

OFFICER REPORT

Application Number: P2026/0390

Site Address: 39 Commercial Road Taibach Neath Port Talbot SA13 1LN

Proposal: Change of use of first floor flat (use class C3) to a restaurant (use class A3)

Applicant: Mr Mo Musawir

Agent: Mr Tony Collins

Ward: Margam & Taibach

Application Type: Full Plans

Valid Date: 14th July 2026

Statutory Expiry Date: 7th September 2026

Ext. of Time / PPA date:

Publicity Expiry Date: 5th August 2026

RECOMMENDATION - Approved

SITE AND CONTEXT

The application site is 39 Commercial Road, Taibach, which comprises a mid-terrace, two-storey building. The surrounding area is predominantly characterised by commercial premises at ground floor and flats at first floor. The ground floor of the unit is currently a takeaway and the first floor to which this application relates is currently a flat. The premises is sited in a row of commercial units consisting of a Shop, Restaurant, Takeaway, Chiropractic Clinic and Office.

The application site lies within the settlement limits as defined by the Neath Port Talbot Local Development Plan.

The application site is located fully in Surface Water and Small Watercourses - Flood Zone 2.

DESCRIPTION OF DEVELOPMENT

This is a full application proposing the change of use of a first floor flat (use class C3) to a restaurant (use class A3).

The application also seeks the change of use of the ground floor takeaway to a restaurant. It should be noted that planning permission is not required for a change of use of land to a new use within the same class. As such, the change of use of the ground floor is permitted under the Town and Country Planning (Use Classes) Order 1987 and therefore does not form part of the application.

The only external alteration proposed to the application unit is the replacement of a shopfront door with a window. The insertion or replacement of a shopfront is not permitted development under Schedule 2, Part 42, Class A.1(i) of The Town and Country Planning (General Permitted Development) Order 1995. However, Class A only applies to buildings used for any purpose within Classes A1 or A2 of the Schedule to the Use Classes Order. The ground floor of the application unit currently serves as a takeaway which falls under the A3 use class. On this basis, the replacement window would not fall under Part 42 and whether the works amount to development is therefore material. Under section 55, Part 2(a)(ii) of the Town and Country Planning Act 1990 (as amended), the carrying out of the maintenance, improvement or other alteration of any building or works which do not materially affect the external appearance of the building would not fall under the act. In this instance, the door frame will be replaced by a window frame. The external alterations would not result in a material change as the opening will remain. As such, in this particular case, the works do not result in an alteration to the fabric of the building and therefore the replacement window does not constitute development. For these reasons, the external alteration does not form part of the application.

It should also be noted that any proposed advertisements requiring advertisement consent would require the submission of an application for consent to display an advertisement.

NEGOTIATIONS

No negotiations undertaken.

PLANNING HISTORY

The application site has the following relevant planning history:

- P2010/0813: Change of use from Retail (Class A1) to Hot food take-away (Class A3) plus new shop-front [Decision Date: 23.02.2011]

- P2011/0640: Retention and completion of tiled shopfront and CCTV camera to front elevation [Decision Date: 20.09.2011]
- P2011/0641: Erection of an illuminated fascia sign to front elevation [Decision Date: 20.09.2011]

CONSULTATIONS

Highways Section – No Objection

Drainage Section – No Comment

Environmental Health (Noise) – No Objection subject to Conditions

Environmental Health (Odour) – No Comment

Lead Local Flood Authority – No Objection

Natural Resources Wales – No Objection

REPRESENTATIONS

The neighbouring properties were consulted on 15.07.2026.

A site notice was also displayed on 14.07.2026.

In response, to date, no representations have been received.

REPORT

National Planning Policy:

[**Future Wales: The National Plan 2040**](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

Policy 2 – Shaping Urban Growth and Regeneration (Strategic Placemaking)

Policy 9 – Resilient Ecological Networks and Green Infrastructure

[**Planning Policy Wales \(Edition 12, February 2024\)**](#)

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places

PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities. It encourages a wider, sustainable and problem solving outlook which focuses on integrating and addressing multiple issues rather than on an approach which is fragmented, un-coordinated and deals with issues in isolation. It provides an opportunity to remove any actual or perceived problems in current approaches and stimulate and support innovative and creative ideas as well as high standards of evidence and assessment to underpin the preparation of development plans and strategies and individual proposals. Monitoring and learning from development outcomes so as to drive sustainable improvements in planning practice is also important.

5.4.15 Whilst employment and residential uses can be compatible planning authorities should have regard to the proximity and compatibility of proposed dwellings to existing industrial and commercial uses to ensure that both residential amenity and economic development opportunities are not unduly compromised.

PPW12 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance:

- Technical Advice Note (TAN) 4: Retail and Commercial Development
- Technical Advice Note (TAN) 23: Economic Development

Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

- **Policy BE1** Design
- **Policy SC1** Settlement limits
- **Policy R2** Retail
- **Policy SP12** Proposals within Retail Centres
- **Policy TR2** Design and Access of New Development
- **Policy EN6** Important Biodiversity and Geodiversity Sites
- **Policy EN7** Important Natural Features

Supplementary Planning Guidance:

The following SPG is of relevance to this application:

- [Parking Standards](#) (October 2016)
- [Design](#) (July 2017)

Issues

Having regard to the above, the main issues to consider in this application relate to the principle of development, impact on the visual amenity of the area, the amenities of neighbouring residents and highway safety.

Principle of Development

The application site is located within Taibach District Centre. As such, Policies SP12 and R2 of the Neath Port Talbot Local Development Plan are considered material to the application. Policy SP12 states that:

The vitality, viability and attractiveness of Neath Port Talbot's retail centres will be enhanced through the identification of a retail hierarchy within which appropriate retail and mixed uses will be protected and encouraged.

Policy R2 echoes this:

Within the designated retail centres, uses that would enhance the vitality, viability and attractiveness of the centre, including uses in classes A and D will be permitted where:

(a) The proposal integrates with and strengthens the layout, retail character and pedestrian flows of the centre;

(b) Does not prejudice the effective use of upper floors; and

(c) Maintains a vibrant and attractive shopping street frontage.

This application seeks the change of use of a first floor flat to a restaurant. It is considered that the proposed use of the unit as a restaurant is appropriate, integrating with the ground floor use and thereby strengthening the retail character. For these reasons, the proposal would be acceptable in policy terms, complying with Policies R2 and SP12 of the Neath Port Talbot Local Development Plan.

The application site lies within the settlement limits defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan (LDP). It is considered that the principle of development at this location is generally acceptable, provided there are no overriding amenity, highway or environmental issues.

Impact on Visual Amenity

The associated works to facilitate the change of use would be internal, with no external alterations proposed that form part of the application. It is therefore considered that the proposed change of use would not impact upon the visual amenity of the area or the design and appearance of the application unit. As such, the proposal is considered acceptable, according with Policy BE1 of the Neath Port Talbot Local Development Plan.

Impact on Residential Amenity

The application seeks a change of use only, with no overall increase in building footprint. As such, it is considered that there would be no resultant overlooking, overbearing or overshadowing impacts on the surrounding properties.

With regard to potential noise and disturbance, drawing B-03 'plans and elevations' shows a total of 32 seating areas on the first floor and the application form has also been completed indicating that the business is proposed to operate between 17:00-23:30 Mondays to Saturdays and 12:00-23:00 on Sundays and Bank Holidays. It is noted that No.35 Commercial Road (Golden Fortune Chinese Takeaway) features the latest closing times of the existing row of shops, operating between 17:00-22:30 on Fridays and Saturdays and between 17:00-22:00 for the remainder of the week. It is further noted that No.44 Commercial Road ('Slice N Spice' Takeaway) features the latest closing times of the existing row of shops located beyond the public highway, operating between 13:00-23:00 on Mondays to Sundays. A condition shall be imposed requiring the use to not be carried out outside the hours of 08:00 and 23:00 Mondays to Saturdays and between 08:00 and 22:00 on Sundays and bank holidays.

The Environmental Health (Noise) Section has assessed the proposal and offers no objection subject to conditions. To control sound insulation and noise transmission associated with customers and amplified music through the party walls shared with the first floor flats located either side of the proposed use, four conditions have been recommended by the Environmental Health Officer:

Condition one seeks to control the noise insulation and requires the submission of written evidence demonstrating the airborne sound performance prior to the first beneficial use.

Condition two relates to the controlling of sound from mechanical services. However, there does not appear to be any plant and machinery shown on the submitted plans and as such, this condition would be unreasonable to impose.

Condition three requires the submission of a site-specific noise management plan and seeks to control information that is not within the planning remit.

Condition four seeks to control construction site working times. We have no control over such operations and the proposal comprises a change of use only, with no external development forming part of the application.

In light of the aforementioned information, condition one shall be imposed to ensure that the proposed use does not give rise to the loss of amenity for the surrounding residential properties by reason of noise or disturbance.

The Environmental Health (Odour) Section has also assessed the proposal and advised that they do not consider it necessary to impose any odour related conditions.

Subject to conditions, it is considered that the proposed use is unlikely to unacceptably impact upon the residential amenity of the adjoining or adjacent properties, therefore according with Policy BE1 of the Neath Port Talbot Local Development Plan.

Parking and Access Requirements and Impact on Highway Safety

The Highway Authority in responding to the application, provides the following response:

“We offer no objection to the proposal. The site being located in an established commercial area with a high level of on-street parking means we are satisfied that the change of use will not have a detrimental impact on parking in the surrounding areas.”

The change of use would not result in the displacement of any existing parking provision. It is therefore considered that the proposal accords with Policy TR2 of the Neath Port Talbot Local Development Plan.

Biodiversity

As identified above, Policies EN6 and EN7 of the Local Development Plan will be of relevance insofar as there is a need to ensure any impacts on biodiversity/ natural features are appropriately assessed and, where applicable, mitigated.

Planning Policy Wales (PPW) 12 sets out that;

The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will

describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15 of PPW 12) has been applied.

A green infrastructure statement has been submitted in support of this application. The provision of a bird box is proposed on the rear elevation of the host property. It is considered that the biodiversity enhancement proposed is proportionate to the scale and nature of the proposal, thereby according with the requirements of Chapter 6 of Planning Policy Wales (Edition 12).

CONCLUSION

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 proposal represents an appropriate form of development that would have no unacceptable impact on the principle of development, amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SC1 (Settlement Limits), BE1 (Design), R2 (Retail), SP12 (Proposals within Retail Centres) and TR2 (Design and Access of New Development) 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.

RECOMMENDATION

Approved

Subject to the following conditions/reasons, which have been imposed for the reasons stated:-

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:

Location Plan - Received: 12.06.2026

Block Plan - Received: 12.06.2026

Floor Plans and Front Elevations - Received: 12.06.2026

Green Infrastructure Statement - Received: 12.06.2026

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the first beneficial use, written evidence to demonstrate that the airborne sound insulation performance of the party floors/walls/ceiling of the development is of a minimum of 55dB DnTw + Ctr shall be submitted to and approved in writing by the Local Planning Authority. If it cannot be demonstrated that the aforementioned airborne sound insulation performance has been achieved, a scheme incorporating further measures to achieve the sound insulation performance shall be submitted to and approved in writing by the Local Planning Authority. All works comprised within those further measures shall be completed and further written evidence to demonstrate that the aforementioned sound insulation performance level has been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use. All measures once approved by the Local Planning Authority shall be retained as such thereafter.

Reason:

In the interests of public health and local amenity, and to ensure accordance with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan

Regulatory Conditions

- 4 The hereby approved use shall not be carried out outside the hours of 08:00 and 23:00 Mondays to Saturdays and between 08:00 and 22:00 on Sundays and bank holidays.

Reason:

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

- 5 Prior to the first beneficial use of the restaurant, the biodiversity enhancements described in the Green Infrastructure Statement will be implemented and shall be retained thereafter for the lifetime of the development.

Reason:

In the interests of Biodiversity and to provide a net benefit to Biodiversity in accordance with Policy 9 of Future Wales and so as to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

Case Officer Thomas Lewis

Telephone No. 01639 686226

Date of Recommendation 1st September 2026