

To allow the subdivision of the overall site into coherent areas of land area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

Introduction of condition under NMA application P2024/0336 determined on 25/06/2024

Details of this condition were agreed under application P2024/0418 determined on 05/08/2024

Informatives:

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

2 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.

3 The developer is advised that furthermore detailed consideration of ground conditions and/or foundation design may be required as part of any subsequent building regulations application due to Coal Mining Legacy issues.

4 The development site is located within a Coal Authority Coal Mining Reporting Area which could be a potential source of ground gas, and also an area potentially affected by

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contamination. Although the risk assessment processes for these are slightly different, they have similar themes and may form part of the same report, if produced by someone suitably qualified and competent in both areas. Evidence of their competence will need to be detailed within the report.

5 Unless temporary approval has been given for diversion or closure, the Public Rights of Way shall remain open at all times, any damage caused to the Rights of Way shall be rectified to the satisfaction of this authority immediately. The Public Right of Way shall be protected at all times. No alteration or change of condition to the PROW is to be undertaken without further consultation with the Countryside Team.

6 Should any springs or ground water seepage be encountered the onsite works in that area shall cease until a scheme for collection and disposal of the water has been agreed with the Local Authority Land Drainage section. No ground water shall ever be discharged into the proposed drainage scheme.

7 No site/vegetation clearance/demolition should take place between 1st March to 31st July inclusive to minimise the potential for nesting birds to be disturbed as they are protected by Law.

8 Bats often roost in houses and other buildings, and work on these buildings 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 building 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 site clearance, demolition or construction 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, Tŷ Cambria, 29 Newport Road, Cardiff CF24 0TP, 0300 065 3000 Bat Conservation Trust can be contacted at: Studio 15, Cloisters House, Cloisters Business Centre, 8 Battersea Park Road, London, SA84BG, 0345 1300 228

9 In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements. 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 our 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 on 0800

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085 3968 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.

10 All nursery stock, planting and maintenance should comply with current industry best practice and the guidance and recommendations in BS3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs and BS8545:2014 Trees: from nursery to independence in the landscape.

11 Following a response from the Councils Arboriculturalist it is advised that the 2no. Tilia Cordata trees proposed within the landscaping plans, should be located back from the parking areas due to the honeydew by-product produced by the trees during summer months. The re-location of the trees back from the parking areas would prevent the honeydew landing on parked cars and the parking surfacing.

Reason for granting planning permission:

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the development proposal represents an appropriate form of development that would have no unacceptable impact upon residential amenity or highway and pedestrian safety, it would be visually acceptable and having no detrimental impact on biodiversity or land contamination. Accordingly, the proposed development is in accordance with Policies SC1, AH1, I1, OS1, EN6, TR2, 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: 16 February 2024

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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.

Superseded

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.

Superseded

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.

Superseded

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.