

**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 Ltd & NPTCBC
C/O Agent

Name and address of the agent

Mr Owain Griffiths
Avison Young
One Kingsway
Cardiff
CF10 3AN

DATE REGISTERED: 18 June 2024

APPLICATION NO: P2024/0339

LOCATION: Burrows Yard , Afan Way , Aberavon, Port Talbot , SA12 6LL

PROPOSAL: Mixed use development comprising of a food store (use class A1) and a separate coffee shop with drive thru (use class A3) together with associated access onto Afan Way and Water Street, car parking and servicing, external lighting, landscaping, drainage, and other associated site works.

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:

Site Location Plan, Drawing No. 170466-1100 Rev P01, as received on 30/05/2024;
Proposed Site Plan, Drawing No. 170466-2300 Rev P03, as received on 13/02/2025;
Proposed Site Plan, Drawing No. 170466-2310 Rev P05, as received on 13/02/2025;
Proposed Hard Landscaping, Drawing No. 170466-2320 Rev P03, as received on 13/02/2025;
Proposed Boundary Treatment, Drawing No. 170466-2330 Rev P03, as received on 13/02/2025;
Proposed Floor Plan - Aldi, Drawing No. 170466-2350 Rev P02, as received on 18/06/2024;
Proposed Floor Plan - Starbucks, Drawing No. 170466-2351 Rev P01, as received on 30/05/2024;
Proposed Roof Plan - Aldi, Drawing No. 170466-2360 Rev P01, as received on 30/05/2024;
Proposed Roof Plan - Starbucks, Drawing No. 170466-2361 Rev P01, as received on 30/05/2024;
Proposed Elevations - Aldi, Drawing No. 170466-2400 Rev P01, as received on 30/05/2024;
Proposed Elevations 1 - Starbucks, Drawing No. 170466-2405 Rev P01, as received on 30/05/2024;
Proposed Elevations 2 - Starbucks, Drawing No. 170466-2406 Rev P01, as received on 30/05/2024;
Proposed Building Sections - Aldi, Drawing No. 170466-2410 Rev P01, as received on 30/05/2024;
Proposed Building Sections - Starbucks, Drawing No. 170466-2415 Rev P01, as received on 30/05/2024;
Proposed Site Sections, Drawing No. 170466-2450 Rev P01, as received on 30/05/2024;
Cross Sections onto Afan Way, Drawing No. 170466-2451 Rev P01, as received on 30/05/2024;
Cross Sections onto Water Street, Drawing No. 170466-2452 Rev P02, as received on 13/02/2025;
Cross Sections onto Isaacs Place, Drawing No. 170466-2453 Rev P01, as received on 30/05/2024;
Proposed Building Materials - Aldi, Drawing No. 170466-2700 Rev P01;
Proposed Building Materials - Starbucks, Drawing No. 170466-2701 Rev P01, as received on 30/05/2024;
Hard Landscaping Materials, Drawing No. 170466-2702 Rev P01, as received on 30/05/2024;
Proposed Street Furniture, Drawing No. 170466-2703 Rev P01, as received on 30/05/2024;
Proposed Boundary Treatment Materials, Drawing No. 170466-2704 Rev P01;
Soft Landscaping Proposals Plan (Sheet 1 of 2) Drawing No. 15339/P02 Rev E, as received on 27/02/2025;
Soft Landscaping Proposals Plan (Sheet 2 of 2) Drawing No. 15339/P02 Rev E, as received on 27/02/2025;
Preliminary Proposed Drainage Layout Plan, Drawing No. 0050 Rev C, as received on 05/12/2024;
Lighting Plan, Drawing No. P186-897-F, as received on 30/05/2024;
Topographical Survey, Drawing No. 103/18;
CGI Visuals from Afan Way, Drawing No. 001.228.01D, as received on 30/05/2024;
Planning and Retail Statement, Ref: AY/17C200763/PRS (Avison Young) May 2024 as received on 13/06/2024;

Retail Addendum 1 - Update to Retail Impact Assessment, Avison Young (December 2024), as received on 11/12/2024;
 Retail Addendum 2 - Update to Retail Impact Assessment, Avison Young (March 2025), as received on 02/04/2025;
 Pre-Application Consultation Report Ref: AY/17C200763/PAC/01 prepared by Avison Young (July 2024), as received on 17/07/2024;
 Design & Access Statement Ref: 170466-2900- P01, as received on 30/05/2024;
 Phase II Geo-Environmental Report Ref: GRO-21252-3003, prepared by Groundtech (December 2021) , as received on 31/05/2024;
 Piling Risk Assessment Ref: GRO-21252-4745, prepared by Groundtech (June 2023) as received on 30/05/2024;
 Remedial Specification Ref: GRO-21252-4313, prepared by Groundtech (April 2023) as received on 30/05/2024;
 Environmental Noise Assessment Ref: R1(final)- 25.4.24-Aldi Port Talbot-2321696-AJM-KJM, prepared by Sharps Redmore as received on 30/05/2024;
 Flood Consequences Assessment Ref: 10985w0005c, prepared by Craddys (May 2024), as received on 31/05/2024;
 Ecological Impact Assessment Ref: 15539_R01d_CS_PW, prepared by Tyler Grange (December 2024) as received on 18/12/2024;
 Supplementary Environmental Appraisal Ref: GRO-21252-5257, prepared by Groundtech (June 2024), as received on 29/07/2024;
 Green Infrastructure Statement Ref: 15539_R02b_PW, prepared by Tyler Grange as received on 18/12/2024;
 Energy Statement Ref: SOL_23_S044_AL-CA Rev 01, prepared by Sol Environment as received on 30/05/2024;
 Archaeological Impact Assessment Ref: 1577, prepared by Foundations Heritagae as received on 31/05/2024 ;
 Air Quality Assessment Ref: E3526 Rev 1.2, prepared by Entran (September 2024), as received on 27/09/2024;
 Store Waste Management Plan Ref: 170466- 1800-P02, prepared by Kendall Kingscott Ltd, September 2023 as received on 30/05/2024; Transport Assessment Ref: Revision V2, (May 2024) prepared by Entran,, as received on 31/05/2024;
 Transport Technical Note 2, (December 2024), prepared by Entran, as received on 09/01/2025;
 Travel Plan Ref: Revision A, May 2024, as received on 30/05/2024; and
 Construction Environmental Management Plan Ref: Revision A, dated 09/05/24, prepared by Arc Bauen, as received on 09/08/2024.

Reason: In the interests of clarity.

Pre-Commencement Conditions

- 3 Before beginning any development at the site, you 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.

NOTE: Templates of the required Notice and Site Notice are available to download at www.npt.gov.uk/planning

- 4 No development shall take place on site until a scheme for the flood defence wall at ATS Euromaster (Afan Way Port Talbot SA12 6NR) has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include:

- i. Construction details including materials and engineering calculations, including typical cross-sections and heights;
- ii. Full details of the future monitoring and maintenance of the proposed flood defence wall, including the details of the parties responsible for carrying out these duties, together with the professional qualification of the appointed person(s), and including full detail of the schedule of monitoring visits; and
- iii. Confirmation of access rights for construction and future monitoring, maintenance and repair.

The flood defence wall shall be implemented on site in accordance with the approved construction scheme prior to the start of any construction works of the hereby approved development. The future monitoring, maintenance and repair plan shall also be carried out in accordance with the approved details and the flood defence wall shall be retained as such thereafter.

Reason: To ensure the provision of adequate flood defence and flood risk mitigation measures in accordance with Future Wales: The National Plan, Policy 8 and Technical Advice Note (TAN 15): Flood Risk and Development (2004).

- 5 Notwithstanding the submitted Construction Environmental Management Plan (CEMP), ref: CEMP Revision A, dated 09/05/24 as prepared by Arc Bauen, prior to the commencement of any development or site clearance on site a revised CEMP shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall be in accordance with the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The approved Statement shall be adhered to throughout the demolition and construction phases. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- iii. Storage of plant and materials used in constructing the development, including any temporary or construction lighting;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Wheel washing facilities to prevent deposition of material onto any hard surface road;

- vi. Measures to monitor and control the emission of dust and dirt during material removal and construction;
- vii. Measures to prevent stacking of vehicles onto the public highway;
- viii. Details of any highways/footway closures;
- ix. A scheme for the recycling/disposing of any waste resulting from the removal of materials and arising from construction works;
- x. Identification of the significant construction noise sources, detailing the physical and operational management controls necessary to mitigate emissions from these noise sources, as well as noise complaint investigation procedures.
- xi. A plan showing the frequency, size and routes for vehicles undertaking material removal, construction, and operational activity and the destination of any material removal. No routes through residential areas will be permitted;
- xii. Hours of working on site, and specified hours for deliveries and any elements of the demolition or construction that could lead to amenity issues from noise and disturbance to adjoining properties;
- xiii. A list of on-site contacts and their responsibilities;
- xiv. Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details, the CEMP must also be signed by the responsible person;
- xv. A Construction Drainage Scheme indicating how surface water and land drainage flows (inc. Silt/Slurry/Run off will be dealt with during construction) will be controlled to prevent contamination, nuisance, subsidence or flooding to land, buildings, watercourses or highways within that phase (or part thereof) or adjacent land, buildings, watercourses and highways during the construction period;
- xvi. Details of any interceptor to be installed in addition to any proposed SuDS, to mitigate any potential fuel/oil/chemical spills on site given the nature of the proposed use of the site and as a safeguard for any potential flooding; and
- xvii. The removal and disposal method for any Invasive Non-Native plant species encountered on site.

Reason: Reason: In the interest of highway safety and to control pollution and to protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policies SP16, EN8, SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 6 Notwithstanding the details submitted, 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 County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 7 If identified as being required by the desktop assessment completed in accordance with condition 6, and prior to the start of development at the site, 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 approved 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 County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 8 No development or site clearance shall commence until a watching brief method has been submitted to and approved in writing by the Local Planning Authority. This shall include the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that the approved watching brief can be conducted. A copy of the watching brief report (detailing the findings of the watching brief) shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason: In the interests of protecting potential archaeological remains at the site, as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

Action Conditions

- 9 No fixed plant and/or machinery shall be brought into beneficial operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing

by the local planning authority. The rating level of the plant sound emitted from the site shall not exceed 42 dBA between 0700 hours to 2300 hours and 39 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019. The fixed plant and machinery on-site shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 10 Prior to the first beneficial use of either associated buildings hereby permitted, the details of all works to the existing highways infrastructure, including pedestrian crossing and speed ramps/cushions and the new junction off Afan Way, including the construction and laying out of the proposed left-in, left-out site access as detailed on drawing No.'s 170466-2300 Rev P03 and 170466-2310 Rev P05 shall be fully implemented on site.

Reason: To ensure the necessary improvement works to the public highway are completed prior to the first beneficial use of the development in accordance with Policies SP20, TR2 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 11 The vehicular visibility splays for the primary junction onto Afan Way shall be 2.4m by 90m in both directions, which shall be set out in accordance with drawing No.'s 170466-2300 Rev P03 and 170466-2310 Rev P05. Visibility Splays and any associated highway works shall be provided/completed 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 Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 12 The development hereby approved shall not be brought into beneficial use until such time as the secondary junction leading into the service yard area for the A1 Retail Store via Water Street has been provided with vehicular visibility splays in both directions measuring 2.4m by 43m in accordance with Drawing No. 170466-2310 - Revision P05. 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 interest of highway and pedestrian safety and to ensure compliance with Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 13 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 shall be submitted prior to the first beneficial use of the development; 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 Policies SP20, TR2 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 14 Notwithstanding the submitted details, prior to the occupation of any unit hereby approved, a detailed Service Yard Management Plan (SYMP) for each associated building, hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The SYMP shall include details of how the service yard will operate throughout the lifetime of the development. The submitted SYMP shall include the following:

- a) Delivery time slots;
- b) How commercial deliveries will be managed to avoid any commercial delivery vehicle waiting on the public highway;
- c) Measures to ensure that no staff or customers are parking within the service yard;
- d) The location of all waste and storage areas, details of any enclosures and how they are to be managed within the service yard area;
- e) The service yard area must be kept clear of any bins/waste or storage containers, or other associated storage unless within an authorised area identified within point (d);
- f) Details of waste collections from the service yard;
- g) The nomination of the post responsible for the operation and control of the agreed Delivery Management Plan for the service yard area;
- h) No commercial delivery vehicles shall be permitted to park in the service area beyond their delivery time slot; and
- i) Measures to ensure that all vehicles can safely manoeuvre within the service yard to emerge onto the highway in a forward gear.

The approved SYMP shall be adhered to throughout the operation of the hereby approved development and 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 County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 15 Prior to beneficial use of the proposed development commencing, if remediation works are required as instructed by condition 6, a verification report which demonstrates the effectiveness of the agreed remediation works carried out in accordance with condition 7 shall have been submitted to and approved in writing by 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 offsite receptors and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 16 Prior to the first beneficial use of each associated building 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: -

- I. Details of Flood emergency plan/procedure during an extreme flood event
- II. Details of escape/evacuation routes
- III. Details of flood warning signs and their locations within the building and car park
- IV. Confirmation that the building is registered with NRW flood warning service.

The approved scheme shall be fully implemented on site prior to the first beneficial use of the building and retained thereafter.

Reason: In the interest of the staff and users of the site as it is located within a Flood Zone and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan (2011-2026).

- 17 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 County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 18 Notwithstanding the details submitted and prior to any piling operations taking place on site a scheme setting out the justification for the piling methodology (inc. other foundation designs using penetrative methods) to be used for this development shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all mitigation measures to be implemented on site to prevent noise and nuisance to adjacent noise and vibration sensitive receptors and sufficient to demonstrate that there is no unacceptable risk to groundwater. The development shall be implemented in accordance with the approved details.

Reason: To protect residential amenity and to ensure there is no unacceptable risk to groundwater during the construction phases of the development in compliance with

Policies SP16, EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 19 Notwithstanding the approved details, prior to the installation of any permanent external lighting on the site, a detailed lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority detailing the location of all proposed 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 avoid light spill). The approved lighting scheme shall be fully implemented on site, and upon completion, an as-built survey of the lux levels and light spillage achieved on site shall be carried out and submitted to and approved in writing by the Local Planning Authority to demonstrate that the completed scheme complies with the approved details. The scheme shall be retained as such thereafter.

Reason: In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP15, SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan(2011-2026).

- 20 A Landscape and Ecological Management Plan (LEMP), including management responsibilities and maintenance schedules for all landscaped areas as approved on drawing No. Drawing No. 15339/P02 Rev E 'Soft Landscaping Proposals Plan (Sheet 1 - 2)' and to include biodiversity enhancements as outlined within 'Ecological Impact Assessment' Ref: 15539_R01d_CS_PW, prepared by Tyler Grange (December 2024), 'Supplementary Environmental Appraisal' Ref: GRO-21252-5257, prepared by Groundtech (June 2024) and 'Green Infrastructure Statement' Ref: 15539_R02b_PW, prepared by Tyler Grange, shall be submitted to and approved in writing by the local planning authority prior to the occupation of either building, hereby permitted on the site. The landscape management plan shall be carried out as approved and retained as such thereafter.

Reason: In the interest of visual amenity and ecology, and to ensure the long term management and maintenance of all landscaped areas and to ensure the development complies with Policy BE1 and EN7 of the Neath Port Talbot Local Development Plan(2011-2026).

- 21 The biodiversity enhancement measurements shall take place as outlined within Section 4 of the 'Ecological Impact Assessment' Ref: 15539_R01d_CS_PW, prepared by Tyler Grange (December 2024) and 'Green Infrastructure Statement' Ref: 15539_R02b_PW, prepared by Tyler Grange, prior to the first beneficial occupation of the development hereby approved.

Reason: In the interests of biodiversity and the amenity of the area as a whole, to ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected and to ensure the development complies with the Environment (Wales) Act 2016, Future Wales: The National Plan 2040 - Policy 9, Chapter 6 of PPW 12, Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Policy SP16 and EN7 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 22 Prior to the first beneficial use of the development hereby permitted, the boundary treatments, to include acoustic barriers as specified on drawing No. Drawing No.

170466-2330 Rev P03 'Proposed Boundary Treatment' and 170466-2310 Rev P05 'Proposed Site Plan' shall be fully implemented on site and retained as such thereafter.

Reason: To ensure that noise emanating from the service yard is suitably controlled to prevent adverse impacts upon the residential amenity of adjacent properties in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 23 The pedestrian footpath hereby approved and as shown on drawing No. 170466-2310-P05 'Proposed Site Plan' connecting from the application site onto Water Street, shall be provided prior to the first beneficial use of the development hereby permitted, and shall be retained as such thereafter. Any bollards positioned along this footpath to prohibit vehicular access shall be positioned at 1.50m spacing as per Welsh Government's Active Travel Act Guidance, July 2021 and in accordance with the Active Travel (Wales) Act 2013.

Reason: To ensure the development complies with Policy TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 24 Prior to the first beneficial occupation of the A3 Use Class retail unit hereby permitted, a Waste Management Plan (WMP) for the control, management, storage and disposal of any operational, commercial or other waste material generated by the development shall be submitted to and approved in writing by the Local Planning Authority. All waste shall be treated in accordance with the approved plan.

Reason: To ensure the appropriate disposal of any waste arising from the development in terms of protection of the environment and to ensure the sustainability principles are adopted during development and complies with Policy W3 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 25 Prior to the Drive Thru provisions at the A3 Use Class Unit hereby permitted being brought into beneficial use, a Noise Management Plan specifying noise control measures on how noise from the night time drive-thru operations (outside of the agreed store trading hours, as per condition 27) will be managed and details of how any noise complaints received by the Drive-Thru Operator will be recorded, investigated and responded to, shall be submitted to and approved in writing by the Local Planning Authority. The approved Noise Management Plan shall be fully implemented for the duration of the use of the site.

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 26 Prior to the first beneficial use of the development hereby approved all Highway Markings (inc. white lining) and Traffic Regulation Orders to the main junction onto Afan Way shall have been implemented on site and shall be retained as such thereafter.

Reason: Reason: In the interest of highway safety in accordance with Policies SP20 and TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 27 The operation of the food store (Use Class A1) and a separate coffee shop with drive thru (Use Class A3), hereby permitted shall be limited to:

- (i) Store trading hours of: 0700 to 2300 hours;
- (ii) Servicing: 0700 to 2300 hours; and
- (ii) Drive-thru: Unrestricted.

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 28 No deliveries by Heavy Goods Vehicles (vehicles over 3500kg maximum gross weight) shall be made to the approved Class A1 and A3 Uses outside of the hours 07:00-19:00. All deliveries outside of these hours should be arranged in accordance with Department for Transport document "Quiet Deliveries Good Practice Guidance - Key Principles and Processes for Retailers".

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 29 Any demolition and all construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:00 Saturday, and no demolition & construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason: To protect the residential amenity of the locality, especially for people living and/or working nearby, in accordance with Policy EN8 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 30 Prior to the first beneficial use of the development hereby permitted, the car parking areas, including the installation of Electric Vehicle Charging Points (EVCP's) and the layout of Child and Parent Parking Bays, Disabled Parking Bays and all other bays shall be constructed in accordance drawing No. 170466-2310 Rev P05 'Proposed Site Plan', clearly marked out and retained for such use in perpetuity.

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 SP20, TR2 and BE1 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 31 Prior to the first beneficial use of the A1 and A3 Use Class Units hereby approved, facilities for the secure storage of cycle parking shall be provided on site, as shown on plan 170466-2310 Rev P05 'Proposed Site Plan' and retained as such thereafter.

Reason: In the interest of highway safety and to ensure the development complies with Policy TR2 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 32 Prior to occupation of the development, gigabit capable broadband infrastructure shall be provided from the site boundary to the development hereby permitted, in order to provide a reliable gigabit service to the site.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

- 33 The specification of the materials used on the external surfaces of the development hereby permitted, shall accord with the materials detailed on Drawing No.'s 170466-2700 Rev P01 'Proposed Building Materials - Aldi, and 170466-2701 Rev P01 'Proposed Building Materials - Starbucks', including hardscaping materials which shall be completed in accordance with Drawing No. 170466-2702 Rev P01 'Hard Landscaping Materials', and the materials to be used on the approved boundary treatments, shall be implemented in accordance with Drawing No. 170466-2704 Rev P01 'Proposed Boundary Treatment Materials', unless otherwise agreed in writing by the Local Planning Authority.

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 County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

- 34 The A1 retail store hereby approved shall be restricted to a maximum net sales area of 1,356sq m of which no more than 20% of the net sales area shall be for the sale of comparison goods and there shall be no subdivision of the class A1 retail store. The A3 unit hereby approved shall be restricted to Class A3 only and for no other purpose (including any other purpose of the schedule to 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).

Reason: In order that any changes to use or sales of goods can be assessed in the interests of protection of retail centres in accordance with Policies SP12, R1 & R3 of the Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

Informatives:

1 The Authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions, under the Environment (Wales) Act 2016. It is therefore essential that the above recommendations for the conservation of biodiversity be followed to ensure that the Planning Authority complies with this statutory requirement along with the adopted guidance in the biodiversity supplementary planning guidance and TAN 5 (2009)

2 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.

3 For the implementation of the Traffic Regulation Order you should contact the Project Manager Specials and Traffic of Neath Port Talbot County Borough Council at The Quays, Brunel Way, Baglan Energy Park, Neath, SA11 2GG f.a.o. Mr Martin Brumby Project Manager Highways (e-mail m.brumby@npt.gov.uk or telephone 01639 686013) who will advise you of the procedure for the implementation of the required Traffic Regulation Order. *Please note this process can take up to 4 months - subject to the consultation process outcome*.

4 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.

5 The proposed development is bordered/crossed by a number of trunk/distribution watermains and service reservoirs, the approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. We have Conditions for Development near Watermain(s). It may be possible for watermains to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

6 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 Welsh Water 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 Welsh Water 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.

7 Trees, scrub and grasslands are likely to contain nesting birds between 1st March and 31st July inclusive. Such habitats are present on the application site and area to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

8 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is also available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>

9 The developer is advised that this consent does not relate to the displaying of advertisements, and separate Advertisement Consent may be required.

It is recommended that planning permission is GRANTED.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises Future Wales - the National Plan 2040 and the Neath Port Talbot Local Development Plan (2011-2026) adopted January 2016.

It is considered that the proposal represents an appropriate form of development that integrates well within the surrounding urban context, with no adverse impacts upon visual amenity, residential amenity, flood risk or drainage, land contamination, highway or pedestrian safety nor biodiversity. Accordingly, the proposed development is in accordance with Strategic Policies SP3, SP4, SP12, SP15, SP16, SP20 and area-based policies, SC1, SRA2, R3, EN6, EN8, TR2 and BE1 of Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

It is further considered that the decision complies with Future Wales - the National Plan 2040, specifically Policies 1, 2, 6, 8 and 9 and the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Signed:

A handwritten signature in black ink, appearing to read 'Ceri Morris', written over a horizontal line.

Ceri Morris – Head of Planning & Public Protection

Date: 11 June 2025

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 of 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@dwrwymru.com.

(6) Welsh Water Dwr Cymru advise that the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industry Act 1991.

Please note, in accordance with Construction and Design Management (CDM) Regulations, it is the applicant's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services and is recommended they review their land registry title deeds for any legal covenants. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether your proposed works will be acceptable as well as any consent required. Prior to commencing works, it is also recommended that the applicant review the information and guidance on Building Over

Sewers available on Welsh Water's website at
<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-to-sewers>

The applicant is also advised that some public sewers and lateral drains may not be recorded on Welsh Water 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.

(7) Please be informed that your application may require approval from the SuDS Approving Body (SAB). The SAB consent may be necessary to ensure that your development proposals comply with the statutory requirements, relevant regulations, and standards under schedule 3 of the Flood and Water Management Act 2010. Please contact our Website: www.npt.gov.uk/SAB, Email: SAB-HDC@npt.gov.uk or Tel: 01639 686850

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 & Environment Decisions Wales, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ – Tel 0300 060 4400, or online at <https://planningcasework.service.gov.wales/>.
- (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.