

**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
Orchard Street (Neath) Ltd 7 Linc Cymru
C/o Agent

Name and address of the agent
Mr Jason Evans
Evans Banks Planning Limited
2 Llandeilo Road
Cross Hands
Carmarthenshire
SA14 6NA

DATE REGISTERED: 29 March 2021

APPLICATION NO: P2021/0282

LOCATION: 18 Orchard Street, Neath, Neath Port Talbot, SA11 1DU

PROPOSAL: Retention, alteration and completion of development to facilitate the change of use of building to provide 23 No. one bed flats, and 9 No. 2 bed flats, plus associated 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:

This is Decision Notice Revision 1 issued on 17/11/2022.

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:

N216 - A110 - SITE LOCATION PLAN - A
N216 - A118 - PROPOSED SITE LAYOUT - E
N216 - A119 - PROPOSED BASEMENT & GROUND FLOOR - G
N216 - A120 - PROPOSED FIRST & SECOND FLOOR - E
N216 - A121 - PROPOSED THIRD & FOURTH FLOOR - E
N216 - A122 - PROPOSED ROOF PLAN - D
~~N216 - A123 - PROPOSED ELEVATIONS SHEET 1 - D~~
~~N216 - A124 - PROPOSED ELEVATIONS SHEET 2 - D~~
N216 - A125 - PROPOSED FRONT ENTRANCE DETAILS - D
N216 - A130 - BASEMENT - PART A - B
N216 - A130 - BASEMENT - PART A - C
N216 - A131 - BASEMENT - PART B - B
N216 - A131 - BASEMENT - PART B - C
N216 - A132 - GROUND FLOOR PLAN - PART A - C
N216 - A133 - GROUND FLOOR PLAN - PART B - C
N216 - A134 - FIRST FLOOR PLAN - PART A - C
N216 - A135 - FIRST FLOOR PLAN - PART B - C
N216 - A136 - SECOND FLOOR PLAN - PART A - C
N216 - A137 - SECOND FLOOR PLAN - PART B - C
N216 - A138 - THIRD FLOOR PLAN - PART A - C
N216 - A139 - THIRD FLOOR PLAN - PART B - C
N216 - A140 - FOURTH FLOOR - PART A - C
N216 - A141 - FOURTH FLOOR - PART B - C
N216 - A142 - ROOF PLAN - PART A - C
N216 - A143 - ROOF PLAN - PART B - C
N216 - A144 - PROPOSED ELEVATION A - C
N216 - A145 - PROPOSED ELEVATION B - C
N216 - A146 - PROPOSED ELEVATION C - C
N216 - A147 - PROPOSED ELEVATION D - C
N216 - A148 - PROPOSED ELEVATION E - C
N216 - A149 - PROPOSED ELEVATION F - C
N216 - A150 - SECTION A-A - C
N216 - A151 - SECTION B-B - C
N216 - A152 - SECTION C-C - C
N216 - A153 - SECTION D-D - C
N216 - A159 - SITE ENTRANCE 2F BIN STORE LAYOUT - B
N216 - A160 - EXTERNAL WORKS LAYOUT – A
UPDATED BAT SURVEY/SCOPING SURVEY REPORT – 12/08/22
P-0000100705 – ROOF SPECIFICATION – 24/06/22
N216 - A108 - PROPOSED ELEVATIONS SHEET 1
N216 - A109 - PROPOSED ELEVATIONS SHEET 2

Reason:

In the interests of clarity.

The above condition was amended by NMA application P2022/0671 issued on 17/11/2022.

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 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 Prior to any further development taking place further reports and assessment shall be submitted to and approved in writing by the Local Planning Authority to verify whether the flooring decks in place are adequate in respect of structural loading and integrity and fire resistance given the incorrect fibres used in the concrete. Together with details of any mitigation or measures that are considered necessary by the recommendations of any report, for the strengthening solution that also satisfies fire resistance for the effected decks. The details as approved shall be fully completed in accordance with any recommendations approved as part of the development at the recommended phase of development.

Reason

In the interests of safety and policy BE1 of the Local Development Plan.

Details in respect of the above Condition were approved under Planning Permission P2022/0609, issued on 17/11/2022.

- 5 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;

- f) measures to control the emission of dust and dirt during demolition and construction; and
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- h) Hours of working.
- l) Confirming that no deliveries in excess of 3.5 tonnes shall be made to the site or leave the site between the hours of 8am to 9.30am and 2.30pm to 4pm Monday to Friday during School Term Time. (details of which can be obtained from the NPTCBC website)

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1 and TR2 of the adopted Neath Port Talbot Local Development Plan.

Details in respect of the above Condition were approved under Planning Permission P2022/0609, issued on 17/11/2022.

- 6 No development shall take place until a Construction Noise and Vibration Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall identify all significant construction noise and vibration sources; detail the physical and operational management controls necessary to mitigate emissions from these sources; hours of working on site, and specified hours for deliveries; and any elements of operation that could lead to amenity issues from noise and vibration disturbance to surrounding properties. The approved Construction Noise and Vibration Management Plan shall also detail noise limit monitoring and noise and vibration complaint investigation procedures, together with any phase-specific plans. The approved Construction Noise and Vibration Management Plan, and any associated phase-specific plans, shall be adhered to throughout the construction of the approved development.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

Details in respect of the above Condition were approved under Planning Permission P2022/0609, issued on 17/11/2022.

Action Conditions

- 7 Prior to the first occupation of the development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. 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.

- 8 Notwithstanding the details submitted, prior to the first beneficial use of the development hereby approved, all windows serving landings, stairwells, corridors and W.C/Bathrooms shall be fitted with obscured glazing, and any part of the window/s that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained as such thereafter,

Reason :

In the interest of the amenities of the adjoining property/ies, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

- 9 Notwithstanding the details submitted, prior to the first beneficial use of the development hereby approved, all windows on the rear elevation at first floor level facing the rear of Queen Street serving flats 13 and 14 as detailed on plan No, N216 - A120 - PROPOSED FIRST & SECOND FLOOR - E shall be fitted with obscured glazing, for any part of the window/s that is less than 1.7m above the floor of the room in which it is installed. Any part of that window which is less than 1.7m above the floor level of the room shall be non-opening. The windows shall be permanently retained as such thereafter,

Reason :

In the interest of the amenities of the adjoining property/ies, and to ensure accordance with Policy BE1 of the adopted Neath Port Talbot Local Development Plan.

Regulatory Conditions

- 10 There shall be no resident car parking permitted within the site as per drawing titled 'Proposed Basement & Ground Floor' A119 Rev G. Vehicular access to the site and basement shall be strictly limited to management and service vehicles only.

Reason

In the interests of highway and pedestrian safety, and Policy TR2 and BE1 of the Local Development Plan.

- 11 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain 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 pollution of or detriment to the environment and Policy BE1 of the Local Development Plan

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

- 13 The flat roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason:

In the interests of the amenity of the adjoining properties and to accord with Policies BE1 and SC1 of the Neath Port Talbot Local Development Plan.

Reason for granting planning permission

The proposal represents an appropriate form of development that would have no unacceptable impact on Accordingly, the proposed development is in accordance with Policies SC1, I1, AH1, OS1, R2, EN8, TR2, BE1 of the Neath Port Talbot Local Development Plan.

Signed:



Ceri Morris – Head of Planning & Public Protection

Date: 28 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.