

**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 A Rees
SW Property Rentals
Min Yr Afon Residential Home
London Row
Cwmavon
Port Talbot
Neath Port Talbot
SA12 9AH

Name and address of the agent

Mr Robert Bowen
Robert Bowen Planning & Development Ltd
7 Llys Sant Teilo
Llangyfelach
Swansea
SA5 7HQ

DATE REGISTERED: 11 March 2022

APPLICATION NO: P2022/0146

LOCATION: Min Yr Afon Residential Home, London Row, Cwmavon, Port Talbot, Neath Port Talbot, SA12 9AH

PROPOSAL: Change of use of existing nursing home (Class C2) into a mixed use of cafe (Class A3), 6 No's shops (Class A1), 10 industrial units, (Class A1, B1& B8), managers office, plant room and parking (Amendment to Proposal and Plans)

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:

Decision Notice Revision 1 26/04/2024

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:

A1 - A103 rev D - OPTION 1 - SITE PLAN
A1 - A100 rev C - PROPOSED GROUND FLOOR PLAN
A1 - A101 rev B - PROPOSED FIRST FLOOR
A1 - A102 rev B - PROPOSED ELEVATIONS
A1 - A107 - AUTOTRACK

Reason:

In the interests of clarity.

Pre-Commencement Conditions

- 3 Prior to works commencing, as recommended in the Bat Survey Report (I&G Ecological Consulting, Jan 2023), 2 open-fronted and 2 small holed bird boxes are to be affixed to mature trees within the curtilage of the property.

Reason:

In the interest of protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 4 No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information: -
1. Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development.
 2. General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
 3. Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.
 4. Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors.
 5. Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
 6. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

7. The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

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.

- 5 No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the building hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 6 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. 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.

Action Conditions

- 7 Prior to commencement of the hereby approved works, a Noise Management Plan shall be submitted, which must be formally approved in writing 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 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.

- 8 Prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the local planning authority detailing a one way system through the site. Signs in compliance with the Traffic Signs Regulations and General Directions (2016) shall be provided and thereafter retained at the means of ingress at the existing vehicular access adjacent to 2-6 London Row, and egress at the existing vehicular access adjacent to 14 London Row. Directional arrows shall be clearly marked out on the carriageway, in thermoplastic screed indicating the one way flow within the site to facilitate the safe movement of traffic through the development.

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 A scheme for the extraction and control of noise and cooking odours from the Kitchen shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". Following approval of the scheme, the kitchen extraction shall be constructed and commissioned to the satisfaction of the Local Planning Authority prior to the first operation of the approved Class A3 use.

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.

- 10 Prior to the first beneficial use of the development, a scheme indicating the means of enclosure; including the positions, height, design, materials and type of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be completed, as approved, 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.

- 11 Prior to first beneficial use of the development, a scheme detailing a refuse and recycling strategy shall be submitted to and approved in writing by the Local Planning Authority, including full details of bin and recycling locations and collection details. The scheme, as approved, shall be implemented prior to the first beneficial use of the development, and retained as such thereafter.

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.

Regulatory Conditions

- 12 ~~Prior to the first beneficial use of the development, as recommended in the Bat Survey Report (I&G Ecological Consulting, Jan 2023), plans showing the final locations of the 2 Harlech Woodstone (or similar) bat boxes and 1 improved Maternity (or similar) bat boxes to be affixed to mature trees within the curtilage of the property (along southern boundary) and the 2 intra-soffit bat boxes to be installed on each elevation of the property (8 in total) shall be submitted to and approved in writing by the Local Planning Authority.~~

~~Reason:~~

~~In the interest of protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.~~

Prior to the first beneficial use of the development, as recommended in the Bat Survey Report (I&G Ecological Consulting, Jan 2023, plans showing the final locations of the 2 Harlech Woodstone (or similar) bat boxes and 1 improved Maternity (or similar) bat boxes to be affixed within the curtilage of the property and to 2 Harlech Woodstone (or similar) bat boxes be installed on each elevation of the property (8 in total) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

The above condition has been amended by Non-Material Amendment application P2024/0136 determined on 26/04/2024

- 13 All mature hedgerows and trees on the site shall be retained, notwithstanding Buddleia, which is to be removed, and any lost are to be replaced with native species.

Reason:

In the interest of maintaining wider ecological benefit and connectivity to the surrounding hedgerows, woodlands and rivers to support protected species and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.

- 14 No site/vegetation clearance/demolition shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or there are appropriate measures in place to protect nesting birds on site. Any such written confirmation shall be submitted to and approved in writing by 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.

- 15 The Yard area shall be used for incidental use in association with the hereby approved uses and for no other purpose and cannot be rented or leased out separately.

Reason:

In order that other changes of use can be assessed in the interests of amenity and to accord with Policies SC1 and TR2 of the Neath Port Talbot Local Development Plan.

- 16 Demolition or construction works shall not take place outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 on Saturdays and no demolition or construction operations shall take place on Sundays and 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.

- 17 The landscaped area to the front shall be retained and maintained thereafter.

Reason:

In the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 18 There shall be a maximum of 10 business units within the hereby approved development. There shall be no subdivision or aggregation of the hereby approved units.

Reason:

To ensure that adequate car parking provision is maintained within the curtilage of the dwelling in the interest of highway safety, and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 19 The A1 Use shall not be carried out outside the hours of 07:00 to 22:00 Monday to Friday, 07:00 to 22:00 on Saturdays and Sundays.
The A3 Use shall not be carried out outside the hours of 07:00 to 19:00 Monday to Friday, 07:00 to 19:00 on Saturdays and Sundays.
The B1/B8 Use shall not be carried out outside the hours of 07:00 to 19:00 Monday to Friday, 08:00 to 12:00 on Saturdays and Sundays.

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.

Informatives:

1 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

2 Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>. Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Reason for decision

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 proposal represents an appropriate form of development that would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area, highway and pedestrian safety, ground conditions and ecological interests. Accordingly, the proposed development is in accordance with Policies SC1, EC2, EC3, R3, TR2, BE1, SP15, SP20, SC1, EN6, EN8, TR2 and BE1 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: 21 July 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.