

**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

Mr Tom Head
67 Yr Aran
Dunvant
Swansea
SA2 7PX

Name and address of the agent

Mr Mike Morgan
Morgan Design Consult
Kingsbridge Technology Centre
Kingsbridge
Swansea
SA4 4AS

DATE REGISTERED: 2 November 2022

APPLICATION NO: P2022/0925

LOCATION: 46 Wind Street, Neath, SA11 3EN

PROPOSAL: Subdivision of existing ground floor retail unit (Class A1) including provision of new shopfronts to create 4 commercial units (Class A1, A2 or A3) and change of use of first floor to create 4 flats (3 x 1-bed, 1 x 2-bed) including new bin and cycle storage areas on ground floor

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:-

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:

PC22/48/3B Proposed Ground Floor Plan and Elevations Rev B received 23.02.2023
PC22/48/4 Proposed First Floor Plan
PH22/48/5 New Shopfront Sections
Viability Statement
Planning Statement
PC21/1/5 Location Plan
PC21/1/2 Existing First Floor Plan
PC21/1/1 Existing Ground Floor Plan and Elevations

Reason:

In the interests of clarity.

Action Conditions

- 3 Prior to the beneficial occupation of the residential accommodation hereby approved, a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to the first floor flat roof area shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed, as approved, prior the first beneficial use of the residential accommodation and retained as such thereafter

Reason:

In the interest of visual impact and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan

- 4 The development shall not be occupied until the facilities for the secure storage of cycles and bins have been provided in accordance with the approved plan details, such facilities shall thereafter be retained as approved at all times.

Reason:

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

- 5 Prior to their use in the construction of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

In the interest of the Conservation Area and visual impact upon the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan

Regulatory Conditions

- 6 The ground floor commercial uses shall not be used, and customers are not permitted on the premises, outside the business hours of 07:00-23:00 Monday to Saturdays and 09:00-17:00 on Sundays and Bank/Public Holidays.

Reason:

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

- 7 The ground floor commercial premises shall be used for Classes A1, A2 and A3 only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to those classes in any statutory instrument revoking and re-enacting that order with or without modification), not more than 1 of the 4 commercial units (or a maximum of 25% of the ground floor commercial floor area in the event that any of the units are amalgamated) shall be used for Class A3 (food and drink) purposes.

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies R2, BE1 and TR2 of the Neath Port Talbot Local Development Plan

- 8 Prior to the use of any A3 unit, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the extraction and control of cooking odours from the kitchen designed in accordance with the DEFRA document Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The scheme, which shall include details of the type of food prepared and served at the premises, shall also include the location of any external plant, machinery, ventilation stacks and noise levels emitted from the extraction system which shall be in accordance with BS4142:2014 Method for rating and assessing industrial and commercial sound. The scheme shall be fully implemented in accordance with the agreed details prior to the first beneficial use of the A3 unit the extraction relates to and retained and maintained as such thereafter.

Reason:

In the interests of residential and visual amenity.

- 9 The flat roof area to the rear shall not be used as a balcony, roof garden, terrace or amenity area/space without first obtaining the prior, express planning permission of the Local Planning Authority on application.

Reason:

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

- 10 The rear fire escape doors shall only be used as a means of escape in case of an emergency and not for access to the ground or first floor accommodation.

Reason:

To ensure that the fire escape is used as a means of exiting the building only in cases of emergency in the interests of residential amenity and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan

- 11 Prior to the beneficial occupation of the development, new bat and bird boxes shall be installed in accordance with the details indicated on the proposed elevation plans hereby approved. These shall be retained as part of the development in perpetuity.

Reason:

In the interest of biodiversity, to maintain and mitigate against the loss of any foraging habitats, and to accord with Policy 9 of Future Wales: The National Development Plan 2040 and Policy SP15 of the Adopted Neath Port Talbot Local Development Plan.

Informatives:

- 1 The developer is advised that this consent does not relate to the displaying of advertisements, and separate Advertisement Consent may be required.

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

It is considered that the development proposal represents an appropriate form of development that would have no unacceptable impact on the vitality and viability of Neath Town Centre, residential amenity or highway and pedestrian safety, it would be visually acceptable, having no detrimental impact on the Conservation Area or setting of any listed buildings. Accordingly, the proposed development is in accordance with Policies SC1, BE1, TR2 and R2 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: 28 February 2023

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.