

# Superseded

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

Neath Port Talbot CBC  
The Quays  
Brunel Way  
Baglan Energy Park  
Neath

Name and address of the agent

Mr Phil Baxter  
Asbri Planning  
Suite D  
220 High Street  
Swansea  
SA1 1NW

DATE REGISTERED: 5 June 2020

APPLICATION NO: P2020/0486

LOCATION: Land At Water Street , Neath

PROPOSAL: Leisure Centre, incorporating Swimming pool, health suite and gym with ancillary cafe, 6 commercial units (A1, D1 uses) plus first floor public library. Together with associated service yard, public realm and landscaping improvements.

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:

THIS DECISION NOTICE IS REV 7 ISSUED ON 03/01/2023

Conditions:-

Time Limit Conditions

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
Reason  
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

# Superseded

List of Approved Plans

- 2 Development shall be carried out in accordance with the drawings hereby approved, unless otherwise agreed in writing by the local planning authority.

Plans.

A-90001 C01 Existing Site Plan

A-90002 C02 Proposed Site Plan

~~A-90003 C02 Proposed Site Plan – Roof~~

~~— A-00002 C02 LC Ground Floor Plan~~

~~— A-00003 C02 LC First Floor Plan~~

~~**A-90003 C03 Proposed Site Plan – Roof**~~

~~**A-00002 C04 LC Ground Floor Plan**~~

~~**A-00003 C04 LC First Floor Plan**~~

~~**A- 90003 C04 Proposed Site Plan –Roof**~~

~~**A-00002 C05 LC Ground Floor Plan**~~

~~**A-00003 C05 LC First Floor Plan**~~

A-00005 C02 LC Roof Plan

A-00008 C02 Proposed Basement Plan

~~— A-00011 C02 Building Ground Floor Plan~~

~~— A-00012 C02 Building First Floor Plan~~

~~— A-00013 C02 Building Roof Plan~~

~~— A-00100 C02 Proposed Sections A and B~~

~~— A-00101 C02 Proposed Section C~~

~~— A-00200 C02 N & E Elevations~~

~~— A-00201 C02 SW & W Elevations~~

~~— A-00202 C02 SE Elevation~~

~~— **A-00011 C06 Building Ground Floor Plan**~~

~~**A-00012 C05 Building First Floor Plan**~~

~~— **A-00013 C03 Building Roof Plan**~~

~~— **A-00100 C03 Proposed Sections A and B**~~

~~**A-00101 C04 Proposed Section C**~~

~~— **A-00200 C05 N & E Elevations**~~

~~— **A-00201 C06 SW & W Elevations**~~

~~**A-00202 C05 SE Elevation**~~

**A-00011 C07 Building Ground Floor**

**A-00013 C04 Building Roof Plan**

**A-00100 C04 Proposed Sections A and B**

**A-00101 C04 Proposed Section C**

**A-00200 C06 N&E Elevations**

**A-00201 C07 SW&W Elevations**

**A-00202 C05 SE Elevation**

A-00203 C02 Leisure Centre Elevations

**A-01300 C02 Illustrative Image 1**

~~A-01300 C01 Illustrative Image 1~~

A-01301 C02 Illustrative Image 2

**A -01302 C03 Illustrative image 3**

~~A-01302 C02 Illustrative Image 3~~

Design and Access Statement

Planning Statement

PAC Report

# Superseded

Transport Statement  
Travel Plan/Sustainable Transport Statement  
Retail Statement  
Noise Assessment  
Ecological Assessment  
Tree Survey Update  
Waste Management Plan  
Construction Management Plan  
Energy Assessment  
Land Contamination Report  
~~A-00200 C02 N & E Elevations~~  
~~A-00201 C02 SW & W Elevations~~  
~~A-00202 C02 SE Elevation~~  
~~A-00203 C02 Leisure Centre Elevations~~  
~~A-01300 C01 Illustrative Image 1~~  
~~A-01301 C02 Illustrative Image 2~~  
~~A-01302 C02 Illustrative~~

Reason  
In the interest of clarity.

**Drawing No's A-90003 C03, A-00002 C04, A-00003 C04, A-00011 C06, A-00012 C05, A-00013 C03, A-00100 C03, A-00101 C04, A-00200 C05, A-00201 C06 and A-00202 C05 were approved as a non-material amendment by planning permission ref. P2021/0538 approved on 09/06/2021**

**Drawing No's A-90003 C04, A-00002 C05, A-00003 C05, A-00011 C07, A-00013 C04, A-00100 C04, A-00101 C04, A-00200 C06, A-00201 C07, A-00202 C05, A-1300 C02, A-01302 C03 were approved as a non material amendment by planning permission ref P2021/0871 on 10/09/2021**

Pre-Commencement Conditions

- 3 Prior to any development commencing on site, the developer must do the following:-
- a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and
  - b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.
- Reason:  
To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.

**Details provided on 3/11/2020**

# Superseded

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- 4 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) 'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
  - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
  - (iii) an assessment of the potential risks to:
    - human health,
    - groundwater and surface waters
    - adjoining land,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
    - archaeological sites and ancient monuments; and
    - any other receptors identified at (i)
  - (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

**Details in respect of the above condition were approved by planning permission ref. P2020/0813 on the 23/10/2020**

- 5 No development shall commence on site until a remediation scheme to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, buildings, other property and the natural and historic environment shall be prepared and submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria and site management procedures. The measures proposed within the remediation scheme shall be implemented in accordance with an agreed programme of works.

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.

# Superseded

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**Details in respect of the above condition were approved by planning permission ref. P2020/0813 on the 23/10/2020**

- 6 If the development is to be built in phases, then a detailed phasing scheme shall be submitted to and approved in writing to the local planning Authority prior to the commencement of any development. The scheme shall provide the following:
- a) A plan showing the phases
  - b) A revised construction method statement in accordance with condition 5 which takes into consideration the phasing
  - c) Elevations and proposed finish of any temporary surface,
  - d) Details of any temporary means of enclosure
  - e) Details of any temporary public realm or landscaping.
  - f) Details of any temporary service yard arrangements
  - g) Details of any temporary highway works required
  - h) Details of any temporary drainage works.

Reason

In the interest of clarity, visual amenity and highway and pedestrian safety and to ensure the development complies with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

**Details in respect of the above condition were approved by planning permission ref. P2020/0813 on the 23/10/2020**

- 7 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity. Reason:

To ensure the site is served by a suitable potable water supply and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

**The above condition was amended as a non-material amendment by planning permission ref. P2020/0804 on 15/10/2020**

**The above condition was deleted as a non material amendment by planning permission ref P2021/0175 approved on 16/03/2021**

## Action Conditions

- 8 Prior to beneficial use of the proposed development commencing, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 5 shall have been submitted to and agreed in writing by the Local Planning Authority.

Reason:

# Superseded

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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.

**The above condition was deleted as a non material amendment by planning permission ref P2021/0871 approved on 10/09/2021**

- 9 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.

- 10 Notwithstanding the submitted details, and prior to the occupation of any development hereby approved, details of the security gate design and control arrangements shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the first beneficial use of the service yard and retained as such thereafter.

Reason

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

- 11 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as detailed on the approved plans.

Reason

In the interests of visual amenity of the area and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 12 All works to be constructed on the public highway shall be subject to Road Safety Audits, stages 1 to 4 in accordance with HD19/03 of the Design Manual for Roads and Bridges. Each stage of the Road Safety Audit shall be submitted for approval in writing by the Local Planning Authority. 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 .

# Superseded

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## Reason

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

- 13 Notwithstanding the submitted details, prior to the occupation of any unit hereby approved, a detailed Service Yard Management Plan (SYMP) shall be submitted to and approved in writing by the LPA. The SYMP shall include details of how the service yard will operate during and after construction, and shall also adhere to the following:
- a) The time slot of each commercial delivery for each retail unit using the service yard area.
  - b) The allocated off site holding area for any commercial delivery vehicle that arrive at a time outside their allocated slot.
  - c) How commercial deliveries will be managed to avoid any commercial delivery vehicle waiting on the public highway.
  - d) Details of Staff parking (if any)
  - e) The location of all waste and storage areas, details of any enclosure and how they are to be managed within the service yard area.
  - f) The service yard area must be being kept clear of any bins/waste or storage containers unless within an authorised area identified within point e
  - g) Method of the collection of waste for the retail unit accessing the service yard area.
  - h) The nomination of a co-ordinator to operate and control the agreed Delivery Management Plan for each retail unit using the service yard area.
  - i) The service yard area must be kept clear of any staff/customer and residential parking at all times;
  - j) No customer/staff or residential vehicles shall be permitted to drive through the service yard area at any time.
  - k) No commercial delivery vehicles shall be permitted to park in the service area beyond their delivery time slot.
  - l) No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made outside of the hours 07:00hrs to 19:00hrs
  - m) The implementation of a quiet delivery policy.
- In addition to the above the SYMP shall ensure that all vehicles can manoeuvre in and out of the yard safely, without conflict and in a forward gear. The approved SYMP construction stage shall be adhered to during the construction phase, and the SYMP post construction shall be implemented prior to the first beneficial use of the development and adhered to thereafter.

## Reason

In the interest of highway and pedestrian safety and to ensure the service yard operates effectively and efficiently and to ensure compliance with Policies TR2 and BE1 of the Neath Port Talbot Local Development Plan.

- 14 Prior to the first beneficial use of any unit hereby approved, a traffic management scheme shall have been submitted to and approved in writing by the LPA, and the approved scheme implemented in accordance with the agreed details and retained as such thereafter.

## Reason:

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

# Superseded

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- 15 Prior to first beneficial use of the development hereby approved a hard/soft landscaping scheme (containing a majority of native and/or wildlife friendly species) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details and location of all trees and species of shrubs to be used within the public realm, which shall be predominantly of local provenance and wildlife friendly, and details of the green wall planting. All hard landscaping works in the approved details shall be carried out prior to the first beneficial use of the development. All planting, seeding or turfing comprised in the approved details of soft landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development hereby permitted, whichever is the sooner and any trees which within a period of five 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 the same species, unless the Local Planning Authority gives written consent to any variation.
- Reason  
In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.
- 16 A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the development. The landscape management plan shall be carried out as approved and retained as such thereafter.
- 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.
- 17 Prior to the first beneficial use of any unit a minimum of 2 artificial nesting sites for birds shall be erected on the building to the following specifications  
Swift Nest Box Specification:  
Wide box with small slit shaped entrance hole. Must be placed under or close to roofs, at least 5m from the ground.  
Dimensions: H150 x W340 x D150mm  
or in the form of manufactured bird bricks incorporated into the fabric of the building and retained as such thereafter.
- Reason  
In the interest of biodiversity, and to mitigate to loss of bird nesting/foraging habitats under the Habitats Regulations (amended 2012) and to accord with Policy SP15 of the adopted Neath Port Talbot Local Development Plan.
- 18 Prior to the first occupation of any development a scheme shall be submitted to and approved in writing for the long-term monitoring of the parking provision within the multi-storey car park, adjoining the application site. This scheme shall include the method and regularity of data collection, and triggers for any mitigation submissions and implementation will also be set out within the submitted details, should the data

# Superseded

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show that there are capacity issues that are resulting in congestion within the highway network. The scheme as approved shall be fully implemented in accordance with these approved details within 12 months of the first occupation of the first unit.

Reason

In the interests of Highway and pedestrian safety, and the free flow of traffic within the town centre and to ensure compliance with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 19 Prior to the first occupation of any unit, a draft welcome pack shall be submitted to and approved in writing by the Local Planning Authority in relation to sustainable travel. The packs as approved shall be provided to occupiers prior to first occupation, and updated on an annual basis until such time that the development is fully occupied. Any new or subsequent occupier shall also be provided with these packs upon taking occupation of any unit thereafter.

Reason

To promote active travel and to reduce the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site, in the interests of sustainable development, and to accord with Policy SP20 of the Neath Port Talbot Local Plan.

- 20 Unless the applicant provides an assessment to show that the solar array is not viable, prior to the first beneficial use of the development a scheme detailing a roof mounted solar PV array as recommended within the Energy Assessment (dated April 2020), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a timeframe for its implementation. The Solar PV array shall be implemented in accordance with the agreed details and retained as such thereafter.

Reason

To ensure this major development implements energy conservation and efficiency measures in accordance with LDP Policy SP18.

**Details in respect of the above condition were approved by planning permission ref. P2020/0934 on the 03/01/2023**

- 21 Should any springs or ground water seepage be encountered 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. The scheme shall include timings for the works to be implemented. The scheme shall be implemented in accordance with the agreed details and retained as such thereafter.

Reason

In the interest of drainage of ground water and to ensure no pollution of or detriment to the environment, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 22 The combined noise rating level of plant/machinery at the development shall not exceed 5 dB(A) below background noise level. 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".

# Superseded

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In the event of noise complaints being received, the Local Authority may require the applicant to undertake a noise assessment in accordance with BS4142. The methodology shall be agreed with the Local Authority. A copy of the noise assessment report shall be submitted to the Local Authority, and if the report includes recommendations; the recommendations shall be implemented.

#### Reason

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

#### Regulatory Conditions

- 23 There shall be no vehicular access or parking within the service yard, apart from the access for delivery/servicing vehicles, stopping and unloading. There shall be no external storage whatsoever, outside of the identified refuse storage areas.

#### Reason

In the interests of highway and pedestrian safety, and the free movement of service and delivery vehicles within the service yard area and to ensure the development complies with Policy TR2 of the Neath Port Talbot Local Development Plan.

- 24 The commercial units hereby approved shall only be open to customers between the hours of 07.00 am to 11pm.

#### Reason

In the interests of residential amenity and to ensure the development complies with Policies BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 25 Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturday, 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, in accordance with Policies EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 26 Any gates fronting onto the highway shall be of a type which open inwards only, can be seen through and maintained 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.

- 27 The 5 trees identified within the Tree report (dated October 2018) located within Area 1 that are to be retained shall be protected during construction in accordance with BS5837:2012 Trees in relation to design, demolition and construction

#### Reason

# Superseded

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To ensure the trees are protected during construction 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.

- 28 There must be no interference, alteration or diversion of any ditch, watercourse, stream or culvert crossing or bordering the site unless the Local Planning Authority has given its written approval to such works.

Reason

To safeguard land drainage and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan.

- 29 All development on site shall be undertaken strictly in accordance with the Construction Management Plan and Waste and Resource Management Plan.

Reason:

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 30 All windows/doors leading to an area where music is being provided shall remain closed whilst music is being provided

Reason

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 31 Music noise shall not exceed 5 dB (A) below background noise level. The noise levels shall be determined at the nearest noise-sensitive premises or at another location that is deemed suitable by the Authority. (If required, this may be demonstrated by measurement or calculation)

Reason

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 32 All development on the site shall be undertaken strictly in accordance with the Noise Planning Report -Hydrock April 2020, Noise Assessment April 2020 and Acoustic Design Strategy (April 2020).

Reason

In the interests of local amenity, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 33 Notwithstanding the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the ground floor commercial units shall be A1 or D1 only.

Reason

# Superseded

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In the interests of the vitality, viability and attractiveness of this designated retail centre to ensure compliance with Policy R2 of the Neath Port Talbot Local Development Plan.

**The following condition was added as a non-material amendment by planning permission ref:P2021/0871 on 10/9/21**

**34 Prior to the installation of any roof plant a scheme for screening shall be submitted and approved by the local planning authority. Once installed the screening shall be retained in perpetuity.**

**Reason:**

**In the interests of local amenity, and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.**

Informatives:

1 SAB approval will be required prior to any work commencing. To commence work is a breach of SAB approval required under Paragraph 7 (1) Schedule 3 of the Flood and Water Management Act 2010 whereby legal action will be taken by the Authority under The Sustainable Drainage (Enforcement) (Wales) Order 2018. Guidance and applications can be found on <https://www.npt.gov.uk/17534>

2 If the works are required within the highway, the written consent of the Highway Authority shall be sought; this includes the placement of any skips, scaffolding, hoarding or any traffic management on the highway. You should therefore contact the Highway Maintenance Unit of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath SA11 2GG for the attention Gary Thomas (tel: 01639 686327 or email: [g.thomas3@npt.gov.uk](mailto:g.thomas3@npt.gov.uk) to discuss any licences or approval required. This is required to be undertaken before any works commence on the Highway.

3 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](mailto: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.

4 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted. (5) The applicant may need to apply to Dwr Cymru / Welsh Water

# Superseded

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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](http://www.dwrcymru.com).

## 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 the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposed development, having regard to the existing planning permission for retail development at the site, represents an appropriate form of development that would have significant benefits to the existing town centre through further leisure- and retail-led regeneration, and which would have no unacceptable impact on the amenities of neighbouring residents, visual amenity of the area or highway and pedestrian safety. Accordingly, the proposed development is in accordance with Policies SP1, SP2, SP3, SP4, SP5, SP10, SP12, SP16, SP19, SP20, SP21 SC1, EN8, I1, CCRS1, OS1, R1, R2, EN8, 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: 29 July 2020**

# Superseded

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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](http://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](mailto:developer.services@dwrcymru.com).

# Superseded

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](http://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

# Superseded

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 5<sup>th</sup> 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.

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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](mailto: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

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<sup>i</sup> 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.