

**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

Tesco Stores Limited
C/O Agent

Name and address of the agent

Miss Freya Rideout
Desg
11-13 Penhill Road
Pontcanna
CF11 9PQ

DATE REGISTERED: 5 July 2021

APPLICATION NO: P2021/0708

LOCATION: Tesco Express , Neath Road, Briton Ferry, SA11 2AX

PROPOSAL: Variation of condition 8 (delivery times) of planning permission P2012/0658 granted on 03/05/13 to remove the school time restriction due to the closure/re-location of Ynysmaerdy Primary School

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:-

Regulatory Conditions

- 1 The development hereby approved shall be retained in accordance with the external materials as approved under Planning Application P2013/0039 on 23/05/13.

Reason:

In the interest of visual amenity.

- 2 The Traffic Regulation Orders, as approved under application P2013/0769 on 13/09/13, shall be retained on site as approved.

Reason:

In the interest of highways and pedestrian safety.

- 3 The delivery arrangements shall be in accordance with the submitted Design & Access Statement. There shall be no more than one delivery per unit at any one time within the curtilage of the site.

Reason:

In the interest of highways and pedestrian safety.

- 4 The parking/unloading arrangements, as detailed on Dwg INS/01A/PPL0,1 shall be clearly marked out and retained on site thereafter. Parking spaces P214 and P212, as identified on the plan shall be clearly marked on site as being available for the sole use of residents of and visitors to No. 212 and 214 Neath Road, and shall be maintained as such thereafter.

Reason:

In the interest of highways and pedestrian safety.

- 5 The drainage scheme, as approved under Planning Application P2013/0352 on 15/07/13, shall be retained on site in perpetuity.

Reason:

To ensure satisfactory drainage in accordance with TAN 15 Development and Flood Risk, and in the interest of highways and pedestrian safety.

- 6 No boundary wall fronting onto Neath road shall be greater than 600mm in height.

Reason:

In the interest of highways and pedestrian safety.

- 7 The widening improvements to Access points A&B, as approved under Planning Application P2013/0361 on 31/01/14, shall be retained as such thereafter.

Reason:

In the interest of highways and pedestrian safety.

- 8 Notwithstanding Condition 4, there shall be no deliveries to either unit between the hours of 22.00pm - 07.00am.

Reason:

In the interest of residential amenity.

- 9 Delivery vehicles shall make contact with the relevant personnel prior to arriving on site or in Briton Ferry to ensure the bollards are lowered on their arrival.

Reason:

To ensure the free flow of traffic is maintained on Neath Road.

- 10 The bollards for delivery vehicles shall be maintained to a working condition and operational at all times, and retained as such thereafter.

Reason:

In the interest of highways and pedestrian safety.

- 11 Notwithstanding conditions 4 and 8 no deliveries shall take place to either unit during normal refuse collection times.

Reason:

In the interest of highways and pedestrian safety.

- 12 Foul water and surface water discharges must be drained separately from the site.

Reason:

To protect the integrity of the public sewerage system.

- 13 No surface water and land drainage run-off shall be allowed to connect/discharge (either directly or indirectly) to the public sewerage system.

Reason:

To prevent hydraulic overload of the public sewerage system and pollution of the environment.

- 14 Artificial nesting boxes for birds shall be retained on the building in perpetuity.

Reason:

In the interest of biodiversity.

- 15 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any orders revoking or re-enacting that Order with or without modification) the proposed retail Unit 1 (390 Sq/m metres) shall not have facilities for or operate as a:
- a) Pharmacy
 - b) Post Office
 - c) Opticians
 - d) Travel agents
 - e) Bakery (defined as a workplace where goods including breads, cakes and pastries are baked or part baked and subsequently sold on the premises).
 - f) Butchers (defined as a workplace where meat is cut, prepared and subsequently sold).

Reason:

In order to protect the viability and vitality of the district centre of Briton Ferry.

- 16 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any orders revoking or re-enacting that Order with or without modification) the proposed retail Unit 2 (97.5 Sq/m metres) shall not have facilities for or operate as a:
- a) Pharmacy
 - b) Post Office
 - c) Bakery (as defined in Condition 24, but with the exception of the baking of part-baked goods)
 - d) Butchers (defined as a workplace where meat is cut, prepared and subsequently sold).

Reason:

In order to protect the viability and vitality of the district centre of Briton Ferry.

- 17 Customers shall not be served between 23.00 hours and 06.00 hours Monday to Saturday, and between 22.00 hours and 06.00 hours on Sundays and Bank holidays.

Reason:

In the interests of the amenity of the area.

- 18 The means of encloses, as approved under Planning Application P2013/0361 on 31/01/14 shall be retained on site in perpetuity.

Reason:

In the interests of the visual amenity of the area and the amenities of the occupiers of proposed and existing dwellings.

- 19 No amalgamation of the two units shall be permitted.

Reason:

To protect the businesses within the District Centre.

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 proposed development to vary Condition 8 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 SC1, 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: 16 August 2021

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.

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 686949 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.