

**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
Planning Potential
13-14 Orchard Street
BRISTOL
BS1 5EH

Name and address of the agent

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

DATE REGISTERED: 23 December 2021

APPLICATION NO: P2021/1273

LOCATION: Csn Precision Engineering , Neath Abbey Road, Neath, SA10
7BR

PROPOSAL: Revised turning head, road alignment, car parking layout ,
fencing, and associated works (this is a variation to the access
road and parking approved under planning application
P2021/0678 which related to the construction of a class A1
food store and access road.) (revised FCA and wall details)
(revised FCA)

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL as the Local Planning Authority
in pursuance of its power under the above mentioned Act and Order hereby **GRANTS
PLANNING PERMISSION** for the development as described above to be carried out in
accordance with the application and the plans submitted therewith, subject to compliance
with the following conditions:

Conditions:-

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning
Act 1990.

List of Approved Plans

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

190487-2300-P10 Proposed Site Plan
190487-2301-P1 Proposed Site Plan_Clear Version
190487-1413-P02 Typical Retaining Boundary Wall Section Detail
7899w0038d CSN access, Neath Abbey Road Neath - Flood Consequence Assessment
7899w0036b Flood Warning and Evacuation Plan
Arboricultural Impact Assessment and Tree Protection Plan
190487-2100-P4 Site Location Plan
190487-2200-P6 Existing Site Plan
Design and Access Statement - Access Road
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0115-A5-C01 S38 Construction Details
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0120-A5-C03 S38 Setting Out
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0107-S2-P03 S38 Vehicle Swept Path Analysis
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0131-A5-C02 S38 Long Sections
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0110-A5-C03 S38 Engineering Layout
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0105-S2-P04 S38 Agreement Plan
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0132-A5-C02 S38 Cross Sections
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0112-A5-C03 S38 Signage and Road Marking
79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0130-A5-C03 S38 Contours and Levels
12740_R02c_Biodiversity Enhancement Strategy
2740_R03a_Neath Abbey Road_ERA Pro-forma
EEGSL SI Report B0786 ALDI Neath rev1
641-1.1.0.Final GI Report
Archaeological Written Scheme of Investigation

Reason:

In the interests of clarity.

Action Conditions

- 3 Unless all the works to the existing highway are completed within 3 months of the date of this permission in accordance with the plans hereby approved, then use of the retail store development approved pursuant to planning permission P2019/0534 (and all subsequent S73 permissions for the same) shall cease until such time as the highway works have been completed to the satisfaction of the Local Planning Authority.

Reason: Since the proposed new development is only acceptable in highway terms with the required highway improvements, and to ensure accordance with Policies BE1 and TR2 of the Adopted Neath Port Talbot Local Plan.

Regulatory Conditions

- 4 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

- 5 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.

- 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.

Informatives:

1 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 only certain contractors 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. Therefore to ensure the road works you are required to undertake are carried out to the satisfaction of the Local Planning Authority you are advised prior to commencing any work on these works to contact the Head of Engineering and Transport at The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG (FAO Mr T Davies Telephone No. 01639 686392 or e-mail t.davies2@npt.gov.uk) to agree the specification, enter the necessary agreement and arrange onsite inspection of your works.

2 Please note that SAB approval will be required prior to any work commencing. It is a breach of approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018.

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 (2011-2016) adopted January 2016.

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 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

Signed: 
Ceri Morris – Head of Planning & Public Protection

Date: 13 September 2022

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 686820 to discuss all aspects of the service that is offered by Building Control
- HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

ⁱ Please see the [Town and Country Planning \(Referred Applications and Appeals Procedure\) \(Wales\) Regulations 2017](#) for appeal procedures and for full definitions of:

- *“householder application”* (essentially an application for the enlargement, improvement or other alteration of a dwellinghouse, or development within the curtilage of such a dwellinghouse, or change of use to enlarge the curtilage of a dwelling house)
- *“householder appeal”* means an appeal in relation to a householder application, but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.
- *“minor commercial application”* (essentially relates to existing buildings of no more than 250 square metres gross external floor space at ground floor level, currently in use for any of the purposes set out in Schedule 1A to The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2015 which is an application for change of use from Class A1 to A2 or A3; or Class A2 to A3); or the carrying out of building or other operations to a shop front.
- *“minor commercial appeal”* means an appeal in relation to a minor commercial application but excludes an appeal against conditions on the grant of planning permission; or an appeal which is accompanied by an enforcement or listed building consent appeal.