

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

| | |
|--|---|
| <u>APPLICATION NO:</u> P2015/1090 | <u>DATE:</u> 21/12/2015 |
| PROPOSAL: | Demolition of existing foodstore and construction of replacement foodstore plus service yard and parking. |
| LOCATION: | Lidl Supermarket, Ffordd Parc Ynysderw, Pontardawe, Neath SA8 4AG |
| APPLICANT: | Lidl Uk Properties Gmbh & Co |
| TYPE: | Full Plans |
| WARD: | Pontardawe |

Planning History:

The site (comprising both the existing Lidl store and the former Tin Plate Works) has an extensive planning history, of which the following are of relevance: -

| | | |
|------------|--|---|
| P2013/0241 | Single storey front extension | Refused 21/6/2013 and subsequently dismissed at appeal 13/11/2013 |
| P2010/1169 | Wall mounted billboard | Approved 17/12/10 |
| P2010/1122 | Details to be agreed in association with condition 5 of Listed Building Consent P2006/1341 (scaled drawings of interior and exterior together with photographic survey) granted on 16th April 2008 | Approved 09/11/10 |
| P2010/0668 | Details to be agreed in association with condition 6 (landscaping) of planning permission ref: P2010/0226 granted on 19/04/10 | Approved 03/09/10 |
| P2010/0630 | Details to be agreed in association with condition 10 (Drainage) of planning permission ref: P2010/0226 granted on 19/04/10 | Approved 03/09/10 |

| | | | |
|------------|---|-----------|----------|
| P2010/0226 | Variation of condition 6 of planning permission P2003/0235 (Approved on the 06/05/2003) to extend opening hours from 0800 to 2000 hours Monday to Saturday to 0800 to 2100 hours Monday to Saturday. | Approved | 19/04/10 |
| P2006/1341 | Listed building application – demolition of existing buildings and erection of 7 non-food (comparison goods) retail units (Class A1) and associated service yard, car parking, access and landscaping works | Approved | 16/04/08 |
| P2006/1340 | Demolition of existing building and erection of 7 non-food (comparison goods) retail units (Class A1) and associated service yard, car parking, access and landscaping works | Approved | 18/09/07 |
| P2003/1511 | Demolition of existing buildings and site clearance | Withdrawn | 06/10/05 |
| P2003/0235 | Redevelopment of existing Lidl foodstore and adjoining site to provide new Lidl foodstore with associated car parking | Approved | 06/05/03 |
| P2002/0355 | Construction of pedestrian access from car park to lane off Ynisderw Road | Approved | 16/04/02 |
| 97/1046 | Discharge of condition 7 (landscaping) of previous planning consent 97/7060 | Approved | 12/12/97 |
| 97/468 | Proposed post mounted and wall fixed sign. Approved with conditions | Approved | 14/8/97 |
| 97/443 | Proposed discharge of condition 4 (materials) of previous planning consent 96/7060. | Approved | 6/5/97 |
| 96/7060 | Food retail store with related car parking. | Approved | 11/2/97 |

Publicity and Responses if applicable:

The application was advertised on site and in the local press, and 20 individual properties were consulted by letter.

To date 11 Individual objection letters have been submitted, the objections can be summarised as follows;

- Currently 3-5 deliveries per day. At present most vehicles are refrigerated and make deliveries between 21.00 and 22.00 hours, objection on basis that this is a larger store therefore an understatement of numbers of deliveries which will cause further noise disturbance.
- Extended opening hours, there will be movement and associated disturbance up to two hours after the store has closed with new opening hours this will be extended up to 2.00. Cleaners and other staff access the site from 06.00 added to so with deliveries between 21.00 and 02.00 operation on site will be 24 hours.
- The uses on the site should be re positioned whereby the the car parking and delivery areas are located on the western side of the site to reduce noise and disturbance.

Pontardawe Town Council:

No objections but concerns over the amount of deliveries out of hours, vehicular movements during construction and the effects upon school opening and closing times. Concerns are also expressed that construction vehicles will not have the correct addresses and will attempt to access the site via Ynysderw Road.

Councillor Linett Purcell has expressed concerns with regard to possible conflicts between construction traffic and vehicles using the road to access Cwmtawe school.

Natural Resources Wales: No objection subject to conditions.

United Utilities: Advises of routes of utilities. No objection

GGAT: No objections subject to condition

Contaminated land: No objection subject to conditions

Head of Engineering and Transport (Highways): No objections.

Head of Engineering and Transport (Drainage): No objections.

Description of Site and its Surroundings:

The application site is located at Ffordd Parc Ynysderw, Pontardawe, approximately half a kilometre south and west of Pontardawe town centre and within settlement limits as defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan.

The site is rectangular in shape flat in profile measuring with a frontage to Ffordd Parc Ynysderw of approximately 115 metres. The present single storey building has a gross floor area of 1630 square metres with a net sales area of 1286 square metres and is located to the south west of the site. There is presently parking for 154 cars within the site.

The site comprises the existing Lidl retail store, the boundary of which is proposed to be extended to the south west into the former Tin Plate Works by approximately 26 metres (by 0.25Ha) providing a total site area of approximately 1.03 hectares.

The additional land lies within an area allocated for housing in the Local Development Plan by Policy H1/29 (Parc Ynysderw).

The site is bounded by residential properties to the south east and north east and to the south west by open ground west formally a tinsplate works. Ffordd Parc Ynysderw retail park is located to the west of the site consisting of large retail units including Farmfoods, Argos, Home Bargains and Poundstretcher.

Brief description of proposal:

The application seeks to demolish the existing Lidl retail store and construct a larger replacement store together with service area, revised customer parking and associated works.

The new building is to be located in a similar location to the existing store extending onto the site to the south east. The building is primarily single storey with a two storey element located to the north west elevation.

The building has a road frontage of approximately 37 metres to Ffordd Parc Ynysderw, with the remainder of the site frontage occupied by the car park. The site access remains the same as the existing.

The replacement store measures between 69 and 75 metres in depth and between 11.5 and 36.5 metres in width with a footprint of 2562 square metres and a total floor area of 2752 square metres including the first floor offices and canteen facilities. The sales area will be 1689 square metres providing an additional 403 square metres of net sales area.

The unit is designed with a monopitch roof along the length of the building. The unit will have a maximum height of 7.57m to the north east elevation sloping down to 5.28m to the south west elevation.

The customer entrance is located to the north corner of the building, the entrance doors are angled across the corner so it relates to the main car park and the main road frontage to Ffordd Parc Ynysderw. The goods loading/unloading bay is located to the (rear) south east elevation.

External materials include full height double glazed powder coated aluminium (Grey RAL 7024) windows to the front (north west elevation). The south east and south west elevations consist of a grey rendered recessed plinth, white rendered walls (RAL 9010) up to 3.2 metres above which the walls will be clad in horizontal Aluco bond panels up to eaves height. The north east elevation utilises similar materials but has horizontal open louvres at a height of 5 metres and full height double glazed units for an 8m section adjacent to the main customer entrance.

Material Considerations:

The main issue to consider concerns whether the proposed new store represents an acceptable development having regard to land use and development plan policy, notably its impact upon the vitality, viability and attractiveness of existing retail centres and upon the allocated housing site. Other matters of note include impacts on visual amenity and the character of the area as a whole, ecology, design, amenity of residents within adjoining properties and highway and pedestrian safety.

Policy Context:

National Guidance

Planning Policy Wales (Edition 8 2016)
TAN 4: Retailing and Town Centres. 1996
TAN 12: Design (2016).

Local Development Plan

The adopted Development Plan comprises the Neath Port Talbot Local Development Plan which was adopted on 27th January 2016, and within which the following Policies are of relevance: -

Strategic Policy SP3 – Sustainable communities

Policy SC1 – Settlement Limits

Strategic Policy SP6 – Development in the Valleys Strategy Area

Policy VRS 1 – Valleys Regeneration Scheme.

Strategic Policy SP7 Housing Requirement

Policy SP7 Housing sites

Strategic Policy SP11 Employment Growth

Policy EC5 Employment use in the valleys

Strategic Policy SP12 Retail

Policy R3 Out of Centre Retail Proposals

Strategic Policy SP20

Policy TR2 Design and Access of New Development

Assessment Retail Impact

The application proposes a replacement store which would result in an increase of 403 square metres net sales area over the existing store. Within this increase some 322 sq. m will be utilised for the sale of

convenience goods whilst the remaining 81 sq.m will be used for comparison goods sales. This provides a similar proportionate split between convenience and comparison as the existing store i.e. 80% convenience 20% comparison goods.

For the purposes of the adopted LDP, the application site lies within the defined settlement limits of Pontardawe but is not allocated for retail land uses. The site is also located outside of the defined town centre and therefore Policy R3 of the LDP is of direct relevance, requiring that proposals for new retail development or additional retail floorspace within settlement limits but outside of the defined retail centres or retail allocations will only be permitted where the following criteria are met:

- It is demonstrated that there is a need for the development; and
- The development cannot be accommodated in a defined retail centre and is located in line with the sequential approach; and
- The vitality and viability of existing retail centres will not be undermined (taking into account the cumulative effects of other approved developments); and
- The proposal would not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved.

An independent review of retail need has been commissioned by the Authority in order to assess the retail impacts of the proposal, including upon Pontardawe Town Centre.

The report assesses the compliance of the proposal with reference to national and local retail planning policy including tests of need and impact. In particular an assessment of need for the increase of retail floor space and the consequences upon the town centre in terms of vitality and viability together with an assessment of the proposal against national policy, including Planning Policy Wales 8 (2016) and local planning policies including the adopted Local Development Plan and the Council's 2013 Retail Study.

The report confirms that the LDP is consistent with the most recent version of PPW (PPW8) in identifying the criteria to be applied to applications for retail development outside centres. The first criteria

relates to need but does not specify whether that must be quantitative, qualitative, or both.

Chapter 10 of PPW8 deals with retail and town centre planning issues. In relation to development management, paragraph 10.3.1 notes that local planning authorities should take into account the following factors:

- Compatibility with any community or up to date development plan strategy;
- The need for the development;
- The sequential approach to site selection;
- Impact on existing centres
- Net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience
- Rate of take-up of allocations in any adopted development plan.

Technical Advice Note 4 remains a material planning consideration. Paragraph 6 notes that *“all applications over 2,500sq m gross should be supported by an impact assessment which deals with the sequential test, the impact on nearby town centres and accessibility issues”*

With respect to need of the development, the assessment has considered both quantitative and qualitative factors. National policy in PPW8 indicates that evidence of need should be “taken into account” and that the consideration of quantitative need should take precedence (although PPW8 does not make the demonstration of need a pre-requisite to the grant of planning permission). Criteria 1 of Policy R3 of the LDP is partially met on the basis of qualitative need however, it cannot be fully met as there is a lack of evidence to show a quantitative need. Therefore there is a need to consider what harm there may be to the overall spatial planning of the area i.e. the impact if any on Pontardawe Town Centre this is addressed below discussed below.

In terms of the impact upon the spatial planning for the area Strategic Policy SP6 Development in the Valleys Strategic area states that, *“in*

the Valleys Strategic Area, the local economy and communities will be enhanced and reinvigorated and the distinctive environment will be protected through area specific measures". The relevant policies include taking a flexible approach to encourage small scale retail proposals. The LDP goes on to qualify the policy *"Pontardawe is the largest settlement in the Valleys Strategy Area and has the facilities and amenities to support significant additional growth over the Plan period. This growth in the wider Pontardawe area will help to support and enhance the town of Pontardawe, its retail and cultural amenities and will support and encourage economic development across the Swansea and Amman Valleys"*.

With respect to the impact of the proposed increase in retail floorspace on Pontardawe town centre, the appointed retail planning consultant considers that it is unlikely to be a material change in the retail offer and that it will continue to stock essentially the same range of goods. The report goes on to say *"Given the trading format of discount foodstore operators such as Lidl and ALDI, we do not consider it likely that there's going to be a material change in the retail offer at the replacement Lidl and that it will continue to stock essentially the same range of goods. Whilst the additional 400sq m of net sales area has the potential to support an expanded range of convenience and comparison goods, the scope for this will be relatively limited and would be achieved alongside other improvements such as wider aisles and a greater depth in stock levels"*.

As a consequence it is considered that although there would be a higher turnover within the replacement store this turnover would be at the expense of Tesco, ASDA in Ystalyfera and supermarkets in Swansea. The consultant's analysis of this diversion concludes that 99.4% of the additional turnover would come from the larger stores in Pontardawe, Ystalyfera, Ystradgynlais, Neath and Swansea whilst 0.6% would be diverted from Pontardawe town centre.

The analysis concludes that *"Based upon the above analysis, it is considered that similar amounts of (minimal) trade diversion will occur from convenience goods stores in Pontardawe town centre which will result in little material change in convenience good turnover in the town centre. The report concludes that whilst the convenience goods sector is an important part of the overall health and attractiveness of Pontardawe town centre, it already trades alongside the existing Lidl store and other out of centre provision and, given the purpose and*

relatively modest scale of enlargement in the Lidl store, is unlikely to be affected in terms of the role it plays within the local community”.

The consultant concludes that the proposed additional retail sales floorspace would be unlikely to undermine the vitality and viability of Pontardawe Town centre and that the increase in Lidl’s share of the market is likely to come at the expense of the larger Tesco store in Pontardawe and the transfer of convenience and comparison goods expenditure from the large stores in Swansea and Ystalyfera.” *Therefore, given that convenience goods stores in Pontardawe town centre already trade alongside the existing Lidl store, and given that the increase in floorspace is unlikely to fundamentally change the style and content of Lidl’s retail offer, the opportunity for a material change in the health and attractiveness of the town centre is limited”.*

These conclusions are founded on the assumption that controls will be placed over the proposed retail floorspace in order to control convenience and comparison goods sales areas and also the LDP strategy which recognises that the retail park at Ynysderw complements the town centre (including pedestrian linkages).

Accordingly, whilst it is accepted that there would be minimal adverse impact upon Pontardawe Town Centre, it is concluded that the scale of the impact would not lead to any unacceptable consequences for the health of the Town Centre warranting refusal of the application on such grounds. On this basis it is considered that the provision of suitable conditions to restrict the occupation of the development to a single class A1 unit, a limit on comparison goods sales to no more than 20% and a limit on total net sales area to 1,698 sq m would not result in a significant detrimental impact upon Pontardawe Town Centre and would comply with the tests within Policy R3 of the LDP and PPW 8.

Impact on Housing Allocation

As noted above, the application site extends onto 0.25 Hectares of a 1.2ha site allocated by Policy H1/29 (Parc Ynysderw) for approximately 50 units of housing by the Local Development Plan. The loss of part of this allocated site for housing is therefore contrary to LDP Policy, and to approve otherwise would represent a material departure from the LDP.

When faced with such a breach, especially of a recently-adopted Plan, there is therefore a need to demonstrate that there are strong material

considerations that would indicate why permission should be granted and outweigh the breach of Development Plan Policy.

The allocated housing site is in the ownership of the applicant, Lidl. Following a request for additional justification, the agent has provided submissions which are summarised as follows: -

- The site allocation was proposed at a late stage of the LDP preparation; it was not included in the August 2013 Candidate Site Register, the August 2013 Deposit Plan, the January 2014 Register of Alternative Sites or the August 2014 Candidate Site Assessment Report.
- Lidl owns the land in question but was not directly consulted on the site allocation
- The land was previously under contract to Waterstone Homes for residential development in 2014-15
- Waterstone Homes subsequently rescinded the contract in January 2015 in light of the significant land remediation costs due to its former use as a tin works. These significant land remediation costs will have a serious negative impact on the viability of residential development at the site since estimated remedial costs to a residential standard would be in the region of £1m.
- Since Waterstone's withdrawal, Lidl have had no further interest in the site and it was decided to utilise a small portion of the site to enable this comprehensive redevelopment of the existing foodstore in order to provide a consolidated and improved retail offer to Lidl customers in Pontardawe.
- Notwithstanding the viability issues outlined above, we do not consider that the proposed foodstore development would adversely affect the housing allocation. The Council's evidence base does not provide a detailed justification for the proposed density of 42dph for the allocated site. However, the LDP does note that the site is suitable for higher density development due to its highly sustainable location, close to a range of services and facilities in Pontardawe Town Centre. The removal of the strip of land to facilitate the Lidl expansion would increase the residential density on the remaining allocated land to approximately 50 dwellings per hectare. This would lend itself well to a terraced or flatted development on the site which is achievable on the site.
- The smaller site area and consequent increased density is likely to improve the financial viability of redeveloping the site, taking into account the known land contamination issues. This is

because the developer would have less land to remediate but is likely to still achieve the same number of units.

- In summary, the allocated site is likely to remain vacant for the foreseeable future due to severe land contamination being present. Should this serious hurdle be overcome then the proposed redeveloped foodstore would not adversely affect residential redevelopment of the rest of the proposed site allocation as it would still be possible to achieve the same number of dwellings.

Members will be aware that approving development contrary to an LDP allocation, especially so close to adoption, would not usually receive favourable consideration by Officers. In the specific circumstances of this case, however, there are considered to be justifiable reasons for dealing with this application in a pragmatic way. It is acknowledged that the site was allocated at a late stage of the LDP process as a consequence of the need to find additional housing land to offset the removal of another site on flooding grounds. The Inspectors agreed and accepted the alternative and consequently this site was added to the Schedule of Proposed Matters Arising Changes (MACs). The MACs consultation period ran for 6 weeks (30th June – 10th August 2015) with the purpose of the consultation to enable the general public and interested parties to submit comments to the MACs, and to enable the Inspectors to be confident that everyone affected had the opportunity to comment before they made any recommended change to the LDP. Unfortunately, the applicant, Lidl, as land owner missed the opportunity to engage and submit any representations at this stage of the process.. In this regard, there is little doubt that they would have made representations seeking to reduce the housing site to reflect their ambitions for additional retail space on the application site.

Having regard to this, it is considered that the critical issue concerns the need to ensure that the housing allocation, and the delivery of high density housing on the site, is not undermined. It is thus noted that this site is allocated for 50 units, a higher density development due to its central location however, within the supporting text of the LDP the Council's assessment of an appropriate number of units is 35 dwellings per hectare (dph) and 30 (dph) in the valleys. It is noted that whilst there are numbers of dwellings allocated for specific sites within Policy H1 these are indicative.

Due to the increase in area of the application site there has been a corresponding reduction in the area of the allocated housing from 1.2 hectares to approximately 0.95 hectare. To achieve 50 units on this reduced size site would require an increase in density from 46 (gross dph) to 53 (dph). The agent has indicated that a high density terraced and flatted scheme could be accommodated, and it is considered that this density would be achievable depending on the type of unit proposed. Furthermore, bearing in mind that this is an indicative figure some flexibility may be acceptable in respect to densities in the interest of local amenity.

Deliverability of the housing site for in the region of 50 units would therefore not be unacceptably compromised while, due to a reduction in the site area and associated contamination costs, it is acknowledged that developing part of the site as proposed has the potential to assist in bringing forward the remainder of the site for such housing development within the Plan period.

Accordingly, on balance, and having regard to the compliance with retail policy as discussed above, it is concluded that there are sufficient grounds in this instance to justify the proposals as a partial departure from the adopted LDP, with the proposal not undermining the strategic housing allocation for the Borough as stipulated in the Local Development Plan Policy SP7.

Visual Amenity:

The proposed store would occupy a similar position to that of the present building to the south western boundary of the application site and set back 5.5 metres from the back edge of footpath fronting Ffrordd Parc Ynysderw. The building is predominantly single storey with a two storey element located above the main entrance.

The building utilises a contemporary design and materials including full height double glazed powder coated aluminium (Grey RAL 7024) windows to the front (north west) elevation. The south east and south west elevations consist of a grey rendered recessed plinth, white rendered walls (RAL 9010) up to 3.2 metres above this height the walls will be clad in horizontal Aluco bond panels up to eaves height. The north east elevation utilises similar materials but has horizontal open

louvres at a height of 5 metres and full height double glazed units for an eight metre section adjacent to the main customer entrance.

The design and use of colours and materials will ensure that the building is in keeping with the local area which, although dwellings are sited to the north and east, consists predominantly of modern large retail units. In terms of visual impact it is considered that the building is appropriate and will have a positive impact upon the character and appearance of the area and in accordance with LDP Policy BE 1.

Residential Amenity:

The application site is bounded to the north east and south east by the rear gardens of residential dwellings, the nearest being numbers 33 and 35 Ynisderw Road, having a separation distance of approximately 28 metres from the existing unloading/loading bay. The rear gardens of the remaining dwellings back onto the car parking area.

Policy BE 1 of the LDP is related to design, and criterion (4) stipulates that any development should not have a significant adverse impact upon highway safety or the amenity of occupiers of adjacent land or the community.

Any development of this scale has the potential to result in impacts in terms of noise upon residential amenity. In this case, however, it is noted that there has been an existing retail outlet operating on the site since approximately 1997, and to date there have been no complaints received by the Head of Planning and Public Protection (Noise) with regard to noise associated with the operation of the site.

An existing condition on the current retail store stipulates that there are no deliveries outside the hours of 07.00 and 23.00, and it is recommended that similar conditions are imposed to the new store in order to ensure there continues to be no unacceptable impact on amenity. Furthermore the proposed unit will be relocated further south on the enlarged site which will result in an increased separation distance between the loading bay doors and the nearest dwellings from 28 metres to approximately 46 metres which should further reduce any noise levels associated with the operation of the site.

With respect to opening times, the applicant has requested that opening times be revised from 07.00 – 20.00 presently to 08.00 – 22.00. It is

noted that there have been no noise complaints made to the council with regard to operational noise of the present Lidl store, and it is considered that these times are not unreasonable. Moreover, the potential impacts of low level noise as described in the objection would not result in a significant loss of residential amenity to the extent that it would warrant refusal of the application on such grounds.

In terms of potential construction noise impacts, given the relationship with nearby residential properties it is recommended that a Construction Method Statement should be required by condition.

Highway Safety (e.g. Parking and Access):

The Head of Engineering and Transport (Highways) has raised no objections but raises concerns with regard to the possible conflict between deliveries and customer parking and a management plan has been requested. The applicant has responded that there is a similar delivery route in place for the existing store, and that there have been no problems arising. However, the parking has been re-orientated which may result in conflicts between customers and goods deliveries. It is considered therefore that a management plan including detailed information in respect of delivery times should be required by condition.

Concerns have also been raised with regard to possible traffic conflicts during the construction phase, in particular between construction traffic and vehicles gaining access to the Cwmtawe school. In order to mitigate such concerns, a condition is recommended requiring approval of a traffic management plan prior to commencement of work on site. It is considered that subject to this condition being imposed there would be no detrimental impact upon road or pedestrian safety and the proposal would accord with Policy TR1 of the Local Development Plan.

Contaminated land/Flooding

A programme of works has been proposed by the applicant in addition to the land contamination report submitted with the application. These are as follows.

- Production of a Preliminary Risk Assessment and Conceptual Site Model to cover the whole application site including a scope and rationale for additional investigations.

- Undertake further ground investigation works during demolition to include the area of the existing car park and beneath the existing store.
- Additional chemical testing of soils
- Additional chemical testing of groundwater if considered necessary.

The contaminated land section has responded with no objections to this approach but have requested that the standard conditions be imposed with regard to site investigation and remediation. Natural Resources Wales have responded with no objections with respect to controlled waters contamination and have requested standard conditions be imposed in case of unexpected contamination. NRW have raised no objections with regard to the submitted Flood Consequences Assessment.

Archaeological matters

Gwent Glamorgan Archaeological Trust has indicated that there may be significant structures surviving below the present surface. In accordance with their recommendation, a condition is imposed requiring a detailed written scheme of investigation for a programme of archaeological works and an archaeological watching brief.

Response to objections

The nature of local objections relating to noise and conflict between construction traffic and traffic accessing Cwmtawe school have been addressed in the above report.

With respect to the relocation of the building, the proposed position provides the optimum distance from the majority of dwellings, the suggested location would result in the unit being closer to more of the dwellings with a potentially greater impact upon residential amenity.

Conclusion:

Having regard to the findings of the independent retail impact report, it is considered that the proposed replacement Lidl store would not undermine the vitality and viability of Pontardawe Town Centre and have no material effect on either the convenience or comparison goods retail sectors in the area providing suitable conditions are imposed in order to control the proposed retail development. In addition, while encroaching onto part of a site allocated in the LDP for housing development, it is considered that the numbers of units could still be achieved on the remaining site and will therefore not undermine the delivery of the site for housing or the overarching target for housing contained within Policy SP7. It is also concluded that the proposed new retail unit would not have an unacceptable detrimental impact upon visual and residential amenity or upon the character or appearance of the street scene, and there would be no adverse impact upon highway and pedestrian safety. Accordingly, while partially contrary to Policy H1/29, the proposed development would be in accordance with Policies R3, BE 1 and T1 of the adopted Neath Port Talbot Local Development Plan.

RECOMMENDATION: Approval with Conditions

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.

Approved Plans

(2) The development hereby approved relates to the following plans and documents;

Site Location Plan 1215 001

Plan 002 - Existing site plan

Plan 003 - Existing Ground Floor Plan

Plan 004 - Existing Elevations
Plan 005 - Proposed site layout
Plan 006 - proposed ground floor
Plan 007 - Proposed First Floor and Perspective
Plan 008 - Proposed Elevations
Plan no 3021 rev T2 foul and surface water
SUDS maintenance document
Drain and foundation document 2015
Plan no. 13403/T/ 01-01 Topo survey
Topo survey revision B
Plan GD02A hole location
Plan 1215SK01 Rev F Feasibility
Plan B1 J-B037.00 503 Hole location
Plan 2015/92 Landscape plan
R01 GI Report - Pontardawe
Lidl Pontardawe Design and Access Statement Nov 251115
Pontardawe Planting Schedule 3 Nov2015

Reason: In the interests of clarity

Pre-Commencement Conditions

(3) Prior to the commencement of work on site a scheme to assess the nature and extent of any contamination on the site, and confirmation of whether or not it originates on the site shall be submitted to and agreed in writing with the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006) and shall be submitted as a written report which 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) identifying all plausible pollutant linkages to be assessed.

(ii) a survey of the extent, scale and nature of contamination;

(iii) an assessment of the potential risks to:

- human health,
- ground waters 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;

(iv) an appraisal of remedial options, and proposal of 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.

(4) No development, except demolition, shall take place until the applicant has submitted 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 historical 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.

(5) No development, except demolition, shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The

programme of archaeological work shall relate to the extended site area.

Reason

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

(6) Prior to the commencement of demolition, a Demolition and Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- a. The parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. scheme for the erection of temporary/semi temporary signage warning drivers of the presence of children and speed restrictions.
- i. The frequency and size of vehicles used to transport the waste material arising from the demolition works
- j. The frequency and size of vehicles used to transport the waste material arising from the demolition works.

The approved statement shall be adhered to throughout the demolition period.

Reason

In the interests of highway and pedestrian safety

Action Conditions

(7) 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 4 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 offsite receptors.

(8) Prior to their use in the development hereby permitted samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of the visual amenity of the area.

(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.

Regulatory Conditions

(10) Deliveries, waste collections and the loading and unloading of goods shall only take place between the hours of 07.00hrs and 22.00hrs. Deliveries and waste collections by vehicles in excess of 7.5 tonnes shall not take place during the hours of 8am to 9am and 3pm to 4pm during term time.

Reason: In the interests of residential amenity, highway and pedestrian safety

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

Reason

To ensure the development does not have an adverse effect on the retail function of Pontardawe shopping centre.

(12) The store shall not be open to the public outside the following times 08.00 hours to 22.00 hours Monday to Saturday and 10.00 hours to 17.00 hours on Sundays.

Reason

In the interest of amenity.

(13) Notwithstanding the submitted plans, prior to first beneficial use of the development hereby permitted an operational lighting scheme shall have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following details: locations and specifications of all external lighting to the site and building; the identification of areas to be illuminated and any measures to prevent light spilling on to areas outside the approved site; and hours of use of external lighting. The scheme shall be implemented in accordance with the approved details prior to first beneficial use of the development hereby permitted and thereafter retained as approved.

Reason

To ensure the lighting scheme does not have any detrimental effects upon residential amenity

(14) All planting, seeding and turfing comprised in the approved details of 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 or plants 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 interest of visual amenity and to accord with Section 197 of the Town and Country Planning Act, 1990.

(15) The total net sales area shall not exceed 1698 sq metres of which no more than 20% shall be used for the display and sale of comparison goods.

Reason

To ensure the development does not have an adverse effect on the retail function of Pontardawe shopping centre.

(16) The range of goods to be sold from the store shall not exceed three thousand (3000) lines of individual items or products.

Reason

In order to ensure that the development remains as a deep discount store and to prevent the establishment of a general form of food retailing at this site in order to protect the vitality and viability of the town centre of Pontardawe.

(17) There shall be no storage of goods and merchandise, packing cases, rubbish, other waste matter or any other item whatsoever except in a screened area, the location of which shall have been submitted to and approved in writing by the local planning authority. Such details shall specify the type and height of the required screen walling, and the approved enclosure shall be implemented prior to any outside storage being commenced and the stored materials shall thereafter not exceed the height of the approved screening.

Reason

In the interest of visual amenity.

(18) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment in the interest of amenity.

REASON FOR GRANTING PLANNING PERMISSION

The decision to grant 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.

Having regard to the findings of the independent retail impact report, it is considered that the proposed replacement Lidl store would not undermine the vitality and viability of Pontardawe Town Centre and have no material effect on either the convenience or comparison goods retail sectors in the area providing suitable conditions are imposed in order to control the proposed retail development. In addition, while encroaching onto part of a site allocated in the LDP for housing development, it is considered that the numbers of units could still be achieved on the remaining site and will therefore not undermine the delivery of the site for housing or the overarching target for housing contained within Policy SP7. It is also concluded that the proposed new retail unit would not have an unacceptable detrimental impact upon visual and residential amenity or upon the character or appearance of the street scene, and there would be no adverse impact upon highway and pedestrian safety. Accordingly, while partially contrary to Policy H1/29, the proposed development would be in accordance with Policies R3, BE 1 and T1 of the adopted Neath Port Talbot Local Development Plan.