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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

Aldi Stores Limited
C/O Agent

Name and address of the agent

Mr Lloyd Collins
Planning Potential Ltd
13-14 Orchard Street
Bristol
BS1 5EH

DATE REGISTERED: 28 June 2021

APPLICATION NO: P2021/0678

LOCATION: Land Adjacent To CSN Precision Engineering , Neath Abbey Road, Neath, SA10 7BR

PROPOSAL: Section 73 application for the variation of Condition 2 (Approved Plans), 16 (Delivery management Plan), 17 (electric vehicle charging points), 18 , 20 (heritage interpretation) (Car park layout), 23 (Means of Enclosure), 25 (Low noise Gas Coolers), 30 (Carbon reduction Scheme) and 32 (Landscaping Biodiversity Enhancements) of planning permission P2019/5304 (which related to a class A1 food store and associated access, parking and landscaping) approved on 03/02/2021 to allow the following: Incorporation of an external lobby to the store building, relocation of staff amenity area; Incorporation of Suds features (including drainage basins and permeable paving Biodiversity enhancement measures and landscaping) ; reduction of the canopy return depth, relocation of the fire escape door, relocation of the external plant and change to type of plant; relocation of staff amenity area, external plant enclosures reconfigured; reduction of parking spaces; improved access to existing substation/meter housing; addition of click and collect spaces, relocation of cycle hoops, amendment to heritage interpretation; amendments to delivery times; amendments to energy recovery system.(Condition 20 heritage interpretation added to amend wording of condition from roman road to roman fort in interest of clarity)

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**

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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 THE 22nd November 2021

Conditions:-

List of Approved Plans

- 1 The development shall be carried out in accordance with the following approved plans and documents:

190487-1100-P8 Site Location Plan
190487-1400-P24 Proposed Site Plan
190487 1401 P4 Proposed Floor Plan
190487-1402 P2 Roof Plan
190487 1500 P4 Proposed Elevations
190487 1501 P4 Proposed Context Elevations
190487 1503 P2 Proposed Context Sections
190487-1504 P2 Site Boundary Sections
190487-1450 P2 Phasing Plan
NEATHABBEYRD-TRO-01 Rev A
1350-01 Rev E Soft Landscape Proposals
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0010-A2-P01 - Highway Works
1463-Neath abbey road R6 Rev E plant compound
B3590 M3 heating pipe network
7899sk0020b Road drainage proposals
1350-02 Rev 0 Soft Landscape Proposals Access Road

Reason:

In the interests of clarity.

Details in respect of the above condition were amended by a Non-material Amendment under planning permission ref. P2021/1161 on the 17/11/2021

Action Conditions

- 2 The new retail store/building shall not be brought into a beneficial use until such time as all works within phase 1 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 drawings 190487-1450 P2 Phasing Plan, 79-E1379-CDY- XX-XX-DR-D-En_80_35_74-0010-A2-P01 and 1190487-1400 P24 have been completed to the satisfaction of the Local highway and retained as such thereafter.

The turning area shown within Phase 2 as identified on identified on 190487-1450 P2 Phasing Plan, 1190487-1400 P24 shall be finished with a temporary surface to the satisfaction of the Local Highways Authority and remain open and free for use prior to the first beneficial use of the store with all works within Phase 2 being completed by the 18th February 2022 and be retained as such thereafter.

Reason:

The proposed new development is only acceptable in highway and pedestrian safety

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terms with the required highway improvements, and there is a need to ensure such works are provided in a phased approach, and to ensure accordance with LDP Policy BE1 and TR2

Details in respect of the above condition were amended by a Non-material Amendment under planning permission ref. P2021/1161 on the 17/11/2021

- 3 The demolition and Construction Environmental Management Plan document titled Construction and Environmental Management Plan revision 1 by Arc Bauen) agreed under planning application P2021/0156 on 23/04/2021, shall be adhered to throughout the demolition and construction phases of the development as a whole.
Reason:
In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.
- 4 The land contamination remediation shall be carried out in accordance with the details agreed under planning application P2021/0156 on 23/04/2021, and retained as such thereafter.
Reason:
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan
- 5 The development shall be fully carried out in accordance with the requirements and standards of the written scheme of historic environment mitigation agreed under planning application P2021/0150 approved on 22/03/2021. Prior to the first beneficial use of the development a final report shall be submitted to and approved in writing by the Local Planning Authority.
Reason:
To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan
- 6 Foul drainage shall be implemented in accordance with the details agreed under planning application P2021/0156 approved on 23/04/2021 prior to the first beneficial use of the development. No further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
Reason:
To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.
- 7 The tree protection fencing and protection measures as identified on the tree protection plan TPP1 within the Arboricultural Impact assessment and tree protection by Bosky Trees dated March 2021 shall be retained and adhered to throughout the construction of the development.

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Reason:

To ensure all existing trees are protected throughout the construction of the development, 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.

- 8 Notwithstanding the submitted information, the development hereby approved shall not be brought into beneficial use until such time as the secondary junction leading into the proposed car parking area shall be provided with vehicular visibility splays in both directions measuring 2.4m by 43m in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The vision splay as agreed shall be retained as such thereafter. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking or re-enacting that order, no obstruction exceeding 600mm high shall be erected, placed or allowed to grow within the visibility splays for the lifetime of the development

Reason

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

- 9 The vehicular visibility splays for the primary junction on to Neath Abbey Road shall be 2.4 metres by 90 metres in both directions, which shall be set out in accordance with drawing number 79-E1379-CDY- XX-XX-DR-D-En_80_35_74-0010-A2-P01. Highway Works, prior to the first beneficial use of the development and retained as such thereafter. Notwithstanding the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) or any order revoking or re-enacting that order, no obstruction exceeding 600mm high shall be erected, placed or allowed to grow within the visibility splays for the lifetime of the development.

Reason

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

- 10 The development hereby approved shall not be brought into beneficial use until such time as the street lighting scheme agreed under planning application P2021/0744 on 08/10/2021 has been implemented in full. The approved scheme shall be retained. As such thereafter

Reason

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

- 11 All works shall be subject to Road Safety Audits, stages 2 3 and 4 in accordance with the HD19/03 Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority. Stage 2 has been agreed under planning application P2021/0744 on 08/10/2021; Stage 3 shall be submitted upon completion of the development, and stage 4 shall be submitted 1 year after the completion of the development. All issues highlighted at each stage shall be addressed to the written approval of the Local Planning Authority within 3 months of approval of that stage of the Road Safety Audit.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.

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- 12 The staff travel plan agreed under planning application P2021/0744 on 08/10/2021 shall commence upon the first beneficial use of the store. Full monitoring shall be undertaken in the 1st, 3rd and 5th year, with an interim report submitted to the Local Planning Authority in the 2nd and 4th year. After five years of operating the first travel plan, a further travel plan shall be submitted to and approved in writing by the Local Planning Authority addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.
Reason
In the in interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan
- 13 The development shall operate in accordance with the delivery management plan by Entran Environmental & Transportation hereby approved in perpetuity. No deliveries in excess of 7.5 tonnes shall access or leave the site via any route during the hours of 8.15am to 9.30am and 2.30pm to 4pm during school term times.
Reason:
In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan
- 14 Prior to the first beneficial use of the development the 5 parking spaces with Electric Vehicle Charging Points and the ducting for the future electric charging points for a further 16 spaces as shown on drawing 190487- 1400P24 shall be fully implemented on site and shall be retained for such use thereafter.
Reason
In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 11, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan
- 15 The car parking area hereby approved shall be constructed in accordance with drawing number 190487-1400 P24 proposed site plan, prior to the first beneficial use of the development and retained for such use thereafter.
Reason:
In the interest of highway and pedestrian safety, to ensure that the development is served by sufficient parking and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan
- 16 All phase 1 white lining and Traffic Regulation Orders along the length of the access road to the main junction onto Neath Abbey Road as identified on Phasing Plan No. 190487-1450 P2 Phasing Plan and NEATHABBEYRD-TRO-01 Rev A shall be implemented in full prior to the first beneficial use of the food store hereby approved development and retained as such thereafter.
- Phase 2 white lining and Traffic Regulation Orders identified on Plan No. 190487-1450 P2 Phasing Plan and NEATHABBEYRD-TRO-01 Rev A Shall be implemented in full by the 18th February 2022 and be retained as such thereafter.
- Reason:
In the interest of highway and pedestrian safety and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were amended by a Non-material Amendment under planning permission ref. P2021/1161 on the 17/11/2021

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- 17 Notwithstanding the submitted plan, prior to the first beneficial use of the development a Heritage Interpretation Scheme, to include details of a) the design, location and details to be displayed on heritage interpretation boards; and b) details of how the Roman Fort will be indicated/marked out on site in perpetuity; shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented on site in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason

To ensure the Historic mitigation measures are implemented which will ensure the impact upon the setting of the scheduled monument GM215 Neath Roman Site, will be reduced to slight and therefore not be significant and to ensure the development complies with Policy SP21 of the Neath Port Talbot Local Development Plan.

Details in respect of the above condition were approved under Planning Application P2021/0952, issued on 22nd November 2021.

- 18 Within 3 months of the store becoming fully operational, a noise assessment shall be undertaken to evaluate the actual noise impact of the development (which shall include all aspects of the development) in accordance with a methodology which shall first have been agreed in writing by the Local Planning Authority. The purpose of the assessment will be to evaluate whether or not the predictions made during the application phase are representative of operational real life noise level. Findings of the assessment shall be documented within a report, which shall be submitted to the Local Planning Authority within 4 months of the store becoming fully operational, and which shall include any necessary mitigation or modifications necessary to ensure that the development is in compliance with the noise parameters set out in condition 31

Reason:

As predicted noise levels are on the limit of acceptability, a noise assessment is required to demonstrate compliance with the predicted noise levels in condition 31, since it is essential in the interests of residential amenity to ensure that they are achieved and, if not, that additional controls are implemented to ensure such compliance, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 19 The enclosures around the CO2 refrigeration packs shall be erected in accordance with the details agreed under planning application P2021/0744 approved on 08/10/2021 prior to the first beneficial use of the development 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

- 20 All mean of enclosures including the acoustic fencing as shown on drawing 190487-1400 P24 (with the exception of the enclosure situated around the CO2 refrigeration packs which is covered under condition 19) shall be erected on site prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity, to protect the amenity nearby residents, and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

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- 21 The Acoustic fencing shall be constructed in accordance with the details agreed under planning application P2021/0744 on 08/10/2021 prior to the first beneficial use of the development and retained as such thereafter.
Reason:
In the interest of visual amenity, to protect the amenity of nearby residents, and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.
- 22 All External fixed plant shall be installed in accordance with technical drawings ref. 1463-Neath, Abbey Road—R6 Rev E and M3-B HEATING PIPEWORK and the Sharps Redmore Fixed Plant Noise Assessment dated 3rd June 2021, prior to the first beneficial use of the development and retained and maintained as such thereafter. Should any of the approved plant need to be repaired or replaced then any repaired or replacement plant shall as a minimum perform to the same noise specification.
Reason
To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.
- 23 The external lighting scheme agreed under planning application P2021/0744 approved on 08/10/2021 shall be implemented in accordance with the agreed details prior to the first beneficial use of the store and retained as such thereafter. No addition lighting shall be erected unless a detailed lighting scheme is submitted to and approved in writing by the local planning authority detailing the location of all proposed and existing lights, the specification, intensity of illumination, predicted lighting contours (lux plots), together with proposed hours of operation and any mitigation measures required (including measures to reduce as far as practicable light spillage onto the adjoining residential properties)
Reason:
In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.
- 24 The external materials agreed under planning application P2021/0744 approved on 08/10/2021 shall be used in the construction of the external surfaces prior to the first beneficial use of the development and retained as such thereafter.
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.
- 25 The land contamination remediation works which have been verified under planning application P2021/0744 approved on 08/10/2021 shall be retained in perpetuity.
Reason:
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan

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- 26 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan

- 27 The Renewable and Low carbon Energy measures hereby approved shall be fully implemented prior to the first beneficial use of the development and retained as such thereafter.

Reason

In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.

- 28 Prior to the first beneficial use of the development hereby approved, a Flood Warning Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

a)Details of Flood emergency plan/procedure during an extreme flood event

b)Details of escape/evacuation routes

c)Details of flood warning signs and their locations within the store and car park

d)Confirmation that the store is registered with NRW flood warning service. The approved scheme shall be fully implemented on site prior to the first beneficial use of the store and retained thereafter.

Reason:

In the interest of the staff and users of the site as it is partly located within a C2 Flood Zone and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

- 29 The hard and soft landscaping and biodiversity enhancements measures shown on 1350-01 Rev E Soft Landscape Proposals and detailed within 12740_R02b_Scheme of Biodiversity Enhancement Measures hereby approved 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:

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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.

Regulatory Conditions

- 30 Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:30 Saturdays, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 31 Between the hours of 07:00 and 19:00 the noise rating level of plant/machinery at the development shall not exceed 10 dB below the existing background noise level and Between the hours of 19:00 and 07:00 the noise rating level of plant/machinery at the development shall not exceed 35 dB (A) . The noise levels shall be determined at the nearest noise- sensitive premises or at another location that is deemed suitable by the Authority. Measurements and assessments shall be made in accordance with "BS 4142:2014 Methods for rating and assessing industrial and commercial sound".

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 32 Notwithstanding condition 13, Deliveries (including refuse collections) shall only take place between 07:00 and 22:00 and shall be undertaken in accordance with the Quiet Deliveries Scheme (dated February 2020) hereby approved, or such other Quiet Deliveries Scheme which shall on review first have been submitted to and approved in writing by the local planning authority.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan

- 33 On receipt of a justified complaint, following a written request from the LPA the applicant shall undertake an assessment of the noise arising from the operations on the site and submit to the Local Planning Authority a written report detailing the findings of the assessment within two weeks of such a request being made (or other such date that may be agreed in writing by the Local Planning Authority). The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant; The acoustic consultant shall be a member of the Association of Noise Consultants (ANC) and a member of the Institute of Acoustics. Prior to undertaking the noise assessment for the purpose of preparation of the report, the consultant

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shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards. The noise assessment report shall include evidence that the control measures recommended within the assessment have been implemented, or include a timetable for their implementation, and all such mitigation measures shall be retained and maintained thereafter.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 34 Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.

Reason:

In the interest of drainage, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 35 No development shall take place within 3 meters either side of the public sewers that cross the application site

Reason:

In order to protect the pipeline from the effects of development, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 36 No structure shall be sited within 5 meters either side of the public sewers that cross the application site

Reason:

In order to protect the pipeline from the effects of development, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 37 Foul water and surface water discharges shall be drained separately from the site.

Reason:

In the interest of providing adequate foul and surface water drainage, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan

- 38 No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of providing adequate surface water and land drainage runoff, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

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- 39 All Landscape areas shall be managed in accordance with 12740_R02b Scheme of Biodiversity Enhancement Measures hereby approved in perpetuity.

Reason:

In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

- 40 The total net sales area shall not exceed 1315 sq metres of which no more than 20% shall be used for the display and sale of comparison goods.

Reason

To ensure the development does not have an adverse effect on the vitality and viability of Neath Town Centre and Skewen District Centre and to ensure the development complies with Policy R3 of the Neath Port Talbot Local Development Plan.

- 41 The use shall not be carried out outside the hours of 0800 to 2200 Monday to Saturday and 1000 to 1600 on Sundays and bank 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.

- 42 There shall be no outside storage of any waste, delivery trolleys, crates, packaging etc. (excluding shopping trolleys within the designated trolley bay) unless located within a designated area with appropriate screening which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

- 43 The retail unit hereby approved shall remain as one unit and not be sub- divided into smaller retail units.

Reason

To ensure the development does not have an adverse effect on the vitality and viability of Neath Town Centre and Skewen District Centre and to ensure the development complies with Policy the Neath Port Talbot Local Development Plan.
Conditions

Informatives:

1 Glamorgan Gwent Archaeological Trust GGAT advise that the archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is GGAT policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civicrm-contact-distance-search>) or a MCIfA level accredited Member.

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2 Please note that from 7th January 2019, all new developments of more than 1 house, or where a construction area is of 100m² or more, plus if the SAB authority believe that any redevelopment of land has significant surface water drainage implications. This will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. More information is available in Schedule 3 of the Flood & Water Management Act 2010. These systems must be approved by the Council's Highway Development Control service acting in its SuDS Approving Body (SAB) role before construction work begins. In this respect it is essential that a developer of any such project gain SAB approval of its surface water drainage alongside any relevant planning permission. You will not be allowed to start construction until both permissions have been approved. If you have not done so already, and your development would not fall into any of the relevant exceptions, you are therefore strongly encouraged to request further advice from the SAB. Involving the SAB Officers in pre-application discussions will allow for SuDS drainage matters (to ensure suitability of proposed SuDS design in line with national standards and adequate site layout) to be considered alongside the assessment of planning merits. There is an additional charge of £250 for this service. This can be as part of any agreed further pre-application submissions with the Planning Authority (recommended) or independently/ direct with the SAB. You are advised, however, that failing to engage in joint pre-application discussions has the potential to lead to delays and, most notably, the potential need to obtain further planning permission should any agreed SuDS design not be compliant with any relevant planning permission. Further details are available at www.npt.gov.uk/sab

3 A) For the implementation of the Traffic Regulation Orders you should contact the Project Manager - Engineering of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG. f.a.o Martin Brumby tel: 01639 686013 or email: m.brumby@npt.gov.uk who will advise you of the procedure for the implementation of the required Traffic Regulations Orders. * Please note this process can take up to 6 months - subject to the consultation process outcome.

B) The sign projecting over the public highway will require a licence under Section 177 of the Highways Act 1980. You are therefore required to contact the Highways Development Control Manager of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Bagman Energy Park, Neath, SA11 2GG (f.a.o. Mr Aled Jones Tel. No. 01639 686407 or e-mail a.jones9@npt.gov.uk) to obtain a licence before the sign is placed.

C) In order to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority and subsequently adopted if you so wish you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter an adoption agreement and arrange onsite inspection of your works.

D) Any agreement to adopt the roads relating to this development should be entered into with the Council prior to the commencement of development. Such an agreement will be under Section 38 of the Highways Act 1980 relating to the specification, timescale and subsequent adoption of the roads and a Bond to ensure that the Authority can complete the works if the Developer defaults on the roadworks.

E) Prior to commencing any works on site the applicant will be required to enter into an agreement with the Authority under Section 278 of the Highway Act 1980 to carry out the works upon the existing public highway. You are advised prior to commencing any work on these works to contact the Head of Engineering and Transport Services at The Quays,

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Brunel Way, Baglan Energy Park, Neath, SA11 2GG (FAO Mr Justin Griffiths, telephone number (01639) 686397 or e-mail j.griffiths4@npt.gov.uk) to agree the specification, enter the agreement and arrange on site inspection of your works.

F) Developers' attention is drawn to the provisions of Section 278 of the Highways Act, 1980 in cases where a development would require access or other works to be carried out within the existing highway. Where highway works to benefit a development require land adjacent to an existing highway to be constructed upon together with works on the existing public maintained highway, a hybrid S38/278 shall be used. Works that are to be undertaken within the existing public maintained highway only will require a S278 agreement. No Work shall be undertaken on the existing public maintained highway until the appropriate legal agreement has been entered into. Any works undertaken on the public highway without the appropriate legal agreement with the Highway Authority, the Highway Authority has the right to request the developer to remove and/or reinstate that part of the highway back to its original condition to the satisfaction of the Highway Authority. A plan detailing the differences between the existing and proposed highway shall be submitted to form part of the legal agreement, this should be made up of two colours, green for the proposed area to be adopted and brown for the existing highway. Developers are reminded that consent under the Town and Country Planning Act, 1990/91, conveys no approval for works to be undertaken affecting any part of the public highway, including verges and footways. The Developer must:-

- (i) Obtain the approval of Neath Port Talbot County Borough Council as Highway Authority for the details of any works to be undertaken in the Public Highway.
- (ii) Indemnify the Authority against all claims arising from such works, including claims under the Land Compensation Act.
- (iii) Give not less than 1 calendar months' notice in writing of the date of commencement of the works. As part of this process you are advised that any principle contractors and/or subcontractors that are on the Local Authority's framework approved list are permitted to undertake the works on the public highway, a list of these contractors are available from the Highway Authority's Highway Development Control Section on request.

4 The proposed development site is crossed by public sewers with the approximate position being marked on the attached Statutory Public Sewer Record. The positions shall be accurately located, marked out on site before works commence and no operational development shall be carried out within a specified easement zone either side of the centreline of the public sewers. The applicant is advised to contact Welsh Water to discuss. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com The applicant is also advised that some public sewers and lateral drains may not be recorded on our 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.

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5 Notes from development near Welsh Waters, Water Main must be strictly adhered to. These are:-1) No structure is to be sited within a minimum distance of 5 metres from the centre line of the pipes. The pipeline must therefore be located and marked up accurately at an early stage so that the Developer or others understand clearly the limits to which they are confined with respect to the Company's apparatus. Arrangements can be made for Company staff to trace and peg out such water mains on request of the Developer.2) Adequate precautions are to be taken to ensure the protection of the water main during the course of site development. If heavy earthmoving machinery is to be employed, then the routes to be used in moving plant around the site should be clearly indicated. Suitable ramps or other protection will need to be provided to protect the water main from heavy plant.4) The water main is to be kept free from all temporary buildings, building material and spoil heaps etc.5) The existing ground cover on the water main should not be increased or decreased.6) All chambers, covers, marker posts etc. are to be preserved in their present position.7) Access to the Company's apparatus must be maintained at all times for inspection and maintenance purposes and must not be restricted in any way as a result of the development.8) No work is to be carried out before this Company has approved the final plans and sections. These are general conditions only and where appropriate, will be applied in conjunction with specific terms and conditions provided with our quotation and other associated documentation relating to this development.

6 The applicant is made aware that there is a High Pressure Gas main running through the site, you are advised to contact Wales and West Utilities prior to commencement of any works. Please see their comments made

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.

Following a detailed analysis of the supporting information, and representations made on behalf of locals and nearby retail businesses, it has been concluded that while it has not been satisfactorily demonstrated that there is a quantitative need for the proposed new retail development, it has been accepted that there is a qualitative need and while the weight is lesser than if it met both quantitative and qualitative need, the proposal is considered to comply with the overall requirement of criterion (i) of Policy R3 to demonstrate need. In addition, the applicant has provided a robust sequential test to demonstrate why the development cannot be located within a defined retail centre (criterion (ii)), the scale of the identified impact would not be to such a degree to unacceptably undermine the vitality and viability of the town centre or other centres (criterion (iii)); and it is not considered that the development would undermine either the Council's retail hierarchy or approved regeneration schemes. Accordingly the principle of this new retail development is considered to be in accordance with Policy R3 of the Local Development Plan.

It is also considered that the development would provide economic benefits to the local area which weigh in favour of the development; that identified impacts on nearby properties can be mitigated to an acceptable degree through design or condition; that

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conditions can ensure there would be no unacceptable impact on pedestrian and highway safety; that the scheme would not have an unacceptable detrimental impact upon the character or appearance of the area; and that conditions can address all other issues including those relating to drainage, biodiversity and archaeology. Accordingly, the proposed development is acceptable having regard to Policies SP1, SP2, SP3, SP4, SP5, SP10, SP11, SP12, SP15, SP16, SP18, SP19, SP20, SP21, SC1, I1, OS1, R3, EN7, EN8, RE2, W3, TR2 and BE1 of the Neath Port Talbot Local Development Plan.

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.

Signed: 

Ceri Morris – Head of Planning & Public Protection

Date: 26 October 2021

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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.

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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

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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.