

**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 Chris Cundill
Neath Delicatessen Limited
C/O Unit A, Shufflebotham Lane
Neath
SA11 3FJ

DATE REGISTERED: 11 September 2024

APPLICATION NO: P2024/0562

LOCATION: Unit 2, Neath Town Centre Retail Development, Neath, SA11 3ES.

PROPOSAL: Fit out vacant retail unit for delicatessen and organic grocery store, including provision of a new mezzanine floor, covered external seating area to front and installation of extraction and ventilation equipment, heat pump and condenser units on the roof

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:

Site Location Plan
Proposed Layout Plans
Neath Deli shop plans- Proposed Front Elevation
Neath Deli shop plans- Proposed Rear Elevation
Typical streetscene (side view)
Green Infrastructure Statement
Noise Management Plan
Parker Jones Acoustics Noise Impact Assessment - 1st October 2024
Kitchen Ventilation Statement
Ventilation system specification
Air-con unit specification

Reason:
In the interests of clarity.

Action Conditions

- 3 Prior to commencement of the use hereby permitted, a detailed site specific 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 written approval of the scheme being given, the kitchen extraction shall be installed, operated and maintained in accordance with the approved scheme at all times.

Reason:
In the interest of amenity and to accord with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

- 4 The sound power level for individual external heating and ventilation plant shall not exceed the predicted levels contained in table 5.5 of the Parker Jones Acoustics Noise Impact Assessment hereby approved.

Furthermore, the combined noise rating level emitted from all external heating and ventilation plant operating simultaneously shall not be greater than the 'Derived representative background sound level LA90,T (dB) at nearby residential NSRs' as quoted in Table 5.1 of the Parker Jones Acoustics Noise Impact Assessment hereby approved. The noise levels shall be determined at 1m outside of neighbouring residential windows at the nearest noise-sensitive premises or at another location that is deemed suitable by the Local Planning Authority. Measurements and assessments shall be made in accordance with 'BS 4142:2014 Method for rating and assessing industrial and commercial sound'.

Prior to first operation of the approved heating and ventilation plant, a Noise Impact Assessment demonstrating compliance with the target noise rating level shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Noise Impact Assessment shall be fully implemented for the duration of the use of the premises, unless a variation to it (e.g. in the event of a change in occupier/business practice) has been first submitted to and approved in writing by the Local Planning Authority on application.

Reason:

In the interest of amenity and to accord with Policies BE1 and EN8 of the Adopted Neath Port Talbot Local Development Plan (2011-2026).

Regulatory Conditions

- 5 The emergency services access route at the front of the site must remain free of obstruction at all times, as indicated on the layout plans hereby approved.

Reason:

In the interest of highway safety and to ensure emergency access is available at all times.

- 6 Notwithstanding any other details which may be given in the application, the use hereby approved shall only be open to customers between the hours of 07.00 am to 23.00pm, with the exception of the external public seating area which shall only be open to customers between the hours of 07.00am to 22.00pm and any external heating and ventilation plant which shall not be operated outside of the hours of 07.00am to 19.00pm.

Reason

To ensure compliance with Condition 24 of planning permission P2020/0486, in the interests of residential amenity and to ensure the development complies with Policies BE1 and EN8 of the 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.

- 2 The applicant is advised that should there be any alteration to the scale of the business or the type of food prepared and served at the premises then further details of a suitable extraction system may be required to be submitted to and approved by the Local Planning Authority. The submitted details are only considered to be appropriate based on the information provided and as such, depending on the quantity or type of food served may require a new submission under the terms of the condition, as it may result in amenity issues. Should you have any queries please contact the Environmental Health Team for advice on ehd@npt.gov.uk

3 Prior to beneficial occupation of the unit, the developer is advised to ensure that the pre-commencement and pre-occupation planning conditions attached to planning permission P2020/0486 are discharged and that the development hereby approved adheres to their requirements, where applicable to the unit, as well as any on-going planning requirements in perpetuity e.g. Condition 13 (Service Yard Management Plan) which controls deliveries to/from the site.

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 vitality and viability of Neath Town Centre, amenity or highway safety considerations. Accordingly, the proposed development is in accordance with Policies R1/1, R2, BE1 and TR2 of the Neath Port Talbot Local Development Plan.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policy 6, 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: 18 October 2024

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.

(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

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.