

**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

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United Kingdom

Name and address of the agent

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United Kingdom

DATE REGISTERED: 12 October 2020

APPLICATION NO: P2020/0863

LOCATION: Land South Of Heol Y Glyn, Glynneath, Neath

PROPOSAL: Application to vary the wording of condition 36 (contaminated land desk-top assessment) and condition 37 (remediation strategy) of application P2020/0195 to allow the removal of the site spoil heap prior to the submission of the required details for compliance with the condition.

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

Conditions:-

- 1 Prior to the continuation of any further works on site, including the removal of any stockpiled material, full details of a phasing plan of works for the hereby approved development shall be submitted to and approved in writing by the local planning Authority. The proposed phasing plan shall fully detail the areas of the site including all roads, accesses, drainage and landscaping works that will be included in each of the phases of development, together with an estimated programme of works giving likely times for the start of each of the phases of development, including planting

works. The development shall be fully implemented in accordance with the approved details.

Reason.

To ensure that all required information is submitted at the appropriate point of development and that the development is carried out as approved.

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

Drawings:

- Proposed Site Plan - Planning Boundary - E-634 Drawing No. LP-01 dated 10/02/20.
- Proposed Site Layout - E-634 drawing No. 1 rev A dated 24/06/20 and submitted on 31/07/20
- Proposed Site Section - E-634 Drawing No. 11 Rev A dated 27/07/20 and submitted on 31/07/20.
- Initial Levels and Retaining Structures SK03 rev P13 submitted on the 31 July 2020.
- Proposed Drainage Layout 9610 Drawing no. 100 Rev P3 dated 28/05/20 and received 31/07/20 by CD Gray.
- House Type A1 and A2 - Drawing No. E-634.02 dated 09/01/20.
- House Type A and B - Drawing No. E-634.01 dated 07/01/20.
- House Type C - Drawing No. E-634.03 dated 27/11/19.
- House Type D - Drawing No. E-634.04 dated 06/02/20.
- House Type E - Drawing No. E-634.05 dated 09/01/20.
- House Type F - Drawing No. E-634.06 dated 11/11/19.
- House Type G - Drawing No. E-634.07 dated 14/11/19.

Supporting Documents:

- Pre-application Tree Survey and Assessment of Heol y Glyn by TDA dated May 2020 ref TDA/2549/TS&A/RhC/05.20.
- Tree Constraints Plan for Heol Y Glyn by TDA dated May 2020 ref TDA/2549/TCP/RhC/05.20.
- Drainage Surface Water - to ordinary watercourse by CD Gray dated 30/07/20 submitted 31/07/20. Job 9610.
- Ecological Appraisal Report: Land off Intervalley Road, Glynneath by I&G Ecological Consulting dated March 2020 - submitted 31/07/20.
- Enzos Homes Ltd - Construction Traffic Management Plan - Heol Y Glyn, Glynneath - dated 17/12/19.
- Construction Environmental Management Plan - dated 26/08/20 by Enzos Homes Ltd.
- Amphibian and Reptile Mitigation Strategy Working Method Statement - dated August 2020 by Amber Environmental Consultancy.

Reason:

In the interests of clarity.

- 3 The development hereby approved shall be constructed in accordance with the Material Palette received 1st September 2020.

Reason

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

- 4 Adequate provision, in accordance with a scheme to be first submitted to, and approved in writing by, the Local Planning Authority, shall be made for the drainage of the land. Such scheme shall ensure that proper drainage of any adjoining land is not interrupted or otherwise adversely affected. The scheme shall be implemented prior to the occupation of each associated dwelling.

Reason

To ensure satisfactory drainage and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure forward of the principal elevation of each associated dwelling without the prior grant of planning permission in that behalf other than that granted permission by this consent.

Reason

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted and to accord with policies SC1 and BE1 of the Neath Port Talbot Local Development Plan.

- 6 No dwellings shall be occupied until the necessary on site foul drainage infrastructure has been completed and:
 - i.) Connected to the existing 375mm public combined sewer at manhole SN86058501 as marked on the statutory sewer record plan (Dwg WW/01 attached; or
 - ii.) The essential improvements to the public sewerage system, in particular, the combined sewer overflows at High Street Ref: SN87069403, Godfrey Avenue Ref: SN87053901, Chain Bridge Ref: SN86059604 have been completed and this has been confirmed in writing by the Local Planning Authority.

Reason

To prevent hydraulic overload of the public sewerage system and pollution of the environment and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 7 Any work on land containing Fallopia Japonica (Japanese Knotweed), Giant Knotweed or any Knotweed hybrid shall be undertaken in accordance with the scheme agreed under planning application P2010/0039 on 21/01/10.

Reason

In the interests of ecology and visual amenity.

- 8 Prior to any further works on the construction of any dwelling, a scheme for the ghost island right turn lane shall have been submitted to the Local Planning Authority for its approval in writing. This scheme shall be accompanied by a Stage 2 RSA and shall include details of a timetable for submission of the subsequent required stage 3 & 4 audits, all in accordance with DMRB GG119, together with details of street lighting of

and the approaches to the junction, anti-skid surfacing, high visibility junction signs, slow markings on the road and any other requirements highlighted by the Local Planning Authority. No dwelling shall be occupied until such time as the ghost island right turn lane has been completed in accordance with the approved scheme.

Reason

In the interests of highway safety and to accord with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 9 Prior to the commencement of any further works on construction of any dwelling, the site roads (or roads for any phase of the development as may be agreed in accordance with condition 1 of this permission) shall be constructed up to and including binder course and all roads completed prior to occupation of the last dwelling.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 11 Prior to any further works on the construction of any dwelling a scheme in accordance with the requirements of NPTCBC guide to the layout of development roads for all internal roads at a scale 1:200 detailing :-

- a. Longitudinal and vertical carriageway alignment
- b. Cross sections every 20 metres.
- c. Surface water drainage proposals.
- d. Street lighting proposals.
- e. Construction details

Shall have been submitted to and approved in writing by the Local Planning Authority. This scheme as approved shall be implemented and constructed in accordance with NPTCBC Specification for the construction of roads for adoption prior to the occupation of any dwelling.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 12 All drives/parking spaces shall be surfaced in macadam, concrete or block paving to a maximum gradient of 1 in 9 with measures to ensure that no surface water run-off drains onto or over the highway, prior to occupation of each associated dwelling.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 13 Prior to the occupation of any associated dwelling, pedestrian vision splays of 2.4 metres by 2.4 metres (measured back from back of footway) shall be provided each side of each access and maintained thereafter so that nothing over 600mm in height is erected or allowed to grow within the splay area.

Reason

In the interests of highway safety.

- 14 No further works on creation of the access road within the site shall be undertaken until a phased programme of works for the construction of the access road has been submitted to and approved in writing by the Local Planning Authority. The phased programme of works shall include geotechnical surveys of each of the identified phases and the works shall be carried out in accordance with the agreed details. The first phase shall include details of a minimum length of 50m of access road together with boreholes for the first 60m, taken at 10m intervals, showing the ground conditions under the proposed part of the road taken along the centre line and measures proposed to overcome deficiencies, and this shall be submitted to and approved in writing by the Local Planning Authority. Any subsequent phases shall take boreholes a minimum length of 10m beyond the part of the highway to be constructed, and no part of the highway shall be constructed in excess of the submitted and approved length. The ground investigation shall be carried out in accordance with the UK Specification for Ground Investigation and all works shall be implemented in accordance with BS6031:2009 and to include The Specification for Highway Works (SHW) 600 series and as approved.

Reason.

This is required as the original ground investigations advised that materials have been placed without an engineering specification. Accordingly, the made ground will have to be improved to provide uniform, consistent and adequate support for the proposed carriageway and in the interests of highway safety and structural stability, in view of the tipped material on the site and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 15 Notwithstanding the submitted plans, prior to commencement of work on the construction of the combined cycle/footway/emergency link a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the combined cycle/footway/emergency link at a maximum gradient of 1 in 12 to Woodland Park and with a minimum width of 3m. The submitted scheme shall show how vehicular access is to be retained to the existing garages, cross sections showing construction details, signing, drainage, lighting and a proposed method to prevent site access from this path other than in emergencies when the main site access is unavailable. The combined cycle/footway/emergency link shall be fully implemented on site prior to the occupation of the last dwelling of the first phase of development, and shall only be used by vehicular traffic in emergencies when the main site access is unavailable.

Reason

In the interests of highway safety and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 16 No pedestrian or vehicular access shall be constructed from the properties onto Heol Y Glyn.

Reason

In the interests of highway safety and to accord with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 17 Prior to the construction of any retaining walls that do not form part of a building, full details of all such proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, extent of the proposed wall, the height with any variation across the length of the wall, structural calculations, materials and typical cross-sections through the walls. The proposed development shall be implemented in accordance with the approved details.

Reason

In the interests of safety and amenity and to accord with policy BE1 of the Neath Port Talbot Local Development Plan.

- 18 The archaeological watching brief shall be undertaken by the nominated archaeologist agreed under planning application P2010/0303 on 20/04/10 and in accordance with the approved details.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resources and to accord with policies SP21 of the Neath Port Talbot Local Development Plan.

- 19 No surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

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

Reason

To protect the integrity of the Public Sewerage System and to accord with policies SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 21 Notwithstanding the submitted Pre-application Tree Survey and Assessment of Heol Y Glyn by TDA dated May 2020 ref TDA/2549/TS&A/RhC/05.20 and Tree Constraints Plan for Heol Y Glyn by TDA dated May 2020 ref TDA/2549/TCP/RhC/05.20, no further trees along or adjacent to the northern boundary of the site with Heol Y Glyn shall be removed and no further works on the construction of any dwelling until such time as full landscaping and associated levels / boundary treatment and retaining wall details have been provided, together with the details of replacement planting under the landscaping condition 30, which shall seek to retain as far as practicable any individual trees or trees within woodland area W1.

Thereafter, all approved works shall be carried out in accordance with BS 5837: 2012 - Design, Demolition and Construction and BS3998:2010 - Tree Work - Recommendations.

Reason

In the interest of visual amenity and to accord with policy BE1 of the Neath Port Talbot Local Development Plan.

- 22 If there is no intention for the road to be maintained at public expense A scheme shall be submitted detailing bilingual signs to be erected at the entrance of the development at its junction with the A4109 stating in English and Welsh 'PRIVATE ROAD WITH NO INTENTION TO DEDICATE UNDER S37 OF THE HIGHWAYS ACT 1980', the scheme as approved shall be constructed as such prior to occupation of the first dwelling.

Reason

In the interests of clarity.

- 23 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the hereby approved road, surface water drainage scheme and culverts within the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The drainage scheme shall thereafter be managed and maintained in accordance with the approved scheme, and the road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under S.38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason.

In the interests of highway safety and clarity.

- 24 Prior to work commencing on the culverting of the existing watercourse full details of a scheme to ensure that access arrangements for maintenance to the existing highway surface water drains identified on drg. no 100 rev P3 within plot 35 shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include all necessary easements required to enable access. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason.

To ensure that access for maintenance purposes are secured to this important highway drainage apparatus and to accord with policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 25 Prior to occupation of any dwelling the diversion and culverting of the existing watercourses identified on drawing No 100 rev P3 shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

Reason.

To ensure the provision of adequate drainage facilities to serve the development and to accord with policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

26 Prior to any further works on the construction of any dwelling full additional details of the surface water drainage proposals identified on drg no 100 rev P3 shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include as a minimum the following details:

- Long sections to include pipe sizes and gradients.
- Manhole schedule.
- Attenuation Tanks and the specification.
- Gully type and locations.

The development shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason

To ensure the provision of adequate surface water drainage facilities to serve the development and to accord with policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

27 Notwithstanding the submitted Construction Environmental Management Plan (CEMP), no further development, including the removal of any stockpile material shall commence until such time as an amended CEMP has been submitted to and approved in writing by the local planning authority. Such CEMP shall include full details of the site's construction compound, and incorporate all measures necessary across the site to protect the existing watercourse. The approved CEMP shall thereafter be fully implemented and complied with on site for the duration of the construction works.

Reason

To ensure adequate measures are implemented on site to protect the amenity of the area and the existing watercourse and to accord with Policies SP16, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

28 Any existing drainage pipe, land drain, highway drain or highway run-off entering, crossing or discharging onto the development site must be accommodated into the site's drainage scheme and shall be retained as such thereafter.

Reason.

To ensure the continued provision of appropriate land, highway and surface water treatment.

29 The approved development shall be implemented on site in full accordance with the hereby approved Amphibian and Reptile Mitigation Strategy Working Method Statement dated August 2020 by Amber Environmental Consultancy.

Reason.

In the interests of biodiversity and to mitigate the impacts of the development upon reptiles and amphibians and to accord with policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 30 Prior to the occupation of the first approved dwelling on site, and notwithstanding any submitted details to date, full details of a hard and soft landscaping scheme for the development shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall incorporate details of all trees to be retained (wherever practicable under condition 21) and shall contain a majority of native and/or wildlife friendly species and shall include the recommendation of section 5.10.3 of the I&G Ecological Appraisal Report: Land off Intervalley Road, Glynneath (March 2020), to include hedgerows should be incorporated into the landscaping, of native species only. 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.

- 31 Prior to the first occupation of any dwelling hereby approved, a landscape management plan, including management responsibilities and maintenance, for all landscaped areas other than privately owned domestic gardens, shall have been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented and adhered to in accordance with the approved details thereafter.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas that lie outside of the curtilage of individual properties, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 32 No further development shall take place on site, including before any further equipment, machinery or materials are brought on to the site and any further removal of stockpiled material, until tree protective fencing has been erected around the outer edge of the root protection zones for all trees to be retained on site as shown on drawing - Tree Constraints Plan TDA.2549.02 which was submitted as part of the Tree Constraints Plan Document ref TDA/2549/TCP/RhC/05.20. The protective fencing shall be retained on site until all construction works have been completed within that area and all equipment, machinery and surplus materials have been removed from that area of the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels shall not be increased or lowered within these areas.

Reason

To ensure adequate protection of all trees that are to be retained on site and to accord with policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 33 Prior to the first beneficial occupation of the dwellings hereby permitted, an artificial nesting site for birds shall be erected on the dwelling to one of the following specifications, and retained as such thereafter;
- Nest Box Specifications for House Sparrow Terrace:
 - Wooden (or woodcrete) nest box with 3 sub-divisions to support 3 nesting pairs. To be placed under the eaves of buildings.
 - Entrance holes: 32mm diameter
 - Dimensions: H310 x W370 x D185mm

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.

- 34 Any fencing that is installed on the site should contain fauna access gaps at the base which are sufficient to allow passage by small mammals such as hedgehogs (i.e.130mm wide by 130mm long square) or a continuous gap at the base of the fence of 130mm tall. At least one access gap is required in every run of fence.

Reason.

To ensure no adverse impact upon the free movement of small mammals through the site and to accord with policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 35 Prior to any further works on the construction of any dwelling a scheme to provide roosting opportunities for bats shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details and shall be retained as such thereafter. The submitted scheme can include details such as the addition of manufactured bat boxes onto the building/trees or incorporation of manufactured bat bricks into the building.

Reason.

In the interests of ecology and biodiversity and as Bats are European protected species and are afforded protection under the Conservation of Habitats and Species Regulations 2010 and by the Wildlife and Countryside Act 1981 (as amended), and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 36 Notwithstanding the submitted details, no further development shall commence on site, excluding the removal of any stockpiled material, 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).

Documentation including any waste transfer notes and any regulatory correspondence in line with UK Waste Legislation must be provided as part of the reporting to demonstrate the safe and proper removal of the spoil heap as identified on plan ref. 'SK01-Existing Site Spoil Heap Volume'.

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.

- 37 No further development, excluding the removal of any stockpiled material, 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.

- 38 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 37 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.

- 39 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.

- 40 Notwithstanding the details submitted, prior to the first beneficial use of the dwelling on plot 22 the side facing bathroom window and on plot 23 the first floor side facing bathroom and rear facing bathroom and landing windows hereby approved, 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 adjoining property, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

- 41 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no outbuildings, extensions or dormer extensions shall be erected other than those expressly authorised by this permission and identified on the approved drawings on plots 32, 36, 55, 58, 59 and 75.

Reason:

In order to safeguard the amenities of the area by enabling the Local Planning Authority to consider whether planning permission should be granted for garages or outbuildings having regard to the particular layout and design of the development, residential amenity, and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

- 42 Prior to the start of works on construction of plots 36, 37, 55, 56, 57, 58 and 59, full details of the rear and side boundary treatment and screening details to the hereby approved patio areas shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented on each associated dwelling prior to their first beneficial use and shall be retained as such thereafter.

Reason.

To ensure adequate protection of the residential amenity of the occupiers of the existing dwellings and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 43 The hereby approved development shall be constructed in accordance with all finished floor and ground level measurements as shown on drawing - Initial Levels and Retaining Structures SK03 rev P13 submitted on the 31 July 2020 and Proposed Site Section E-634 drawing no. 11 rev A dated 27/07/20.

Reason

To ensure that the development is constructed in accordance with the approved ground levels and in the interests of the residential amenity of the occupiers of the adjacent existing dwellings and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 44 Notwithstanding the submitted drawings, prior to any further works on the construction of any dwelling, full details of the ground levels, sections and cross-sections, and retaining works to demonstrate the relationship between for plots 65 and 80 and plot 76 and the terrace row of plots 72 through to 75, shall be submitted to and approved in writing by the local planning authority. The approved development shall be constructed in accordance with the approved details.

Reason

In the interests of visual and residential amenity and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 45 Notwithstanding the submitted drawings, prior to the start of construction works on plot 32, revised plans shall be submitted to and approved in writing by the local planning authority, showing the relocation of the first floor rear bedroom window, to the south side elevation and full details of the means of enclosure to the rear boundaries which shall have a minimum height of 2m. The dwelling on plot 32 shall be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason

To ensure that there is adequate protection of the residential amenity of the adjacent existing dwelling and to accord with Policy BE1 of the Neath Port Talbot Local Development Plan.

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.

Although the developer has breached conditions, by re-commencing work on site prior to seeking approval of all required details, it is nevertheless considered that the amendments to the conditions to allow early removal of the spoil heap (and to amend triggers for submission of other details reserved by condition) will ensure that the current proposed development represents an appropriate form of development that would subject to the imposition of such appropriately wording conditions have no unacceptable impact on the character and appearance of the immediate and wider surrounding area; impact upon the residential amenity of the occupiers of the adjacent dwellings; would not adversely impact upon the highway and pedestrian safety of the existing roads or the existing drainage network or increase the flood risk within the area; nor would it have an unacceptable impact upon the biodiversity or remaining trees on site, or the potential ground conditions of the site. Accordingly, the proposed development is in accordance with Policies SC1, H1, AH1, OS1, TO4, EN6, EN7, EN8, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed: 
Ceri Morris – Head of Planning & Public Protection

Date: 16 March 2021

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.

IMPORTANT INFORMATION: TOWN AND COUNTRY PLANNING ACT 1990

The applicant's attention is drawn to the notes below.

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- (2) You can also appeal to the Welsh Government against a decision to refuse permission or grant subject to conditions in respect of applications made for :- Listed Building or Conservation Area Consent; Consent under a Tree Preservation Order; Advertisement Consent.
- (3) You can also appeal If your application for a Certificate of Lawful Existing Use or Lawful Proposed Use is partly or wholly refused or is granted differently from what you asked for (under Section 195/196) of the Town and Country Planning Act 1990 (as amended).
- (4) If you are aggrieved of the LPAs decision, the following deadlines apply for appeals to be submitted to the Welsh Government (from the date of the Council's decision):-
 - (1) Planning Permission (with the exception of Minor Commercial and Householder applications – see below) Within 6 Months
 - (2) Householder Appeal see endnote i Within 12 weeks
 - (3) Minor Commercial Appeal see endnote i Within 12 weeks
 - (4) Listed Building or Conservation Area Consent appeals Within 6 months
 - (5) Tree Preservation Order (TPO) Consent Within 28 days
 - (6) Advertisement Consent Within 8 weeks
 - (7) Certificate of Lawfulness of Existing (Section 191) or Proposed (Section 192) Use or Development Within 6 months
 - (8) Hazardous Substances Consent Within 6 months
- (5) Appeals must be made on a form which is obtainable from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0303 444 5940, or online at www.planningportal.gov.uk/pcs .
- (6) The Welsh Government has power to allow a longer period for the giving of notice of appeal but they will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- (7) The Welsh Government is not required to entertain an appeal if it appears to them that permission for the proposed development could not have been granted having regard to the statutory requirements to the provisions of the development order, and to any directions given under the Order. They do not in practice refuse to entertain appeals solely because the decision of the Local Planning Authority was based on a direction given by them.
- (8) If permission to develop land is refused or granted subject to conditions, whether by the Local Planning Authority or by the Welsh Government, and the owner of the land claims that the land has become incapable of reasonable beneficial use in its existing state and cannot be rendered capable of reasonable beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the County Borough Council, in which the land is situated, as the case may be, a **purchase notice** requiring that Council purchase his interest in the land in

accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Making an Appeal

- (9) Please note that for all applications received by the LPA after 5th May 2017, it is now a requirement that any appeal made to the Planning Inspectorate (other than Householder and Minor Commercial Appeals, and appeals against refusal to grant advertisement consent) must be accompanied by all the information and evidence you intend to rely upon (a **“full statement of case”**). You must also send a copy of the notice of appeal and full statement of case to the LPA.
- (10) In addition, for ‘planning appeals’ an amendment to an application following notice of appeal may only be made to correct an error.
- (11) Additional details and information on making an appeal to the Welsh Government is available from the Planning Inspectorate at the above address and website. The relevant documents are entitled “making your planning appeal” and “planning appeals Public Local Inquiries”.
- (12) Further correspondence regarding this application should bear the reference number quoted on the top of the decision notice.

THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

- BUILDING REGULATIONS – Please contact buildingcontrol@npt.gov.uk or 01639 686949 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.