

**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

Mrs Sharon Rees
Deputy dog daycare
9 Mulberry Avenue
West Cross
Swansea

DATE REGISTERED: 17 November 2021

APPLICATION NO: P2021/1119

LOCATION: Chain Works, Fabian Way, Crymlyn Burrows, Swansea, Neath
Port Talbot, SA1 8PX

PROPOSAL: Change of use to dog day care facility and dog grooming
parlour (Sui Generis).

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:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents:
 - Layout plan - Drawing number DDDC1
 - Floor plan - Drawing number DDDC2
 - Location plan - Drawing number DDD3Reason:
In the interests of clarity.

Action Conditions

- 2 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.

- 3 Within three months of the date of this planning permission, details of a parking layout (including any new surfacing proposed) to serve the approved development shall be submitted to and agreed in writing with the local planning authority (LPA). The approved parking layout shall be implemented within three months of the date of approval of the details by the LPA and the car parking layout and spaces shall remain available for its designated use in perpetuity.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan and Neath Port Talbot Council Supplementary Planning Guidance (Parking Standards)

- 4 Within two months of the date of this planning permission, a flooding evacuation plan shall be fully implemented and thereafter made available to all users of the approved development in perpetuity. The flooding evacuation plan shall thereafter be implemented for the life of the development.

Reason

To allow the application site / building to be evacuated quickly and effectively for the safety of its users if land in the vicinity of the site starts to flood and ensure the development complies with BE1 of the Neath Port Talbot Local Development Plan and Technical Advice Note 15 (development and flood risk, 2004)

Regulatory Conditions

- 5 Notwithstanding the submitted information, the use hereby permitted shall be as a dog day care facility and dog grooming parlour (Sui Generis use) only and the application site shall be used for any other purpose(s) whatsoever and the maximum number of dogs accommodated on the site shall not exceed 20 at any one time.

Reason

To enable the Local Planning Authority to exercise control over any future use not forming part of this application and to ensure that the premises are not used in a manner and with an intensity that will adversely affect residential amenity, the wider

employment area, highway and pedestrian safety and in order to comply with policies BE1, EC2 ,EC3,TR2, SP20 and SP11 of Neath Port Talbot Local Development Plan.

- 6 Notwithstanding the submitted plans, the use shall not be carried out outside the hours of 07.00 to 18.00 Monday to Friday, 08.00 to 16.00 on Saturdays and Sundays and there shall be no overnight stays permitted at the application site for animals or staff.

Reason

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

Informatives:

1 The developer is made aware that the application site may be impacted by / contain elevated concentrations of Volatile Organic Compounds (VOC's). This is mainly related to the incident in 1996 when Gower Chemicals spilled several tonnes of Freon-11. It is vital this information is considered when carrying out any intrusive or maintenance that involves underground work at the site. It is recommended that, as a minimum, air sampling and monitoring be carried out prior to and during intrusive works, and results compared against occupational exposure limits (OEL's).Appropriate PPE, including breathing apparatus where necessary, should be used during any future intrusive maintenance work, especially those using confined spaces or underground working. This matter must also be addressed as part of the contaminated land conditions imposed on this planning permission.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at:www.gov.uk/government/organisations/the-coal-authority

3 Flood Risk The developer is made aware that Natural Resources Wales (NRW) Flood Risk Map confirms the application site lies within Zone A of the Development Advice Maps (DAM) as contained in TAN15 and within the Zone 3 of Flood Map for Planning and is therefore made aware of the potential flood risks at the application site. Given the potential flood risk at the application site the developer shall install flood proofing measures as part of the development. NRW state that in areas at risk of flooding, consideration shall be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels. The developer must also implement a Flood Evacuation Plan for this property as well as sign up to the free Natural Resources Wales flood warning service - thereby receiving flood warnings / alerts. All flood resistance / resilience measures shall be put in place as soon as reasonably practicable as occupation of the approved development has already commenced. The developer must make sure that the risks and consequences of flooding are acceptable and appropriately managed over the lifetime of development. The applicant is referred to the NRW website for further advice and guidance available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found on the NRW website. The

developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties'. All flood resistance / resilience measures shall be put in place as soon as reasonably practicable as occupation of the approved development has already commenced. A copy of NRW's consultation response was forwarded to the applicant on 23.02.22.

4 If any intrusive works / further development is proposed on site, given the site history (and contaminated land constraints / issues present at this site), the developer shall contact the council's contaminated land section prior to carrying out any such works / further development as further consultation with them would be necessary.

5 Natural Resources Wales (NRW) note to developer: We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. A copy of NRW's consultation response was forwarded to the applicant on 23.02.2022

6 Please note the following and that the application site may be impacted upon by a Major Hazard Sites/ pipelines. The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites/ pipelines. This consultation, which is for such a development and is within at least one Consultation Distance, has been considered using HSE's planning advice web app, based on the details input on behalf of Castell-nedd Port Talbot - Neath Port Talbot. HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case. A copy of HSE's consultation response was forwarded to the applicant on 23.02.2022

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 proposed development would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area, and there would be no adverse impact upon highway and pedestrian safety or flood risk. The proposed development would be in accordance with policies SP20, SP16, SP11, SC1, TR2, BE1, EN8, EC2 and EC3 of 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: 25 February 2022

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 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.