

Neath Port Talbot County Borough Council
Development Control Section
The Quays, Brunel Way
Neath
SA11 2HZ

24 June 2022

Our Ref: 22/3660MMMMM

Dear Sir/Madam,

Aldi Stores Limited
Land Adjacent to CSN Precision Engineering at Neath Abbey Road, Neath, SA10 7BR
Application Under Section 73 of the Town and Country Planning Act 1990

On behalf of my client, Aldi Stores Limited, please find enclosed a planning application, which seeks the variation of Conditions 1, 5, 11, 17, 18, and 29 of planning permission P2021/0678, to allow minor material changes to the approved scheme to ensure that it is deliverable.

Accordingly, please find enclosed the following documentation:

- Completed application forms and certificates;
- Decision Notice ref. P2021/0678;
- 190487-1100-P8 Site Location Plan;
- 190487-1400-P26 Proposed Site Plan;
- 190487-1413-P02 Typical Retaining Boundary Wall Section Detail;
- 190487-W216-C Roman Ruin Location & Coordinates; and
- 20211220 7899w0040 S278 FINAL RSA3 Neath Abbey Road, Neath - Designer's Response with Audit Team Comments.

A credit card payment for the application fee of £230 has been made to the Council via Planning Applications Wales, quoting the relevant reference number (PP-09757697).

Planning History

In 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)*'.

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

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

On the 8th of June, a Non material Amendment (ref. P2021/0408) of planning permission P2019/5304 approved on 03/02/2021 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 was approved by the Council.

On the 26th October 2021, a Section 73 application (ref. P2021/0678) was approved 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.

On the 21st December 2021, a planning application (ref. P2021/1273) for a revised turning head, road alignment, car parking layout, fencing, and associated works was submitted to the Council. This application is currently under review by the Council.

Background and Proposals

Condition 1

Further to communication with NPT council, a revised site plan and typical retaining wall detail has been produced for the section of car park currently finished with concrete haunching. Twice-weathered concrete coping has been shown to match the detail used on the opposite side of the site.

During discussions with the Council additional changes to the scheme have also been required which are set out below:

- Additional site levels added to the plans, and site levels updated in line with as built survey.
- Removal of a landscaping strip alongside access road serving CSN
- Low level wall added alongside access road serving CSN, with a guard rail added above
- Mature planting planted in all SuDS basins across the site

Planning permission ref. P2021/0678 includes a condition that sets out the approved plans. Condition 1 of planning permission P2021/0678 reads:

"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
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."

It is proposed to change the wording of Condition 1 to read as follows:

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

190487-1100-P8 Site Location Plan
190487-1400-P26 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
1350-01 Rev F 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 O Soft Landscape Proposals Access Road
190487-1413-P02 Typical Retaining Boundary Wall Section Detail

Reason: In the interests of clarity."

Condition 5

The final Archaeology Report will not be completed until the end of the year (2022), as there is a shortage of pottery specialists at present in the UK, and this is delaying the completion of the Report. Therefore, there is a requirement to amend the timing of this condition.

Planning permission ref. P2021/0678 includes a condition that refers to the written scheme of historic environment mitigation. Condition 5 of planning permission P2021/0678 reads:

"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."

It is proposed to change the wording of Condition 5 to read as follows:

"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. As soon as is practically possible, 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."

Condition 11

The Road Safety Audits 3 and 4 cannot be completed until the access road application is approved and the work are completed and signed off. Therefore, there is a requirement to amend the timing of this condition. Submitted with this application is the Road Safety Audit 3 for the Section 278 works. The Road Safety Audit 2 has been submitted and approved previously.

Planning permission ref. P2021/0678 includes a condition that refers to Road Safety Audits. Condition 11 of planning permission P2021/0678 reads:

"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."

It is proposed to change the wording of Condition 11 to read as follows:

"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 access road development ref. P2021/1273, and stage 4 shall be submitted 1 year after the completion of the development and access road development ref. P2021/1273. 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."

Condition 17

Planning permission ref. P2021/0678 includes a condition that refers to a Heritage Interpretation Scheme. Condition 17 of planning permission P2021/0678 reads:

"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."

The demarcation studs approved via the discharge of condition 17 in application ref. P2021/0952 were not available at the time of installation. These studs were shown on approved drawing ref. 190487-190487-W216- Roman Ruin Location & Coordinates. A similar type of stud has been installed on site, and details of this stud and the positions of the studs are included in drawing ref. 190487-W216-C Roman Ruin Location & Coordinates.

Condition 18

It has not been possible to carry out the noise assessment within 3 months of the store becoming fully operational due to issues with accessing neighbouring premises and due to discussions with Officers. Therefore, there is a requirement to amend the timing of this condition.

Planning permission ref. P2021/0678 includes a condition that refers to a noise assessment. Condition 18 of planning permission P2021/0678 reads:

"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."

It is proposed to change the wording of Condition 18 to read as follows:

"18 Within 12 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."

Condition 29

During the onsite works, it was requested by the Council that further mature planting was required within the SuDS basins to ensure compliance with the SAB requirements. These plants were spread out across all the SuDS basins when planted. Additionally, a low level wall added alongside access road serving CSN, with a guard rail added above that required the removal of a landscaping strip. Therefore, the landscaping plans have been updated in line with the amendments.

Planning permission ref. P2021/0678 includes a condition that refers to hard and soft landscaping and biodiversity enhancements measures. Condition 29 of planning permission P2021/0678 reads:

"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: 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."

It is proposed to change the wording of Condition 29 to read as follows:

"29 The hard and soft landscaping and biodiversity enhancements measures shown on 1350-01 Rev F 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.

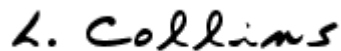
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation, and enhancement of links between sites and their protection for amenity, landscape, and biodiversity value, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan."

Summary

On behalf of my client, Aldi Stores Limited, please find enclosed a planning application, which seeks the variation of Conditions 1, 5, 11, 17, 18, and 29 of planning permission P2021/0678, to allow minor material changes to the approved scheme to ensure that it is deliverable.

I 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 faithfully,



Lloyd Collins

Planner

Planning Potential

Bristol

Enc.