

**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 Leigh Dineen
Bars ETC Limited
7-11 James Court
Viking Way
Winch Wen Industrial Estate
SA1 7DA

Name and address of the agent

Mr Liam Griffiths
Asbri Planning Ltd.
Unit 9
Oak Tree Court
Cardiff Gate Business Park
Cardiff
CF23 8RS

DATE REGISTERED: 18 November 2022

APPLICATION NO: P2022/0981

LOCATION: Ynysmeudwy Arms , 168 Ynysmeudwy Road, Ynysmeudwy,
Pontardawe, SA8 4QJ

PROPOSAL: Retention of change of use from public house (A3 use) to
guesthouse (C1 use), including public bar/restaurant and 8 no.
guest rooms to allow for premises to be used for private
hire/functions together with repositioned boundary fence

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 decision notice is REVISION NUMBER 1, issued on 15th November 2023

Conditions:-

List of Approved Plans

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

Drawing A003 - proposed floor plan and block plan

Drawing No. A002 - proposed site plan

Drawing No. A001 - Site location plan

Drawing: Ground floor and upstairs Floor Plan (labeled 'not to scale' and 'Ynysmedwy')

Reason:

In the interests of clarity.

Action Conditions

- 2 Unless a scheme of Ecological Enhancement Measures and an Implementation Timetable has been submitted to and approved in writing by the Local Planning Authority within three months of the date of this planning permission, the use of the property shall cease until such time as it has been. The approved Ecological Enhancement Measures Timetable and retained thereafter for the lifetime of the development.

Reason:

In the interests of biodiversity and to provide Ecological Enhancement Measures on site 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.

Details in respect of the above condition were approved by application P2023/0610 on 15/11/2023.

- 3 Within three months of the date of this planning permission the existing boundary fence and gate to the north west boundary shall be re-positioned in accordance with the details shown on drawing number A002 (proposed site plan) and retained as such thereafter.

Reason

In the interest of highway safety

- 4 Within 2 months of the date of this permission a Noise Management Plan shall be submitted, which must be formally approved by the local Planning authority.

The Noise Management Plan shall, as a minimum:

1. Identify the scope of all proposed uses within the site including the use of external areas.
2. State the hours of operation for these uses and areas of the premises to which they apply
3. Identify the sources of potential noise, to include:
 - a) Music, live or recorded or amplified entertainment (use of a microphone etc)
 - b) Behaviour of persons attending the venue.
 - c) Traffic management in terms of: taxis or vehicles stopping at the premises to pick up or set down.
 - d) Controls to be specified on persons gathering outside in a 'beer garden' or for smoking

- e) control of noise outdoors that may affect residential premises.
- f) Restriction times of dropping of bottles into bins

The Noise Management Plan shall set out requirements for both passive and/or active measures for mitigating the potential noise for the provision of amplified music and entertainment: A monitoring programme shall be implemented that ensures that regular checks are carried out at:

- a) the start of a music/entertainment event a responsible person shall carry out checks outside the nearest residential premises to ensure the music/entertainment is not audible.
- b) This check must also be carried out during the performance, and at the start of any new set.
- c) Specify and record any corrective measures that are required to rectify any disturbance being caused.

The Noise management plan as approved, shall be strictly adhered to throughout the operation of the site thereafter.

Reason

In the interests of amenity and to ensure that the operation of the site does not result in unacceptable impacts upon the amenity of adjacent noise sensitive properties and to accord with policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved by application P2023/0610 on 15/11/2023.

Regulatory Conditions

- 5 Any gates provided across the access drive(s) shall be of a type which open inward only and can be seen through, and shall be retained as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 6 The development hereby approved shall only be used for a guesthouse (C1 use), including public bar/restaurant and 8 no. guest rooms to allow for the premises to be used for private hire/functions and for no other purpose in the use class schedule to the Town and Country Planning (use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that order with or without modification).

Reason:

In order that other changes of use can be assessed in the interests of amenity and highway safety.

- 7 The bedrooms linked to the development hereby approved shall be occupied as guesthouse rooms / accommodation only, and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 6 weeks in one calendar year. An up to date register shall be kept at the accommodation hereby

permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

In order to ensure that the accommodation is utilised for tourist holiday accommodation only and in order to ensure compliance with Policy SC1 of the Neath Port Talbot Local Development Plan.

- 8 The existing car parking areas to the north and west of the application building shall be kept available for the parking of motor vehicles associated with the approved development at all times.

Reason:

In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 9 Notwithstanding the provisions 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 fences, gates or walls shall be erected within the curtilage of the property forward of any wall of that property which fronts onto a highway, carriageway, shared driveway or footpath.

Reason:

To enable the Local Planning Authority to consider whether planning permission should be granted for such enclosures having regard to the particular layout and design of the development and in the interests of highway safety and to accord with Policies BE1, SC1 and TR2 of the Neath Port Talbot Local Development Plan.

Informatives:

1 Welsh Water Advisory notesThe applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.comOur response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.comPlease quote our reference number in all communications and correspondence.Yours faithfully, Chris ScourfieldDevelopment Planning OfficerDeveloper Services

2 Mid and West Wales Fire and Rescue Service The site plan/s of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the planning committee/applicant. It is important that these matters are dealt with early on in any proposed development: The Fire Authority has no comment to make on access for fire appliances or water supplies. The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:
<https://www.water.org.uk/guidance/national-guidance-document-on-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>
<https://www.ukfrs.com/index.php/promos/16847> Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

3 Natural Resources Wales note Thank you for consulting Natural Resources Wales on the above application. We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Consultation Topics, Development Planning Advisory Service: Consultation Topics (September 2018): <https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>. We therefore do not have any comment to make on the proposed development. Please note that our decision not to comment does not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

4 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

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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

Having particular regard to Policy SC2 (Protection of Existing Community facilities), it is considered that the premises does not constitute an 'important' facility (such as the last shop or Public House) for the purposes of the Policy.

It is also considered that the proposed change of use would not have a detrimental impact upon residential amenity or upon the character and appearance of the surrounding area; there would be no adverse impact upon highway and pedestrian safety. Accordingly the

development is in accordance with Policies SC1, SC2, EN2, EN5, TR2, BE1 and BE2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with 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: 2 June 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: .

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommend the applicant review the information and guidance on Building Over Sewers

available on Welsh Water's website at

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.