

F.A.O S. Jenkins
Neath Port Talbot County Borough Council
Development Control Section
The Quays, Brunel Way
Neath
SA11 2HZ

09 April 2021

Our Ref: 21/3660MMM

Dear Steven,

Aldi Stores Limited

Land adjacent to CSN Precision Engineering at Neath Abbey Road, Neath, SA10 7BR

Application for a Non-Material Amendment of Planning Permission Ref. P2019/5304

On behalf of our client, Aldi Stores Limited, we are pleased to enclose for your consideration, an application that seeks a non-material amendment to planning permission Ref: P2019/5304, which granted permission for the Aldi foodstore at Neath Abbey Road in Neath.

A credit card payment for the application fee of £115 has been made to the Council via Planning Applications Wales, quoting the relevant reference number (PP-09656943).

Background

On 03 February 2021, planning permission (Ref. P2019/5304) was granted for the 'Erection of a Class A1 foodstore (1,899 sqm gross floor area) with associated access, car parking and landscaping (additional retail information submitted)'.

Condition 4 attached to the decision reads as follows:

"No development shall commence on construction of the new retail store / building until such time as all works to the existing highways and new junction into the site off Neath Abbey Road, which include visibility splays, right hand turn lane, footpaths etc. as identified on drawing 79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0010-A2-P0 and 1190487-1400 P21 have been completed to the satisfaction of the Local highway Authority.

Reason:

Since the proposed new development is only acceptable in highway terms with the required highway improvements, and there is a need to ensure such works can legally be undertaken on land which is not currently in the applicants' control, and to ensure accordance with LDP Policy BE1 and TR2."

Directors
Helen Cuthbert | Stuart Slatter | Claire Temple | Alastair Close
Dan Templeton
Associate Directors
Katie Turvey | Heather Vickers | Alan Williams

Consultant
Lorna Byrne
Associates
Sally Arnold | Rob Scadding | Penny Moss | Sam Deegan | Paul Galgey
Niall Hanrahan | Phil Marsden | Charlotte Perry | Charlotte Hunter

Proposed Development

The proposed non-material amendment seeks to alter the wording of condition 4 to enable the highways works to be completed prior to the occupation of the new store, rather than prior to the commencement of the store construction.

We therefore propose that the wording of the condition is amended as follows:

The new retail store / building shall not be occupied until such time as all works to the existing highways and new junction into the site off Neath Abbey Road, which include visibility splays, right hand turn lane, footpaths etc. as identified on drawing 79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0010-A2-P0 and 1190487-1400 P21 have been completed to the satisfaction of the Local highway Authority.

Reason: To ensure accordance with LDP Policy BE1 and TR2.

Justification

Aldi can provide evidence to demonstrate that it has the benefit of contracts to acquire the land required to undertake the highways works. We have redacted versions of the exchanged contracts with each of the three vendors, CSN, Huw Jenkins (and, in respect of the unregistered land, L H Evans). These can be provided to the Council confidentially, which demonstrate Aldi's contractual interest in the land on which highways works are required. Completion of each acquisition will take place simultaneously and is expected imminently. Once completion has taken place, Aldi will have full control of the land on which highways works are required.

In anticipation of completion of Aldi's acquisition, the undertaking of initial temporary ground works has commenced. This comprises the stripping of topsoil, infilling with Type 1 material, and a 70mm bitumen binder course. A photographic supplement showing the works is included with this submission. These works therefore enable the S.228 process to commence. Furthermore, the S.228 process has been formally signed-off by the Council. This provides the LPA with the certainty it needs that the highways works can be undertaken and completed.

Further still, the amended condition 4 still provides the LPA with control over the highways works, as it requires them to be completed prior to the store opening. This is a standard time requirement for highways works to be completed by so we do not feel this disadvantages the LPA in any way.

If the condition cannot be amended, it will have major consequences on the build programme for the store. The current wording of condition 4 only allows the commencement of the store construction once the highways works are fully completed. This means the highways works would have to be undertaken entirely separately from and ahead of the main store build programme rather than concurrently which is more efficient and cost effective. The highways works will take up to the end of 2021 to fully complete, which means construction of the store may not be able to commence until December 2021 or even January 2022. Additionally, the approval process involved with highways works can become protracted and has the potential to create further delays to commencing store construction. These issues could all have knock-on impacts on the store opening date. The longer the store opening is delayed, the longer it will be until the new in-store jobs are created.

The development is a significant investment (circa £7m) in the local area, and now that there is certainty that Aldi is in control of the land, it is not in the public interest to delay the commencement of the store construction process.

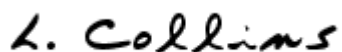
Conclusion

This application proposes a non-material amendment to the wording of condition 4 of planning permission ref: P2019/5304. The amendment seeks to allow the required highways works to be completed prior to the occupation of the foodstore, rather than prior to the commencement of the foodstore works.

Aldi will shortly be in control of all land required to undertake the works, and therefore the change to condition 4 does not materially change the approved development. We consider that the minor change is non-material and can be approved under this application.

We trust that the application is in order and that it can be processed accordingly. Please do not hesitate to contact me should you wish to discuss the above or require any additional information.

Yours sincerely,

A handwritten signature in black ink that reads "L. Collins". The signature is written in a cursive, slightly slanted style.

Lloyd Collins

Planner

Planning Potential

Bristol

Enc.