

**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 Andrew Michaelides
96 Gnoll Park Road
Neath
SA11 3DD

Name and address of the agent

Mr Jay Sidpara
Amorphous Design
44 Pitcairn Road
Mitcham
CR4 3LL

DATE REGISTERED: 8 July 2022

APPLICATION NO: P2022/0588

LOCATION: 96 Gnoll Park Road, Neath, SA11 3DD

PROPOSAL:

Proposed conversion of existing building from Offices (Class A2) into 7 self-contained residential units comprising: 2 No studio, 3 No 1 bed and 2 No 2 bed, three and single storey rear extension and demolition of existing detached storage to rear and construction of detached two storey building comprising: 2 No 2 bed residential units at the rear of main building together with 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 2 issued on 09/02/2024.

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:

Drawing number: A1-001 - LOCATION AND SITE/BLOCK PLANS

Drawing number: Existing Floor Plans A1-100

Drawing number: Proposed Floor Plans A1-200

Drawing number: Proposed Floor Plans Main Building A1-201

Drawing number: Proposed Floor Plans Rear Building A1-202

Drawing number: Proposed Elevations Main & Rear Building A1-203

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be undertaken in accordance with the approved scheme and Implementation 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.

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/24

Action Conditions

- 4 Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 are present on the site, or other identified part in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason:

To ensure conservation of protected species and their habitats, and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 5 Prior to the first use of any part of the development hereby permitted and notwithstanding the submitted plans, details of the siting and design of clothes drying and bin store areas, together with a bin store management plan, details of which

shall be appropriate to serve the 9 no. residential units hereby approved, shall be submitted to and agreed in writing by the local planning authority. The approved bin store and clothes drying areas, together with the bin store management plan shall be provided and operational prior to first occupation of any of the approved residential units and the development shall thereafter be retained and operated in accordance with the agreed details and for the sole benefit of the development hereby approved.

Reason:

To enable the Local Planning Authority to control the ongoing quality of the development in the interests visual and residential amenity and as the current bin store management, maintenance and design is unacceptable and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/2024

- 6 Prior to their use in the construction of the development hereby permitted, details and/or samples 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 visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/2024

- 7 All planting, seeding or turfing comprised in the approved details of landscaping / amenity areas to serve each of the approved residential units and as shown on drawing number A1-205 (Site plans) shall be carried out in the first planting and seeding seasons following the occupation of the first residential unit hereby approved or the completion of the development, whichever is the sooner; and 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. The landscaping / amenity areas shall be retained as such in perpetuity for the sole benefit of the 9 no. residential units hereby approved.

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 The development hereby approved shall be connected to the mains sewerage system prior to the first beneficial use of any of the approved residential units hereby approved 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.

- 9 Notwithstanding the submitted plans, prior to the occupation of any of the residential units hereby approved, a scheme indicating the positions, height, design, materials and type of boundary treatment to be erected to all boundaries 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 is of any of the units and retained as such thereafter.

Reason:

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

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/24

- 10 Prior to the installation of any sprinkler system requiring an external tank and pump, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the siting, design and size of the tank and pump, together with details of any above ground pipework. The approved scheme shall be fully implemented on site prior to the first beneficial occupation of any of the approved residential units and retained as such thereafter.

Reason

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

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/24

- 11 The cycle storage as shown on drawings A1-200 (Proposed floor plans) shall be provided prior to the first occupation of any of the residential units hereby approved and retained for the sole benefit of the 9 no. residential units hereby approved as such thereafter.

Reason:

In the interest of highway and pedestrian safety and to ensure adequate cycle storage is provided for future residents and to ensure compliance with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 12 Notwithstanding the details submitted, prior to the first beneficial use of the front facing 1 bed flat located on the second floor hereby approved, the window on the north-east facing side elevation serving the open plan kitchen / living area shall be fitted with obscured glazing, and any part of the window that is less than 1.7m above

the floor of the room in which it is installed shall be non-opening. The window 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.

- 13 Before the development hereby permitted is brought into use, an obscure glazing scheme for all windows facing the internal courtyard shall first be submitted to and agreed in writing by the local planning authority. 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 in the approved condition 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.

The above condition was agreed by discharge of condition application P2024/0001 on 09/02/24

Regulatory Conditions

- 14 Notwithstanding the submitted plans, the sole means of vehicular and pedestrian access to the site shall be from Gnoll Road only and no new pedestrian or vehicular access points shall be formed on to / from adjoining land and roads.

Reason:

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

- 15 Prior to the first beneficial occupation of any part of the development hereby approved, the parking areas detailed on the approved site plan (drawing number A1-205 - Demarcation Site Plans), shall be provided on site. The parking areas shall be surfaced in porous material, or provision must be made to direct run-off water from the hard surface to a permeable porous area or surface within the curtilage of the property, with no surface water allowed to flow out onto the public highway and lined in accordance with the scheme shown on drawing A1-205. These spaces shall be permanently maintained and kept available for use for parking of vehicles only and shall be used for the sole benefit of the 9 no. residential units hereby approved.

Reason:

In the interest of off-street car parking provision and highway safety, and to comply with Policy TR2 of the Neath Port Talbot Local Development Plan.

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.

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.

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. Hence, the proposed development would be in accordance with Policies SP8, SP10, SP20, SP21, SP16, SC1, I1, AH1, OS1, EN8, TR2, and BE1 of the Neath Port Talbot Local Development Plan.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 15 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.