

SECTION A – MATTERS FOR DECISION

Planning Applications Recommended For Approval

<u>APPLICATION NO:</u> P2019/5304	<u>DATE:</u> 30/10/2019
PROPOSAL:	Erection of a Class A1 foodstore (1,899 sqm gross floor area) with associated access, car parking and landscaping (amended red line to facilitate improved access and visibility splays)
LOCATION:	Land Adjacent To CSN Precision Engineering, Neath Abbey Road, Neath SA10 7BR
APPLICANT:	ALDI Stores Ltd
TYPE:	Full Plans
WARD:	Bryncoch South

SITE AND CONTEXT

The site is located north-west of the town of Neath, on the southern side of Neath Abbey Road, with access to the site directly off Neath Abbey Road.

The site has been used as an open forecourt and provides access to an engineering business (CSN Precision Engineering) which comprises a brown brick and steel profile clad, L shaped building, which is a part two storey and part single storey building which is located at the rear of the site. The rest of the site provides accommodation and storage for a stone merchants (Celtic Stone).

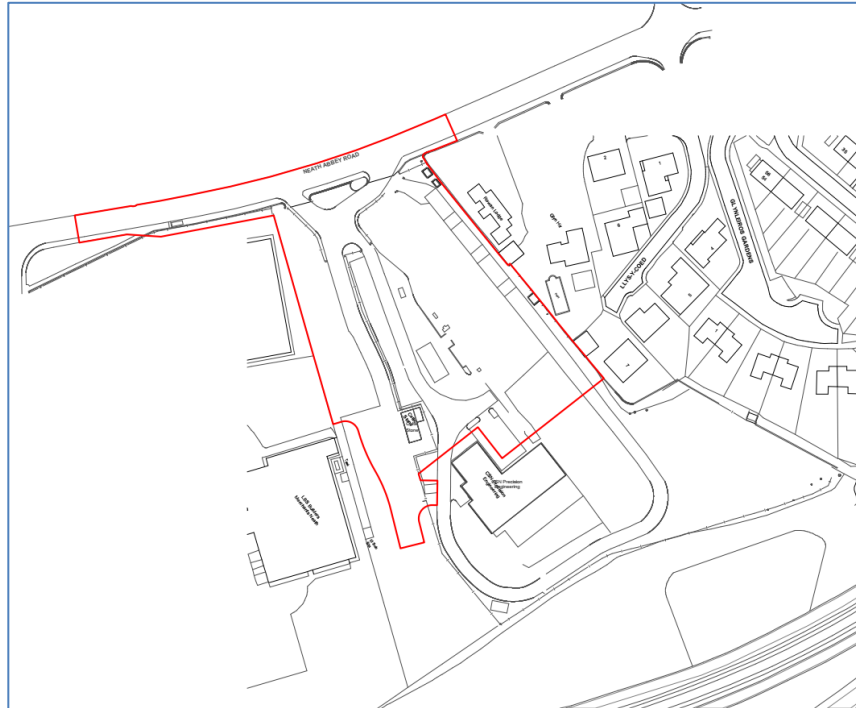
Neath Abbey Road borders the north of the site and serves as main access into the site. A small island of grass with a low masonry wall and a pedestrian footpath is located at the site entrance. Directly across the road are the Neath Sports Centre playing fields, Neath College and Dwr Y Felin School. To the East lie residential properties (Llys-Y-Coed and Glynleiros Gardens), with the three nearest properties being Rowan Lodge, Glyn Hir and Llys Y Coed. This boundary primarily consists of a high wall with tree in places. There is a Tree Preservation Order over some of the trees within the residential development however these trees are outside of the application boundary.

To the south of the site is a railway line canal and the A465, however there is no access to the A465 or canal as it is separated by the railway line. There are a number of trees and a steel palisade fence to the west boundary. LBS builder's merchants and LH Evans electrical wholesales occupy plots beyond this boundary, which form part of the wider Abbey Industrial Estate.

The overall site measure 1.053ha and is predominantly flat, with a slight fall from Neath Abbey Road across the site. The site is located within settlement limits as defined by Policy SC1 of the adopted Neath Port Talbot Local Development Plan. (Plan 1 below shows the red line site boundary)

Note : Members are advised that the red line site boundary was amended during the course of the application in order to provide improved pedestrian and highway access/egress to the site.

Figure 1: Site Location Plan



DESCRIPTION OF DEVELOPMENT

The proposal seeks planning permission for the construction of a new single-storey Aldi food store together with service area, parking, landscaping and associated works alongside a new service road which will provide access to Aldi and two other sites.

The new store will be a single storey rectangular building with maximum dimensions of approximately 59m metres in depth by 37m in width. It will have a gross internal floorspace of approx. 1,899 sq.m and will provide a retail floor area of 1315 sq.m. The Planning retail statement and Retail policy Update indicates that 80% (1,052sq m) of this area would be devoted to the sale of convenience goods and the remaining 20% (263sq m) would be used for the sale of comparison goods.

The building is designed with a very shallow fall that allows water to drain centrally through hidden guttering. The roof is hidden behind a low parapet and will have a height of approximately 5.5m. Externally the building will have a blue brick plinth and white rendered walls. The front elevation (facing Neath Abbey Road) will have full height glazing. The customer entrance will be on the western corner of the building, also identified by full height glazing, which will wrap around the corner to the car park elevation. The cantilevered canopy also facing Neath Abbey Road will create a modern look and provide covered area for the storage of shopping trolleys and bicycles.

The store has been orientated to ensure the principal elevation of the store and entrance relates to the access and parking areas. The main car parking area will be easily accessed from the two main frontages and situated between the store and the main road. A smaller parking area will be located to the side nearest to the entrance. The proposed car park will provide a total of 107 parking spaces including 8no. Spaces for disabled users, 8no. Parent and Child designated spaces, 5no. Electric Vehicle Charging (EVC) spaces with a further 17no. spaces provided with ducting, ready to provide future EVC spaces when demand requires them. The proposal also provides 10no. secure cycle parking spaces.

The proposed development will also provide a new 7.1m wide access which will allow two way traffic which will not only provide access to the store but also two existing businesses. The junction from the main road into the site will also be provided with a right turn lane.

The goods loading/unloading bay is located to the (side) East elevation, accessed through the car park. Also located outside there will be refrigeration units, gas coolers and bin storage, these will be hidden in screened areas to the rear and side of the store.

Landscaping and biodiversity enhancements will be provided in and around the car park

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#), however extracts of the elevations and site plan are below for information.

Figure 2: Proposed Site Layout

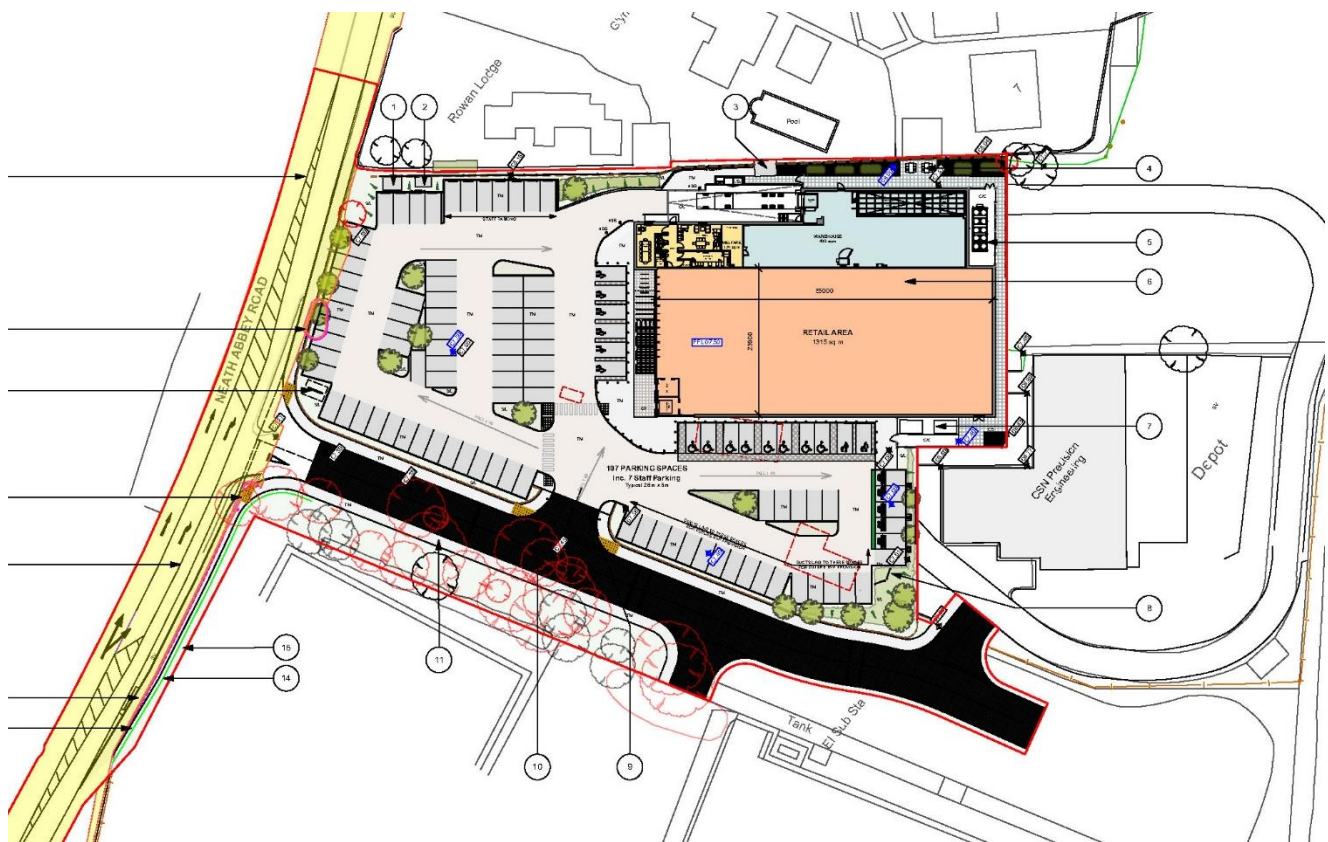
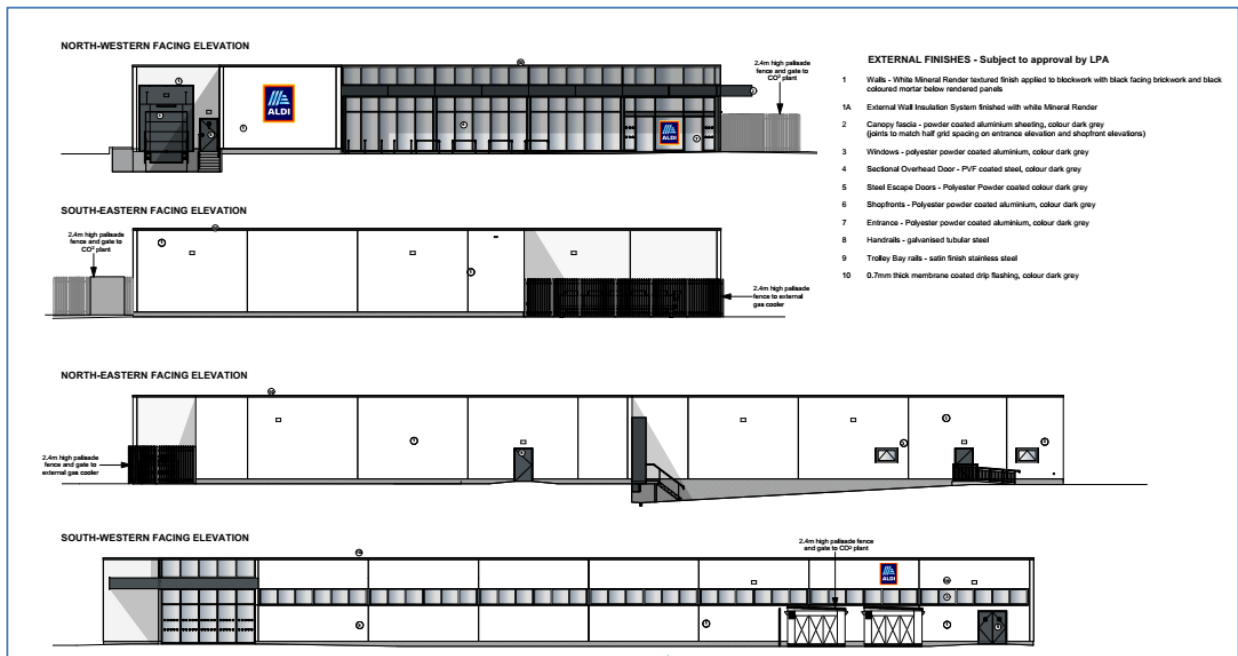


Figure 3: Proposed Elevations



PRE-APPLICATION CONSULTATION

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, statutory Pre-Application Consultation (PAC) was carried out by the developer.

The consultation exercise took place on the 27th June 2019. The consultation involved notifying local residents within the surrounding area, together with Ward members, and specialist consultees.

PLANNING HISTORY

The application site has the following relevant planning history; -

- **P2007/0754** – EIA screening opinion for food store – EIA not required 27/06/08
- **P2008/1292** – Outline application for Employment B1,B2,B8 uses - Refused 04/03/2009
- **P2008/1294** – Erection of a 1635 sq meter (gross) Class A1 retail food store with associated access, car parking and landscaping – Refused 04/03/2009

CONSULTATIONS

Cllr Jo Hale (Local Member) initially objected in relation to traffic generation however during the course of the application has now removed her objection as they consider the proposal to be acceptable in terms of any highway issues and supports the development.

Blaenhonddan Community Council: Have raised objection in terms of highway and pedestrian safety and residential amenity, stating that they do not believe that Neath Abbey Road, particularly given its use by adjacent commercial and educational establishments, the sheer volume of traffic and the lack of turn right lanes, is capable of accommodating additional traffic. It also believes that the amenity adjacent residential properties will be affected by the more intensive commercial operations and by noise pollution from installed generators.

Natural Resources Wales: No objection subject to conditions.

Contaminated Land: No objection subject to standard land contamination condition be imposed

Head of Engineering and Transport (Highways): No Objection

Head of Engineering and Transport (Drainage): No objection but advises that's SABs approval will be required.

Welsh Water: No Objection

Biodiversity Unit: No objection subject to conditions

Arboricultural Officer: No objection subject to following guidance within tree report

Pollution (Air): No objection

Environmental Health Noise: While raising no objections, and providing conditions, has expressed concerns over the design which could lead to noise complaints being received.

Crime Prevention Design Advisor: No objection, has made general comments relation to security and designing out crime such as fencing, lighting, cctv etc.

Glamorgan Gwent Archaeological Trust: has advised the development would require archaeological mitigation

CADW: Have concerns about the impact upon the scheduled monuments and registered historic parks and gardens. However, with mitigating measures their concerns would be reduced.

Wales and west Utilities: No objection advised of proximity of Gas main and request the applicant to contact them prior to any excavation

Health and Safety Executive: Do not advise against the proposal

REPRESENTATIONS

Neighbouring properties were consulted and site notice displayed on 30th August 2019 and 16th March 2020. The application was also advertised in the press on June 2nd September 2019 and 12th March 2020.

In addition to the above, following an amendment to the application red line boundary to provide improved access, a further round of consultation was undertaken, with neighbours and consultees written to on 5th November 2020, a site notice displayed on 6th November 2020 and the application advertised in the press on 19th November 2020.

To date, 41 emails/letters and 634 post cards (675 in total) have been received supporting the application for the following reasons:

- The proposal will create 40 plus full time and part time jobs for local people that are much needed in the area.
- Aldi coming to Neath saves traveling further afield (such as Llansamlet in Swansea) to shop which save on fuel and lowers carbon emissions
- Convenient shopping for local residents.
- Having the store on a main bus route is excellent for people that don't drive.
- Aldi provide great food, more choice of food and other products at great prices. This would help many families in the area that are on a low income.
- Aldi within the area will provide competition to other retailers, this will be good for Neath and ultimately benefit the public by bringing prices down.
- Traffic would not be an issue as there was a business there previously, and the traffic in Neath Abbey is no different to other parts of Neath.
- We need new retail in Neath, the old Tesco/Wilco site in Neath has been derelict for some time despite promises from NPTCBC about its re development. Neath is turning into a ghost town.
- Aldi would bring customers into the area which could also benefit other businesses and the local economy
- Its location at the bottom of the Neath Valley is great for anyone in the valley areas.
- Healthy competition for Tesco who have seem to have an abundance of stores in Neath and Port Talbot.
- The site is an eyesore, the new development would tidy this up, and improve the visual character of the area.

8 letter/emails of objection have been received relating to the following categorised into the following topics:

Highways and Pedestrian Safety

- The proposed new Aldi cannot be reached easily by public transport from shoppers in the Neath, Melyn, Briton Ferry and Baglan Area, as such the store would generate a lot more traffic from shoppers.
- There is a proposed housing development of 200 houses in the Rhyddings area will comprise mostly larger properties which is likely to generate an extra 600 vehicles

using already congested Penywern Rd, Cadoxton Road during morning and afternoons with people going to work, college etc. The main road from Penywern mini roundabout to Neath Abbey is already subsiding badly in places and floods in several places during heavy rain. The main road does not need any more traffic from an unnecessary supermarket.

- Traffic arriving at or leaving the proposed site may need to cross the busy main road. There are hold-ups at the junction for Days garage a few yards away, there will be far more traffic build-up caused by drivers using a new supermarket, as well as the likelihood of accidents.
- The pavements in the area are filthy from road dirt as drivers regularly drive through the standing water which cannot drain away as the road drains have collapsed. It frequently impossible to walk the pavement by the railway bridge due to this. The pavements are unsuitable for both pedestrians and cyclists and mobility scooters.
- The A4230 from Cadoxton to Neath Abbey serves 5 schools and a college. There are general safety issues in relation to public and traffic are over 1400 children in Dwr-y-felin Comprehensive School and over 1,000 college students it is already just a matter of time before there is a serious accident. The creation of a supermarket in this location would certainly amplify the risk to the safety of students and pedestrians.
- There are currently three sets of traffic lights on Neath Abbey Road on the stretch between the Neath Abbey roundabout (where Tesco are already located) and Neath College. There is also a speed camera in operation by one of the crossings. These traffic controlling measures already cause heavy congestion at the best of times, the introduction of an additional road junction leading to a supermarket would literally cause chaos for all.
- The sports centre has become very popular and is very busy most days and nights, this is also the entrance for the comprehensive school residents of Llys-y-coed regularly experience delays in entering and leaving their estate, it is almost impossible to turn right from Cwrt Herbert Playing Fields, Roman Way, Llys-y-Coed and the layby to the front of CSN Engineering.
- The additional traffic volume would cause a significant increase in air pollution and noise pollution in the area.
- One of the reasons that the previous planning discussion/application for a food supermarket at the site which occurred a few years ago was turned down by the Council's Highways Department, was because of the projected increase in the volume of traffic on Neath Abbey Road. I fail to see how a new planning application for the same use could be approved given that during this time, the pupils from the former Dwr-y-felin lower school (formerly located in Longford) have now moved to the site of the upper school, creating a vast increase of student numbers and traffic.
- The revised plans show the proposed new road layout which would provide entry to the development. We are very concerned about the negative impact on traffic volume and the increased risk to pedestrians the development will surely cause. As the council is aware, hundreds of children and college students are present along this stretch of Neath Abbey Road before and immediately after school. The proposed plans appear to not include any kind of traffic management system such as traffic lights, which will put children crossing the entrance to the store at a heightened risk as cars turn into the development off the already notoriously busy main road. Furthermore, the plans show the creation of a dedicated middle lane in Neath Abbey

Road for cars turning right. The road appears too narrow for such a road design, will larger vehicles such as school busses and lorries be able to pass cars waiting to turn who are sat in the middle lane? Cars waiting to turn right into the store from the dedicated middle lane could easily be waiting a few minutes for a gap in the on-coming traffic. Drivers who have been waiting a while to turn right could easily pull off fast to make it through a gap in the traffic without paying any attention to children crossing the proposed new junction.

Residential Amenity

- The development will result in a neighbour's loss of privacy.
- The development would result in an increase in vermin which a health and safety issue.
- A neighbour is concerned that the wall they have around their property will be taken away and the proposed building will be very close to this wall.
- The air quality from Cwrt Herbert to the river bridge by Dynevor Avenue is very poor.
- The submitted plans show the eastern elevation would be built just metres from the side of our house where we have lived and enjoyed for the last 17 years. The height of the roofline of the store would surely affect our right to light and the store will cast a shadow over the majority of our property.
- The plans show an external staff break-out area immediately behind the garage which belongs to 7 Llys-Y-Coed. As this will likely be used as a staff smoking area, we are very worried about the smell which will be potentially emitted from this area.

Noise

- The submitted plans show that the delivery and refrigeration areas of the proposed store would be located directly next to the neighbouring properties. Wouldn't it be common sense for these areas to be located as far away from existing residential development as the site would allow.
- On the night of the public meeting with ALDI, we were assured by one of their representatives that the external refrigeration/HVAC units at the rear of the building could be moved to the other side of the building because their current position is far too close to the existing houses. Following review of the most recent layout plans the refrigeration/HVAC units (which are likely to run and make noise 24 hours a day) are still located at the south eastern corner of the building, just a few metres away from the boundary with 7 Llys-Y-Coed. We are very worried about the constant noise from these industrial refrigeration units/condensers. Surely it would make more sense for the sections of the new store which will cause the most noise to the surrounding area (the biggest impact on the soundscape) to be positioned on the side of the building which faces the existing industrial use occupiers, and not in close proximity to the existing residential dwellings.
- During a public planning meeting with Aldi executives, neighbours were informed that there would be a total of 4 deliveries a day involving large refrigerated heavy goods vehicles, this will cause substantial noise pollution and disturbance throughout both the day and the night.

- The refrigeration units will be industrial size and will be a constant source of noise pollution.
- We do not approve of the delivery area being positioned on the most sensitive side of the building which faces and is closest to the existing residential dwellings. Surely again it would make the most sense for the delivery area to be positioned on the opposite side of the building which faces the existing industrial occupiers, and not the existing residential dwellings. We are very concerned about the negative impact on the soundscape caused by the reversing HGVs during deliveries, in addition to the noise caused by truck/car doors being closed etc which will not be able to be controlled once the store is built. Furthermore the pollution caused by these HGVs which will be reversing less than 5 metres from the boundary with existing residential dwellings is very concerning, especially for my neighbours who have children or have existing health issues.
- The negative impact on the soundscape of the area will surely be immense with so many customers driving, parking and loading their cars throughout the day.

Retail Issues

- There are already 3 large supermarkets within a 1 mile area - Morrisons, Lidl and Tesco. Is there any need for another large supermarket?
- The other side of Neath - Melyn, Briton Ferry and upper Baglan area are very poorly served by an expensive Tesco extra and Lidl in Briton Ferry Rd.

Other

- A neighbour is concerned that the development would devalue their property.
- There is a large site which would be more suitable at the unused Pinetree car sales area in Baglan, next to the dual carriageway where there is already a better road in place.
- NPTCBC would be better to improve and regenerate Neath town centre and its retail properties, the old Tesco site in Neath town centre would be a better location.
- A neighbour is concerned that the view from the front windows of their house would look directly onto the side of the potential loading bay of the supermarket.
- The land would be better suited as a residential development site given its location and proximity to existing residential.
- A neighbour's drains run through the proposed site and these must be free flowing and maintained.

Three petitions have been received as follows:

- A petition of 57 signatures objecting in relation to traffic congestion
- A petition of 26 signatures just objecting to an Aldi supermarket opening.
- A petition of 7 signatures from the residents of Llys Y coed who have raised concerns which have been incorporated into the above list.

As well as the above letters of objection from the public and local members we have also received letters of objection from two retailers that operate close to the site, namely Morrison and Lidl.

Lidl have employed “WYG Consultants and Corun Transport and Highway Engineering” who have noted a number of significant policy conflicts and material considerations which they believe suggest the application should be refused. The principal issues of contention they raise concern about are:

- Retail planning policy;
- Flood Risk; and
- Transport.

In relation to **retail planning policy**; Lidl have highlighted that In respect of ‘Need’ PPW establishes that need can be quantitative or qualitative, with precedence for establishing the former. They have made reference to a judgment of the Court of Appeal in *Waterstone Estates Limited v Welsh Ministers and Neath Port Talbot County Borough Council [2018] EWCA Civ 1571*, where they state the judgment confirmed that the “needs” test in PPW is a ‘gateway’ test. Lord Justice Hickinbottom concluded that “*there is a discrete requirement for need to be established which, if not satisfied, is a breach of PPW policy.*” He added “outside centres, need is a discrete requirement for planning applications; and, if it is not satisfied, then there is no requirement (or “need”) to proceed to consider whether there is any sequentially preferable site.” It is therefore clear that a failure to demonstrate ‘need’ would breach PPW policy and in such cases, permission should be refused. It is not simply a material consideration to be balanced in the round. As such Lidl has stated there is insufficient quantitative need to support the development and there is inadequate evidence of a qualitative need.

In relation to **flood risk**, the proposed development is situated with TAN15 DAM Zone C2, and the applicant has failed to demonstrate that the site is suitable in accordance with the TAN15 Paragraph 6.2 tests. The applicant has also not demonstrated that the proposed development will not increase flood risk to 3rd parties.

In relation to **Transport** Lidl have made comments which are summarised as follows:

1. The site location is divorced from the majority of surrounding residential catchments, which will encourage private car trips, contrary to Local and National Transport Planning Policy.
2. Peak hour congestion at key junctions close to the site; the full effect of the development on these junctions has not been assessed.
3. Active Travel Wales Act 2013 has been ignored; an assessment of pedestrian and cycle routes to and from site is required.
4. The proposed Neath Abbey Road junction improvement is insufficient – a right turn lane to DMRB standards should be considered to prevent blocking and maintain free traffic flow.
5. For assessment purposes, trip reduction allowances for pass-by and linked trips should be ignored at the Neath Abbey Road junction.

6. Pedestrian and cycle desire lines should be assessed and included in any highway design improvement.
7. Entrans's trip generation estimates are low and as such the full impact of the development may have been underestimated.
8. The internal site layout does not appear able to safely accommodate max legal articulated vehicles, to the detriment of highway safety.

Morrison's have commissioned "Peacock and Smith, planning consultants and Exigo Project Solutions" to object to this planning application on the grounds of conflict with the Local development plan and national policy. They have raised the following issues:

- a significantly adverse impact on the town centre of Neath, which they believe justifies a refusal of planning permission;
- loss of employment land;
- That the development has potential for an adverse impact on the residential amenity of neighbouring properties, as the proposal is very close to existing residential properties that will be affected by noise from customer vehicles and from delivery vehicles;
- potential harm to trees subject to Tree Preservation Orders during construction works and removal of trees along the west/south-west side of the site which will have a negative impact on visual amenity of the local area; and
- Several fundamental issues pertaining to highways safety relating to the following areas:
 - Access and internal junction layout;
 - Parking;
 - ULEV charging infrastructure;
 - Traffic survey data;
 - Trip Generation;
 - Trip Types,
 - Distribution and Assignment;
 - Junction Impact Assessments;
 - Traffic impact; and
 - Highway Safety

REPORT

Planning Policies

National Guidance

- Planning Policy Wales (Edition 10 2019)
- Technical Advice Note (TAN) 4: Retail and Commercial Development (2016)
- Technical Advice Note (TAN) 11: Noise (1997)
- Technical Advice Note (TAN) 12: Design (2016)
- Technical Advice Note (TAN) 15: Development and Flood risk (2004)

- Technical Advice Note (TAN) 18: Transport (2007)
- Technical Advice Note (TAN) 24: The Historic Environment (2017)

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 Policies

- **Policy SP1** Climate Change
- **Policy SP2** Health
- **Policy SP3** Sustainable communities
- **Policy SP4** Infrastructure
- **Policy SP5** Development in the Coastal Corridor Strategy Area
- **Policy SP10** Open Space
- **Policy SP11** Employment Growth
- **Policy SP12** Retail
- **Policy SP15** Biodiversity and Geodiversity
- **Policy SP16** Environmental Protection
- **Policy SP18** Renewable and Low Carbon Energy
- **Policy SP19** Waste Management
- **Policy SP20** Transport Network
- **Policy SP21** Built Environment and Historic Heritage

Topic Based Policies:

- **Policy SC1** Settlement limits
- **Policy I1** Infrastructure Requirements
- **Policy OS1** Open Space Provision
- **Policy R1** Retail Allocations
- **Policy R3** Out of Centre Retail Proposals
- **Policy EN7** Important Natural Features
- **Policy EN8** Pollution and Land Stability
- **Policy RE2** Renewable and Low Carbon Energy in New Development
- **Policy W3** Waste Management in New Development
- **Policy TR2** Design and Access of New Development
- **Policy BE1** Design

Supplementary Planning Guidance:

The following SPG is of relevance to this application: -

- Planning Obligations (October 2016)

- Parking Standards (October 2016)
- Pollution (October 2016)
- Open Space & Greenspace (July 2017)
- Design (July 2017)
- Renewable and Low Carbon Energy (July 2017)
- Design (July 2017)

EIA Screening

The original application did not exceed the threshold of schedule 2 of the Environmental Impact Regulations, however the red line of the application site was amended in November 2020 in order to provide an improved access arrangement. The red line increase resulted in development exceeding the Schedule 2 threshold for development of this type as outlined within the Environmental Impact Assessment Regulations. As such the application has been screened.

The findings of the screening report were that the scale and nature of the potential impacts associated with the development both alone and in combination with other developments within the area would not be of a type that would require the carrying out of an Environmental Impact Assessment or the subsequent submission of an Environmental Statement in support of the application

The proposed development is also not located within a zone of influence for any SAC, CSAC or Ramsar sites and as such it is considered that an Appropriate Assessment as set down within the Conservation of Habitats and Species Regulations 2017 is not required.

Main Issues

Within the above Policy context, 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.

Other matters of note include impacts on visual amenity and the character of the area as a whole, ecology, design, land contamination, renewable energy, amenity of residents within adjoining properties and highway and pedestrian safety.

Principle of Development (Retail Assessment)

For the purposes of the adopted LDP, the application site lies within the defined settlement limits but is not allocated for retail land uses.

The site is also located outside of any designated retail centre and therefore **Policy R3 “Out of Centre Retail Proposals”** of the Local Development Plan is of direct relevance, requiring that proposals for new retail development within settlement limits but outside of the defined retail centres or retail allocations will only be permitted where the following criteria are met:

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

Planning Policy Wales 10 (PPW) and TAN4 refer to the need for retail proposals over 2,500sq.m gross, once a need has been established, to be supported by an impact assessment, further noting that *“For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts”*.

It should be noted that this proposal falls below the above threshold, though the applicant has provided a planning retail statement prepared by Planning Potential dated August 2019, which has since been followed by a Retail Policy Update in December 2019, a 'Retail Need & Impact Addendum' document (dated 8th March 2020) and an additional retail response in January 2021.

Given the complexities involved in assessing such an application, an independent review of the submitted Retail submissions and further representations (mentioned above) provided by the applicant, has been commissioned by the Local Authority and has informed the assessment of the proposal below.

Retail Need (Policy R3 Criterion 1)

Policy R3 of the Local Development Plan and national planning policy in PPW10 first require consideration of whether there is a need for the proposed retail floorspace. PPW10 notes that: *“Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations”*.

Paragraph 4.3.14 of PPW10 also notes that: *“In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities **should first consider whether there is a need for additional retail provision**”*. (emphasis added)

The primacy of this test is emphasised by it being the first criterion in Policy R3. However, it has also been emphasised in an objection letter from WYG (on behalf of Lidl) which refers to a relevant Court of Appeal judgement in the case of *Waterstone Estates Ltd v Welsh Ministers* (a case which relate to land at Glynneath, NPT). In their submissions, WYG suggest that the need test is effectively a *gateway test* and that if a need cannot be demonstrated then there is no need to go to identify sites to meet that need and/or undertake a retail impact assessment.

Having considered the submissions of WYG, the counter submissions of the applicant and reviewed the Court of Appeal judgement, it is considered that the judgment does not amount to a *gateway test* (i.e. that permission should be refused if it fails to demonstrate need). Instead, should the applicant fail to establish a retail 'need' (under policy criterion (i) of Policy R3) it might be contrary to Policy but would not be fatal to the application. Instead, it would fall on the Council as decision-maker to consider this conclusion on need along with all other matters (including impact and any identified benefits) and weigh them in the 'planning balance'.

The consideration of 'need' under criterion (i) of Policy R3 can be split into *quantitative* and *qualitative* need. To accord with this first criterion of the Policy a proposal does not have to demonstrate *both* types of need, however quantitative need must be considered first, and a proposal would clearly have a more forceful argument if it were to meet both tests. Each is considered below in turn.

a) Quantitative Need

The applicant's submissions have been considered in detail by the Council's appointed retail consultant. This led to a requirement for the applicant to undertake a further household survey to inform their assessment, as the original from 2012 was considered out of date. The updated surveys have been welcomed and are now considered to form a robust basis for assessing the need for the proposed foodstore and its likely impact upon nearby defined 'town centres'. Nevertheless, NPT's consultant has raised some issues with their assessment/ conclusions, and formed his own judgement.

While the associated assessment is inevitably complex (and the consultant's advice can be viewed online should Members wish to explore in more detail), the main conclusions to note from the assessment is that: -

- There is insufficient 'surplus' convenience goods retail expenditure in Neath (Zone 1) to support the turnover of the proposed ALDI store.
- A greater amount of the proposed store's convenience goods turnover will be diverted from stores in Neath / Zone 1 which will further reduce the amount of potential increase in Zone 1 market share.
- As a consequence of the above they consider, based upon the evidence and analysis presented by the applicant, along with their own analysis, that there is **no demonstrable quantitative need** for the convenience goods floorspace element of the proposed store.

In respect of need, paragraph 4.3.15 of Planning Policy Wales '(PPW)' Edition 10 state that "*Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations*"

It therefore follows that, having failed to demonstrate quantitative need, the applicant needs to demonstrate that the proposed development would meet a *qualitative* need to comply with criterion (i) of Policy R3.

Qualitative Need

Having regard to the conclusions above, the applicant was requested to provide further submissions in support of their argument that there is a qualitative need for the proposed store.

In response, the applicant has re-emphasised that a significant level of annual convenience goods expenditure is attracted to stores outside of Zone 1 (Neath), in particular to stores to the east of Swansea, including £3.5m to the existing Aldi store at Llansamlet and that this is a significant level of expenditure 'leakage' that is indicative of a qualitative deficiency in discount food provision in the Neath area.

They have also submitted that the proposed development will help address a qualitative need for new discount convenience floorspace in the area, stating that the key benefits of the proposal, taking into consideration the factors in paragraph 4.3.16 of PPW, are:

- The proposed development site is accessible by walking, cycling and public transport. Bus stops are located on Neath Abbey Road, within easy walking distance of the site, which provide regular links to Neath town centre, and locations further afield including Llandarcy, Aberdulais and Seven Sisters
- The development will contribute to a substantial reduction in car journeys, particularly those associated with expenditure 'leaking' from the Neath area to alternative facilities in the east of Swansea (particularly the existing Aldi store at Llansamlet). This 'clawback' of expenditure will have knock on benefits for Neath town centre;
- The store will assist in alleviating 'over-trading' at the Tesco Neath Abbey Road store, and will help to reduce traffic congestion associated with shoppers accessing the Tesco store via the Neath Abbey Road/A474 roundabout. The RIA shows the proposed development will divert 30% (£3.55m) of its convenience trade from Tesco Neath Abbey Road. This equates to a convenience impact of -10.65% on the store. This reduction in trade at the store will help to address problems associated with overtrading (such as longer queues, crowded stores and lower stock levels).
- The store will help to address the deficiency in Aldi store provision in the Neath area, highlighted by the high level of expenditure being drawn to Aldi's store at Llansamlet. Furthermore, work has now started at the Coed Darcy development in Llandarcy, which could provide up to 4,000 new homes in Neath. This will generate an increased demand in the medium term for convenience shopping facilities, which the proposal will be well placed to serve.

They therefore conclude that there is "a clear qualitative need for new discount food retailer in the area".

The Local Authority's Retail Consultant has reviewed all the submissions on such matters (including those from representations) and noted as a starting point that a useful place to start in relation to the consideration of qualitative factors is the level and type of existing

floorspace. In this respect, the Council's 2013 Study concluded that: *“Overall, Neath has a good range of convenience goods shopping provision, with two large stores and a smaller range of provision within the town centre (Iceland, Marks and Spencer and Tesco Metro). The Morrisons store, whilst currently outside of the defined town centre, contributes to the town centre given its proximity and thus providing an important counter-balance against the out of centre Tesco at Neath Abbey”.*

Little has changed in terms of foodstore provision in Neath since the 2013 Study, with the large out-of-centre Tesco store plus the two Lidl stores, plus Iceland, Marks and Spencer and Morrisons stores in the town centre remaining. The only noticeable difference is the closure of the town centre Tesco Metro, plus the Morrisons store now being included with the 'town centre' in the Local Development Plan. Within this context the submissions do not strongly suggest a material deficiency in convenience floorspace / foodstore provision in the Neath area – the existing provision above provides a good level of choice, allowing the local population to undertake main and top-up food shopping trips at range of facilities.

Nevertheless, the applicant strongly emphasises the point that the shopping patterns information, from both the 2013 Study and the 2019 household, show a leakage of food shopping trips outside of Zone 1 (which is the zone within which Neath lies). This is accepted, with the applicant's 2019 survey showing that around 65% of first choice main food trips were retained in the local area and three-quarters of second choice main food trips. Retention of top-up food shopping trips was higher at around four fifths.

The additional submissions indicate that while a new Aldi store would not claw back all of this lost expenditure (as some people may undertake shopping trips linked with their commute or other activities), it is reasonable to assume approximately 50% of this could be retained in Zone 1 as a result of the opening of the proposed store. Using the figure from their 2021 sensitivity analysis, the retention of convenience expenditure currently lost to stores in Swansea in addition to clawback from the Lidl, Asda and Tesco in Llansamlet totals £4.86m.

There could of course be a number of reasons why these 'leaked' trips occur, such as being associated with other shopping trips to Swansea as a larger retail destination than Neath, and associated with work/commuting. Our consultant does accept, however, that a number of 'leaked' trips are to the ALDI at Llansamlet and that the provision of a new ALDI store in Neath could divert some of these trips.

The applicants also consider this would have additional benefits for Neath town centre as 38.5% of respondents from Zone 1 who undertook their main food shopping trip at Aldi Llansamlet, also linked it with another destination. While this would potentially increase linked trips and retain expenditure – which could contribute positively to footfall, trade and vitality and viability in the town centre – the diversion of trade from the Morrisons with its greater percentage of linked trips could offset any such benefits.

In response to the January 2020 information and analysis submitted by the applicant's agent (Planning Potential (PP)), our retail consultant has made the following comments:

- we agree with PP that whilst the proposed store will not be able to claw back all of the grocery shopping trips which are currently being lost from the local area to

Swansea, the added choice and competition which the proposal will be a positive benefit for the proposal and is likely to claw back some trips.

- whilst there is no evidence to suggest that the number of vehicle trips associated with grocery shopping would be reduced as a consequence of the proposal being implemented, the amount of vehicle miles is likely to be reduced.
- with regards to the perceived 'over trading' of the Tesco supermarket at Neath Abbey, PP point out that the proposal will address perceived issues such as over-crowding, long queues and low stock levels. However, whilst there is evidence to suggest that the financial performance of the Tesco store is good, PP do not provide any empirical evidence to substantiate issues surrounding stock levels, over-crowding and queuing.
- with regards to the level of potential convenience goods retail expenditure capacity in the local area, we agree in principle with PP that significant rises in the local community will require adequate foodstore provision. This is a factor to be weighed in favour of the proposal although there is no additional analysis in the 12th January PP letter to support the claims made over retail expenditure capacity.

Our consultant further notes that the additional information and analysis provided reinforces the case that the proposed foodstore can provide qualitative benefits and thus can be taken into account in the wider consideration of need / qualitative need, and concludes that overall they remain of the opinion that there is a positive case in favour of the qualitative aspects of need for the proposed foodstore. Thus while there is not, in their opinion, a clearly identifiable level of quantitative need in this instance (which national policy advises should take precedence), there are qualitative factors which can help to demonstrate compliance with the salient part of Policy R3 in the development plan.

Having regard to the above assessment, it is concluded that, whilst there is not any significant qualitative deficiency/need for net additional convenience goods floorspace in the Neath area, the proposed store will add to choice and competition and this should be treated as a minor positive factor. In addition, it is accepted that the proposal would be accessible; would contribute to a reduction in car journeys / mileage, particularly those associated with expenditure 'leaking' from the Neath area; and that this 'clawback' of expenditure has the potential to have associated benefits for Neath town centre; and that there may be some benefit in alleviating 'over-trading' at the Tesco Neath Abbey Road store. Moreover, whilst reliance should not be placed upon the identity of a particular occupier when giving weight to retail planning policy issues it is entirely possible, and reasonable to conclude that it will help to address the deficiency in Aldi store provision in the Neath area, highlighted by the high level of expenditure being drawn to Aldi's store at Llansamlet, and thus the proposed store could reduce the number of food shopping trips which are 'leaking' away from the Neath area to Swansea.

Having regard to the above, it is considered that the applicant has satisfactorily demonstrated that the proposal would meet a qualitative need, and while the weight is lesser than if it met both quantitative and qualitative need, the proposal is nevertheless considered to comply with the overall requirement of criterion (i) to demonstrate need.

Sequential Test (Policy R3 Criterion 2)

Having concluded that there is an arguable qualitative need for the development, it then falls to consider the sequential approach under criterion (ii).

The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres. Adopting a sequential approach requires the application of a test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres. PPW then emphasises (at 4.3.19) that *'if a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites, and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered'*

The application site is located in an 'out of centre' location - albeit within settlement limits - and therefore a sequential test has been undertaken by the applicants. This sequential search has reviewed a number of sites within and on the edge of Neath town centre and Skewen and Briton Ferry District centres. Notably, in accordance with case law the site has considered whether alternative sites are suitable for the development proposed.

The sequential assessment considered a number of Town Centre sites including: -

- Neath Town Centre Regeneration Scheme - Originally the remainder of site did not meet the minimum size requirements, but is now progressing as a leisure and retail development and thus is not suitable for this development
- The Old Post Office (sorting office) site (Windsor Road in the west of the town centre - Although holding certain advantages such as providing an underground car park, and its position in the town centre, at 0.08ha, the site was too small

In addition to the above a number of other alternative sites were also considered as including Dyfed Road Leisure centre and Hafod house care home, plus sites in and around Skewen and Briton Ferry district centres. All of the sites were either discounted due to their size, parking or road capacity or a combination of such issues.

Accordingly, the sequential assessment found that there are no alternative sequentially preferable sites within the town centre, in edge-of-centre locations, or in preferable out-of-centre locations on which the development could be located, even when allowing for reasonable flexibility.

These submissions are accepted, and thus it is considered that the applicant has undertaken a robust sequential test and demonstrated that there are no other sites suitable and as such have demonstrated compliance with criterion 2 of Policy R3.

Impact on Vitality and Viability of Existing Retail Centres (Policy R3 Criterion 3)

Criterion 3 of Policy R3 seeks to ensure that the vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments. Vitality is reflected in how busy and diverse a retail and commercial centre is at different times and in different parts, and in the attractiveness of the facilities and character which draw in trade. Viability, on the other hand, refers to the ability of the centre to attract and retain investment, not only to maintain the fabric, but also to allow for improvement and adaptation to changing needs.

As part of his assessment, the Council's retail consultant has raised a number of issues with the applicant's submissions, including: -

- that they do not agree with the amount of forecast trade diversion from stores in Neath being reduced from 72% in the original assessment to 51% in the March 2020 submission.
- That it is not reasonable to forecast that only half of the proposed store's convenience goods turnover will be diverted from existing stores in the Neath area, alongside 47% of turnover diverted from stores in Swansea. Existing stores in Neath provide a wide variety of choice and competition in relation to convenience goods and we consider that a much higher proportion of trade is likely to be diverted from these stores.
- Third, it does not seem plausible for the applicant's assessments to reduce the amount of trade diversion from the two Lidl stores in Neath down to 5% apiece when (A) the turnover of one the Lidl stores has noticeably increased between the two surveys and the turnover of the other has remained relatively constant; and (B) the Lidl stores are direct competitors to the proposed ALDI.

Overall, therefore the Council's consultant considers that: -

- a higher amount of convenience goods expenditure will be diverted from existing foodstores in Neath - the applicant's original forecast that around three quarters of the proposed store's convenience goods turnover will be diverted from Neath stores to be reasonable.
- The largest amount of diversion will come from the nearby Tesco;
- That of the two Lidl stores the larger amount of diversion is likely to come from the Vale of Neath Retail Park store; and
- a higher amount of trade is likely to be diverted from the town centre Morrisons store due its retail offer, market share and proximity to the application site. Around 15%-20% of the proposed store's convenience goods turnover coming from Morrisons is a more realistic situation.

In relation to the Morrisons store, the data provided by the applicant's assessment, which is in line with the picture presented in the 2013 Study, is that the store is trading below company average levels. The store does not appear to have lost market share since the 2013 Study and that store plays an important part in the overall health and attractiveness of

Neath town centre. The evidence from the applicant's 2019 household survey is that 53% of all (first choice) main food shoppers at the store normally visit other shops and services in Neath town centre as part of the same trip and of all of the linked trips associated with this store 90% are linked with Neath town centre. Therefore, 48% of all main food shoppers at the Morrisons normally undertake a linked trip with Neath town centre.

Accordingly, and with Morrisons forming part of the town centre defined in the LDP, it is important to ensure that the impact of this development would not undermine the health of the town centre, notably through loss of linked trips.

In relation to linkages with other town centre foodstores, the survey data indicates that all main food shoppers at the Iceland normally link their trip with other stores/services in Neath town centre, whilst the linkage rate for main food shoppers at the Marks and Spencer store is 50% with all of these people staying in the town centre.

The survey evidence also indicates that, for those people who visit Neath town centre:

- 60% visit the centre at least once a week for non-food shopping
- 77% visit the centre at least once a week for food shopping
- 40% visit the centre at least once a week for services such as banks and hairdressers
- Only 11% visit the centre at least once a week for leisure purposes
- Food shopping was the main reason for visiting the centre (31%) followed by non-food (22%), financial services (12%) and food and beverage trips to cafes and restaurants (13%).
- Types of goods purchased in Neath town centre are as follows: food (72%), clothes and shoes (49%), DIY goods (13%), health and beauty services (12%), personal / luxury goods (22%) and gifts (13%).

In addition to linked trips associated with town centre stores, it is also useful to examine linked trips associated with foodstores located outside of the town centre. Cross-tabulated data from the applicant's 2019 survey indicates that:

- Tesco – 23% of first choice main food shoppers normally link their trip with another purpose and 74% of this group link with Neath town centre. Therefore, 17% of all first choice main food shopping trips at the Tesco are linked with the town centre.
- Lidl, Vale of Neath Retail Park - 43% of first choice main food shoppers normally link their trip with another purpose and 89% of this group link with Neath town centre. Therefore, 38% of all first choice main food shopping trips at the Lidl are linked with the town centre.
- Lidl, Briton Ferry Road - 20% of first choice main food shoppers normally link their trip with another purpose and 61% of this group link with Neath town centre. Therefore, 12% of all first choice main food shopping trips at the Lidl are linked with the town centre.

The above figures indicate the material difference in linked trips between town centre food stores in Neath and food stores located outside of the centre. Half of all shoppers at the town centre Morrisons who use it as a first choice main food shopping destination normally link their trip with other shops and services in the town centre whilst the linkage rate for the

three main out of centre foodstores in Neath is between 12% and 38%. This would therefore suggest that the transferral of shopping trips from the town centre to the out of centre proposed ALDI will reduce the amount of linked trips associated with the town centre. That said, there are linked trips associated with out of centre stores in Neath thus indicating the likelihood that the proposed ALDI store at Neath Abbey Road may still provide some linked trips with the town centre.

In addition, it should also be noted that only a proportion of the proposed store's turnover will be diverted from town centre stores such as Morrisons, while the applicant has emphasised that in addition to preventing leakage to other areas (which could thus mean additional linked trips within Neath) an Aldi store does not have other in-store services (e.g. Post Office, shoe repair, National Lottery kiosk, dry cleaning, or a café). This means shoppers will have to go to other locations for such services, thus encouraging linked trips, which can lessen potential impact upon existing town centres

Our consultant has also reviewed the wider health of the town centre, looking at fluctuating vacancy rates and reviewing how the comparison goods sector has performed over the past several years. A comparison between the market share data informing the Council's 2013 Study and the applicant's 2019 survey reveals that Neath town centre now has a noticeably lower market share amongst local (Zone 1) residents across all comparison goods categories. He states that this is not an unusual situation for many medium-sized town centres across many parts of Wales and England as such centres continue to lose market share to larger city centres and particularly shopping via the internet. However, this is nevertheless a sign of a potential poorer performance for Neath town centre which will be a material consideration when considering the overall likely impact of the proposal.

In light of the above analysis, the Local Authority's Retail Consultant has advised that:

- The majority of trade diversion from foodstores in Neath will come from stores located outside of the town centre, particularly the nearby Tesco supermarket. However, they are of the opinion that much less trade will be diverted from stores outside of Neath (i.e. Swansea) and also that there is likely to be a slightly higher amount of trade diverted from the Morrisons store in Neath town centre.
- Having regard to the available data, there does not appear to have been a material change in the market share of convenience goods stores in Neath town centre. This is a reassuring sign regarding the performance of this retail sector although the market share of the town centre in relation to comparison goods shopping has fallen across all goods categories. This suggests a town centre which is experiencing falling levels of health - although this is not a phenomenon unique to Neath town centre.
- There is also evidence that town centre foodstores have a materially higher proportion of linked trips associated with Neath town centre when compared with food stores located outside of Neath town centre. As a consequence of this data, it appears that diversion of trade from the centre to the proposed store is likely to result in the loss of direct linked trips with the centre, although the change is, in their opinion, not likely to be significant given the proportion of linked trips which also occur with foodstores outside of the town centre.

Having reviewed the recent (January 2020) submissions, and in response to Officer's request in respect of the potential impact on the Morrisons in the town centre, the Consultant has noted that the trading performance of Morrisons is certainly a factor to be taken into account in the overall assessment of impact. The direct impact upon an individual store should not, in itself, be regarded as a material consideration, however if that store provides an important contribution to the wider health of a centre, by providing, for example, an anchor role, then this may be material to the assessment of impact.

In this case, they consider that the Morrison store does play an important role for Neath town centre. However, whilst a higher trading performance would be of benefit to the town centre, they do not consider that the forecast loss of convenience goods turnover will affect the future viability of the store. In addition, they note that the store has not lost market share / turnover over the past several years.

Moreover they have emphasised that it remains their view that so long as suitable/appropriate controls are placed over the operation of the proposed store (e.g. conditions restricting net floor space, 80/20 convenience / comparison split and no sub-division), it will not materially undermine the health of the centre.

In concluding on matters of impact, while the assessment of the likely impact of the proposal on the health of Neath town centre is complex, he has thus stated that the test within Policy R3 of the LDP is whether the vitality and viability of nearby town centres will be undermined. It is his opinion that whilst there will be a diversion of primarily convenience goods expenditure away from Neath town centre and thus an adverse financial impact, the vitality and viability of the town centre will not be materially undermined such that there would not be a direct conflict when considered against LDP Policy R3 (ii).

Impact of Covid-19

Since receipt of the application and initial assessments, it is notable that the Covid-19 pandemic has hit, and there has been increased focus in Wales on town centres and post-Covid recovery. This includes a recognition that the future of Wales' Centres has rarely been under such a range of pressures and structural challenges.

The fallout arising from the ongoing Covid-19 crisis has the potential to be profound, and there is a strong commitment across all LPAs in Wales for planning services and decision making to be part of the recovery solutions. This includes a commitment to securing a sustainable future and ensuring such Centres can be thriving destinations that are attractive and viable places for people to enjoy and businesses to invest.

Within this context, it is notable that the retail impact assessment was undertaken 'pre-Covid', with the conclusions being that that the degree of town centre impact would not be enough for us to be able to demonstrate harm to the extent that we should be refusing permission on such grounds. Given the ongoing pandemic, there is of course a risk that such impacts could be greater than predicted, but equally that town centres bounce back, especially where Authorities are investing in their centres.

Nevertheless, it is considered that there is little that can be measured at this present time to identify the true effect of Covid-19, and the extent to which this may make Neath Town centre more susceptible to impacts from out of town retail development. It is thus considered that it would be unreasonable to require additional survey work or to try and measure such impacts at this time. Moreover, while a precautionary approach could be adopted, the Authority is investing heavily in Neath town centre through the next phase of the leisure-centre and retail-led development, as part of the 'Transforming Towns' agenda, and it is anticipated that this investment in the quality and range of leisure and retail offer will encourage consumers back to the town centre. Accordingly it is considered that there are no evidential grounds to justify a refusal based upon a potential/ perceived greater impact on the town centre as a result of the ongoing pandemic.

Accordingly, whilst it is accepted that there could be an impact on Neath Town Centre, it is concluded that **the scale of the impact would not be to such a degree to unacceptably undermine the vitality and viability of the town centre** and moreover this would need to be balanced against the economic and employment benefits described below. It is considered that the minor impact would not be to such a degree to unacceptably undermine the vitality and viability of the town centre to warrant a refusal of the application on such grounds.

Impact on Other Centres

The retail assessments have also considered the potential impact on other centres, notably Skewen District Centre which contains a selection of mainly local independent shops and services and a 'One Stop' in the centre and a Premier convenience store located close to the eastern edge of the defined district centre boundary.

The applicant's impact assessments note that the foodstores in and around the centre rely solely on top-up food shopping trips (with the edge of centre Premier store attracting the highest market share / turnover) and also do not forecast that any convenience goods expenditure will be diverted from stores in and around the district centre.

Although our consultant notes that stores such as ALDI and Lidl do attract top-up food shopping trips, he nevertheless considers that the proposed ALDI will have a differentiated shopping role to stores in the district centre, and that those local Skewen residents who wish to make larger main and/or top-up food purchases will already be travelling outside of the local area for such trips.

Impact on Retail Hierarchy / Regeneration Schemes (Policy R3 Criterion 4)

Criterion 4 of Policy R3 states that the proposal should not undermine the Council's retail hierarchy or any regeneration schemes that the Council has formally approved. In this regard, and having regard to the assessment above, there is considered to be no unacceptable impact on the retail hierarchy. Moreover, the next phase of the Town Centre regeneration scheme is progressing and while the smaller units within that scheme may still be looking for tenants, it is not considered that there is any evidence to support a view that this retail development would materially undermine the ability to encourage smaller food

retailers to occupy that scheme or have any unacceptable effects on regeneration such that it would comply with this criterion of Policy R3 (iv).

Conclusion on Principle of Development

The above assessment has been reached following a detailed assessment of all the submitted information, together with the representations made on behalf of locals and nearby retail businesses. It has also been informed by the assessment of such information by a retail consultant appointed by the Council. Inevitably the detailed analysis is complex, with the above assessment pulling together the critical information required to assess the proposal against Policy R3.

As identified above, it has not been satisfactorily demonstrated that there is a quantitative need for the proposed new retail development. Nevertheless, it has been accepted that there is a qualitative need and while the weight is lesser than if it met both quantitative and qualitative need, the proposal is considered to comply with the overall requirement of criterion (i) to demonstrate need.

In addition, the applicant has provided a robust sequential test to demonstrate why the development cannot be located within a defined retail centre (criterion (ii)), the Council's retail consultant has advised that the scale of the identified impact would not be to such a degree to unacceptably undermine the vitality and viability of the town centre or other centres (criterion (iii)); and it is not considered that the development would undermine either the Council's retail hierarchy or approved regeneration schemes. Accordingly the principle of this new retail development is considered to be in accordance with Policy R3 of the Local Development Plan.

Economic Benefits

Although it has been concluded above that the development would comply with Policy R3, it is nevertheless also appropriate to consider other material considerations, which in this case notably include potential economic benefits. In this respect consideration has been given to guidance in Technical Advice Note 23 : Economic Development which emphasises the need to recognise and give due weight to the economic benefits associated with new development.

In this case, the applicant has emphasised that this proposal seeks to expand upon a national retailer's offering within Neath which would offer wider economic benefits in terms of employment / job creation of the equivalent of 27 full-time permanent jobs (40 positions in total (full- and part-time) generated). The applicant advises that these will be recruited locally and offer a range of opportunities including retail assistants, deputy manager and store manager. Data from Aldi also shows that they pay wages in excess of the Living Wage, that total wages generated by the store employees will be approximately £640,000 per annum, and that this will have positive impacts upon other local businesses, including those in Neath town centre, due to increased spending power.

They further add that job opportunities will be created during the construction period. Based on the overall total cost of construction (excluding land value) of approximately £4.13m and

the ONS Annual Business Survey (one employee for every £269,000 of turnover per annum) this development equates to 15 person years of employment which (based on average wages) amounts to £525,000 in additional earnings over the construction period, which is directly related to the store construction.

Finally, they advise that the total Gross Value Added (GVA) generated by the construction phase of this development is £1.29m (a one-off impact), and it is estimated that approximately 50% of the construction contracts will be awarded to local firms. Once the store is open, the GVA per employee for retail (£28,000 in 2018) equates to £1.1m annually.

Having regard to the above, it is considered that the proposed development would introduce a major retailer into the area, create local employment opportunities and add value to the local economy during construction and beyond. As a consequence, these positive impacts are considered to add weight to the approval of the development, and to reinforce the overall conclusion that the development would be acceptable in Policy R3 terms.

Visual Amenity

Strategic Policy SP21 seeks to conserve and enhance the built environment and historic heritage, with Policy BE 1 - Design expecting all development proposals to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and to contribute to the creation of attractive, sustainable places. The Policy then provides the following criteria which need to be met where relevant: -

1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;
6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well-lit environments and areas of public movement);
7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
8. It uses resources, including land and energy, as efficiently as possible through:
 - a. Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in

- the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;
- b. The layout and form of the development does not preclude the reasonable use of other adjacent land;
 - c. Developing brownfield land in preference to greenfield land where possible;
 - d. Minimising building exposure while maximising solar gain.
9. Its drainage systems are designed to limit surface water run-of and flood risk and prevent pollution;
10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.

Technical Advice Note 12: Design, July 2014, also refers to the need to consider local context and character, but at a broad level. In reference to the layout of development on page 19 states that;

4.11 “**Scale** - of development in relation to surroundings, including height, width and length of each building proposed within the development; how the massing of the proposal contributes to the existing hierarchy of development to reinforce character; how the mass and height impacts on privacy, sunlight and microclimate; and how height impacts on the attractiveness and safety of neighbouring public space.”

4.12 “**Layout of development** - how the layout makes the development integrate with its surroundings whilst taking into consideration the orientation of the building to maximise energy efficiency and connectivity (the ways in which routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development); how the external area contributes towards the development and is used to make the development a more sustainable development; how is the chosen site the best location and how it links into adjacent uses.”

Local Planning Authorities should ensure that proposed development does not have an unacceptable impact upon the character and amenity of an area.

The site is located within settlement limits area between an industrial estate to the West and a housing estate to the east which comprises buildings of various designs. The site is relatively flat in profile and dominated by hardstanding, with areas of grassland. Along the western boundary of the site are a line of cypress birch trees.

The scheme has been designed to allow for a new service road and entrance position, car parking to the front of the site and the store setback to have its principal elevation looking out across the car park and Neath Abbey Road. The parking area will be provided with a variety of hard and soft landscaping to enhance not only the visual aspect of the development but also biodiversity.

The building has a single storey construction that has a modern looking design. In terms of scale and mass the building is a similar size to other commercial units around the site. There

will be a prominent full-height glazed elevation to the shop front, which enhances the building's interaction with the public realm through the creation of an active frontage. This glazing wraps around the western corner of the building forming the store entrance in a prominent corner. The main entrance is further defined by a simple cantilever canopy that also shelters the trolley bay and customers entering and exiting the building. Ribbon windows are also found on the car park elevation, providing natural light to the sales area. All rain water from the roof is taken to the ground via an internal system keeping all elevations free of rain water pipes (figure 4 provides an example of how the building would look).

The proposed building will have a blue brick plinth and white rendered block work walls. The sections of full height glazing will be powder coated aluminium in dark grey (anthracite) which will contrast with the white render elements of the building. The cantilevered entrance canopy will be finished in a pressed metal to create a modern look and will be polyester powder coated in dark grey (anthracite). The soffit plank to the canopy will be white. The roof will sit behind a parapet detail which has a polyester powder coated aluminium coping.

Figure 4: Artist's impression of the store



Within the local context described earlier, it is considered that, while being located close to residential properties, the proposed design, scale and massing of the proposal nevertheless complements the surrounding area, and will result in a vacant site being developed in a manner which is considered to be visually appropriate.

It is noted that the submission shows two compounds, one that encloses the CO2 refrigeration packs (close to the southern corner of the building) and one that encloses the low ultra-noise gas cooler (south-east corner). The submitted plans indicate these will be enclosed with palisade fencing and gates, however it is considered that whilst the compound to the rear of the store would be acceptable as it cannot be seen from any public vantage point the Compound on the front/side elevation near the EVC and disabled parking spaces would be highly visible. It is considered that a palisade fence at this highly visible location

would detract from the modern character and appearance of the development. Accordingly a condition is imposed requiring that a visually less intrusive type of fence such as a weld mesh design is utilised for that enclosure.

Other enclosures, including the use of timber acoustic fencing (2m and 2.5m high) on the north and part of east boundaries are considered to be acceptable, as is the parking layout which incorporates a range of landscaping (details which will be required by condition) which is necessary to soften the appearance of the site.

It is also considered appropriate given that the car parking area is located between the building and highways and in a visually prominent that a condition be imposed to ensure that there is no outside storage of waste or delivery paraphernalia as this could be unsightly and detract from the character of the development. Such matters can be controlled by condition.

Subject to the above, it is thus concluded that the proposed development will have a positive impact upon the character and appearance of the area and be in accordance with Policies SP21 and BE1 of the LDP.

Residential Amenity

The application site is situated within an area of mixed use, with commercial/ industrial units/businesses, a Supermarket, a school, college sports fields, and residential housing estate within the local vicinity.

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 the amenity of occupiers of adjacent land or the community. Policy EN8 also states that proposals which would be likely to have an unacceptable adverse effect on ... local amenity or would expose people to unacceptable risks such as or noise pollution, Land contamination and light pollution will not be permitted. These issue have been considered later in this report.

The nearest residential properties are located to the East of the site - Rowan Lodge, Glyn Hir and 7 Llys Y Coed. Members should note that all three of these properties have objected to the proposal on variety of issues detailed earlier in this report.

Overbearing and Overshadowing

The main building is single storey and has a maximum height of approximately 5.5m. At its closest point, the building would be approximately 9m from no. 7 Llys Y Coed (and 5m off the joint boundary), although this distance is to the side elevation and at an orientation that is considered to be have no unacceptable overbearing impact. The distances and orientation / relationship with the other two closest neighbours at Rowan Lodge and Glyn Hir are similarly considered to be acceptable, notably due to the restricted height of the proposal. In this respect, while any new development will have an impact, and there may be some overshadowing, due to the distance from the boundary and the restricted height of the building this is not considered to be significant and would not warrant a reason for refusal.

It is noted that the boundary to the residential dwellings would incorporate new acoustic fencing, with a 2.5m high acoustic barrier between the proposed store and 7 Llys y Coed and Glyn Hir, with a lower 2m high acoustic fence between the car park and Rowan Lodge. These will be set off the actual boundary of the site to allow for any foundations of any structures built along the boundary. While the 2m enclosure complies with general permitted development heights, the slightly higher 2.5m boundary sits next to existing boundary and structures, and it is considered that the 500mm increase above what would be permitted development would not have any unacceptable impact, on its own or within the context of the new store proposal beyond.

While an objector has expressed concern that the wall they have around their property will be taken away, the existing wall will be retained and the proposed plans show the new boundary being set away from any existing structure to ensure foundations are not interfered with.

To conclude it is considered there is no unacceptable overbearing or overshadowing issues as a result of this development

Overlooking

In terms of overlooking the development is a commercial store and would have no habitable windows, however there are two side facing windows on the east elevation that serve a staff room and meeting room. Views to any residential property from these windows would be restricted due to the existing and proposed boundary treatments. A condition is imposed to ensure the boundary treatments are provided and retained to ensure the residential amenity is protected in the future (on noise impact grounds also – see below).

In order to comply with Policy OS1 – open space provision – a small area of outdoor amenity space has been provided for staff so that they have access to outdoor space where they can take a break in the interests of health and well-being. The area is located towards the rear of the east elevation and the garage of 7 Llys y Coed. While it is noted that an objection has been raised that people would smoke in these areas and there may be a smell, it is considered that due to the existing and proposed boundary treatments there would be no overlooking from this amenity area into any private garden, nor would use of this area by staff during their break time be likely -- given the limited amount of staff that could use this area - that it would result in any unacceptable impact or nuisance to any neighbouring residential property from people smoking during their break.

CSN Engineering

It should be noted that whilst not a residential property the rear corner of the proposed building will be located between 6.3m and 8m from the front and side elevation of the CSN precision Engineering Building. There are windows in these elevations which serve offices workshops etc. However the proposed plans show the building is approximately the same height as the existing CNS building and the distance whilst would have some minor impact would not be considered to have an unacceptable detrimental impact upon the commercial

property. Furthermore Members should note that CNS have written a letter stating that they are agreeable with the development and have no objection.

Noise Impacts

In support of the application the applicant has submitted an Environmental Noise Assessment, a technical note with additional noise information, details of acoustic barriers, gas coolers, plant housing, plant compound and a quiet delivery scheme.

It is noted at the outset that the Council's Environmental Health Officer (Pollution Control / Noise) has raised concerns at the applicant's decision to locate the noisiest parts of the proposed store – the loading bay and the gas coolers – closest to the nearest noise sensitive receptors (i.e. the three houses on the boundary). In this regard, they advise that although the noise predictions appear to show that proposed engineering controls will reduce noise exposure to what they deem 'acceptable', the logic of the proposed layout is not accepted because common sense dictates that you should not place the noise generating activities at the nearest points to noise sensitive receptors; particularly when it is a new development (not modifying an existing site), and one side of the site is industrial/commercial and not noise sensitive. The layout as proposed would not therefore provide the greatest protection for the amenity of local residents. In very general terms, they therefore wish to emphasise that the layout of the store close to the nearest houses means that there is a likelihood that complaints will be received.

The applicants have been advised of these concerns, and have chosen not to amend their scheme. Instead, while accepting that the principles of good acoustic design could include maximising separation distances between noise sources and noise sensitive receptors, they note that site layout is also dependent on a multitude of factors such as pedestrian safety, vehicle tracking, and an active frontage. Therefore when considered as a whole, maximising separation distances may not be possible on a constrained site, hence good acoustic design also includes the provision of other mitigation measures such as screening, and the selection of low noise fixed plant equipment.

Whether or not this is a 'constrained site' as they state, it is nevertheless the case that we must proceed to determine the application on its merits. In this respect, it is necessary to assess whether the proposed store and its activities would be likely to have an adverse impact on residential amenity, and notably whether any such identified impacts can be controlled by a combination of design or conditions. It is also important to emphasise that a proposal should not be refused just because an alternative design might have lesser impacts.

As noted above, the applicant has submitted a noise assessment to support the application. This includes the following two tables, the first identifying World Health Organisation Community Noise Guidelines (CNG), the second providing a summary of noise levels taken from the site, showing the time of day and corresponding background noise levels and ambient noise level.

Table 1 World Health organisation CNG Values (Table 1 within noise report) ¹

Document	Level	Guidance
World Health Organisation "Community Noise 2000"	L _{AeqT} = 55 dB	Serious annoyance, daytime and evening. (Continuous noise, outdoor living areas)
	L _{AeqT} = 50 dB	Moderate annoyance, daytime and evening. (Continuous noise, outdoor living areas).
	L _{AeqT} = 35 dB	Moderate annoyance, daytime and evening. (Continuous noise, dwellings, indoors)
	L _{AeqT} = 30 dB	Sleep disturbance, night-time (indoors)
	L _{Amax} = 60 dB	Sleep disturbance, windows open at night. (Noise peaks outside bedrooms, external level).
	L _{Amax} = 45 dB	Sleep disturbance at night (Noise peaks inside bedrooms, internal level)

Table 2: Summary of measured noise levels (table 3 within noise Report)

Date	Time	Noise level dB		
		L _{A90} 1 hour	L _{A90} 15 mins	L _{Aeq} 1 hour
20.6.19	08:00:00	51.8		60.3
	09:00:00	53.2		57.2
	10:00:00	52.8		55.8
	11:00:00	52.9		55.3
	12:00:00	53.5		55.5
	13:00:00	55.0		57.4
	14:00:00	53.6		59.0
	15:00:00	53.4		55.4
	16:00:00	53.5		55.6
	17:00:00	52.5		55.0
	18:00:00	53.1		55.2
	19:00:00	51.6		54.0
	20:00:00	50.5		53.3
	21:00:00	51.8		55.8
22:00:00	50.6		53.9	
21.6.19	23:00:00		39.3	47.6
	00:00:00		38.5	45.0
	01:00:00		35.6	41.9
	02:00:00		34.8	39.8
	03:00:00		36.5	42.8
	04:00:00		38.8	51.4
	05:00:00		42.4	50.0
	06:00:00		46.5	58.8
	07:00:00	50.8		53.5
08:00:00	50.9		53.2	

¹ Note for Members: When assessing environmental noise it is generally useful to establish what is the general or "background" noise level in the area; this is best represented by the **LA90** which is the level exceeded for the 90% of the time under consideration. **LAeq** is also often used this term is the Equivalent Continuous Level. The formal definition is "when a noise varies over time, the Leq is the equivalent continuous sound which would contain the same sound energy as the time varying sound". The following table is also beneficial for members unfamiliar with noise issues and levels as it provides the World Health Organisations Community Noise Guidelines (CNG)

The readings taken from site suggest current background noise levels during the hours of 07.00hrs and 22.00hrs varies between 50.5dB and 55dB and during the hours of 23.00hrs and 06.00hrs background noise levels are between 34.8dB and 46dB.

The noise survey suggests that the existing noise climate was found to be largely dominated by road traffic sources. During the morning, afternoon and evening period's steady road traffic was observed on Neath Abbey Road, during the evening and in the night-time period local road traffic on Neath Abbey Road was significantly reduced, such that more distant road traffic sources were noticeable.

Other noticeable noise sources during the daytime were 'industrial' type sources from the LBS Builders Merchants site to the west of the site, with ventilation plant noise sources clearly perceptible along with vehicle movements and tonal reversing alarms (such as those that may be associated with forklift movements).

In terms of existing noise levels, therefore, the background noise levels measured near the boundary of the adjacent dwellings during the day/evening was typically at or just below the WHO guideline associated with significant annoyance. During the night-time the noise climate was typically higher than the WHO night time guideline value. However, it is noted that the WHO 30db night-time 'disturbance' level is the level to be achieved inside a property and will take into account attenuation provided by the building. A correction of 10-15dB is usually applied to allow for attenuation provided by an open window. The calculation is very simplistic and without simultaneous monitoring inside the property and outside can only be used as a guide, however, it is commonly accepted as a general rule of thumb. Therefore, it is assumed, that within this range, existing noise levels between the hours of 05.00hrs and 07.00hrs have the potential to exceed the internal bedroom criteria and lead to likely sleep disturbance.

The introduction of the proposed retail development to this site could be expected to change the character of the noise climate during store operating hours, from a site largely exposed to steady continuous road traffic sources during the daytime to more intermittent, impulsive type sounds associated with customer car parking and delivery activity. The applicant's noise consultant states, based on experience of noise from such plant equipment, is that this source is typically bland in character (with no tones) and should blend into the existing noise climate to not be generally noticeable at adjacent residential receptors.

The main impacts to be considered in terms of noise are considered to be the following:

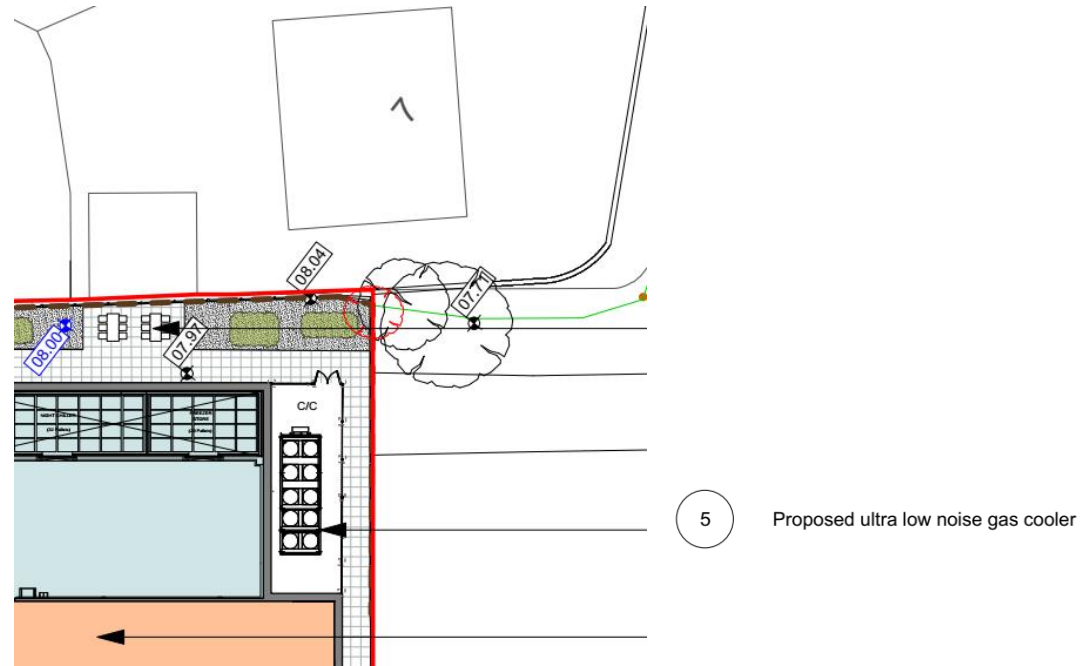
- Noise from fixed mechanical services plant
- Noise from delivery/servicing activity
- Noise from trading/ customer activity
- Noise from construction activity

Noise from fixed mechanical services plant

The fixed plant is comprise of a mixture of refrigeration and ventilation equipment, with the site layout plan indicating that the refrigeration plant would be located next to the SW corner of the building, while the "ultra low noise gas cooler" (the model chosen for this site due to

its lower noise levels) would be located on the south side of the store building. The closest residential property to the proposed fixed plant equipment would therefore be 7 Llys-y-coed which is located to the east (see figure 5 below).

Figure 5: Location of Ultra Low Noise Gas coolers



The objective assessment of plant sound sources in commercial premises should be undertaken in accordance with British Standard 4142:2014. This Standard enables the resultant sound levels from new plant equipment to be compared against the existing background sound level (LA90) of an area to assess the impact.

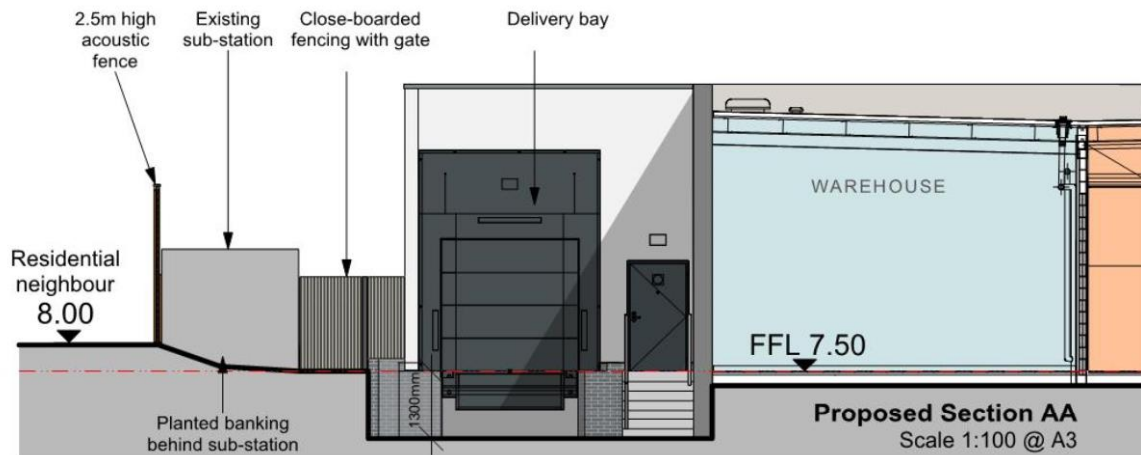
Having regard to the background noise levels above, the applicant's noise consultant suggested a condition to ensure the rating level of the sound emitted from the site shall not exceed 53 dBA between 0700 and 2300 hours and 38 dBA at all other times. However, the Council's Environmental Health Officer (Noise) has stated that these limits should be tighter, and that between the hours of 07:00 and 19:00 the noise rating level of plant/machinery at the development shall not exceed 10 dB **below** the existing background noise level, and that between the hours of 19:00 and 07:00 the noise rating level of plant/machinery at the development shall not exceed 35 dB (A). Such limits are to be determined at the nearest noise sensitive receptors (i.e. the adjacent residential properties).

The applicant's noise consultant has accepted such tighter limits, noting that the existing daytime background noise climate is reasonably high (at 53 dB LA90) and that it would not be unreasonable to set a daytime plant noise limit 10 dB below this level (at 43 dB). They also agree that a 35dB level would be reasonable at night. As such it is considered that an appropriately worded condition can be imposed to protect residential amenity and ensure noise levels are kept within acceptable levels.

Noise from Delivery/Servicing Activity

As the extract from the plans below show, the delivery/loading bay is accessed via a ramp which goes 1.3m below the proposed floor level of the new store, allowing deliveries to be offloaded from the lorry direct to the floor level. The adjacent neighbours are set 0.5m above the floor level, meaning that the noise sources are lower, and at a distance of approx. 14-15m (at an angle) from the nearest house (less from garden areas). In addition, as the section below shows the scheme proposes noise mitigation in the form of an acoustic fence. The height of this is 2.5m adjacent to Glyn Hir, reducing to 2m adjacent to Rowan Lodge.

Figure 6: section through delivery bay



The submitted noise assessment advises that noise levels of the different components of service activity have been measured at other Aldi stores, and the following maximum levels have been recorded.

Table 3 Delivery activity - baseline source noise levels (free field) (table 4 within noise report)

Event Noise Level (at 10 metres)					
Arrival		Unloading		Departure	
Duration (mins)	L _{Aeq T} (dB)	Duration (mins)	L _{Aeq T} (dB)	Duration (mins)	L _{Aeq T} (dB)
1	69	45	58	0.5	67

The report states that all these sound levels are representative at 10 metres and are measured with the microphone in free field, away from any reflecting surfaces. The levels stated are realistic worst case noise levels from a large collection of sample measurements and include all typical delivery activity noise (including reversing alarms, movement of goods, refrigeration units). Typically Aldi have two daily deliveries.

In addition to the above the applicant has also provided a quiet delivery scheme which details measure that deliveries to ensure deliveries are made in a quiet manner having particular regard to the nearby residential dwelling.

The Predicted Aldi delivery activity noise levels within the Garden of Glyn Hir, is 45dB LAeq 1hour. This complies with the WHO CNG daytime values.

Table 4 Change in Noise levels (table 8 within noise Report)

Receptor	Date	Time	Noise level LAeq 1 hour				Noise impact	
			Existing noise climate	Predicted Aldi delivery activity noise	Overall existing + predicted	Change in level		
Glyn Hir	20.6.19	08:00:00	60.3	45.0	60.4	0.1	None	
		09:00:00	57.2	45.0	57.5	0.3	None	
		10:00:00	55.8	45.0	56.1	0.3	None	
		11:00:00	55.3	45.0	55.7	0.4	None	
		12:00:00	55.5	45.0	55.9	0.4	None	
		13:00:00	57.4	45.0	57.6	0.2	None	
		14:00:00	59.0	45.0	59.2	0.2	None	
		15:00:00	55.4	45.0	55.8	0.4	None	
		16:00:00	55.6	45.0	56.0	0.4	None	
		17:00:00	55.0	45.0	55.4	0.4	None	
		18:00:00	55.2	45.0	55.6	0.4	None	
		19:00:00	54.0	45.0	54.5	0.5	None	
		20:00:00	53.3	45.0	53.9	0.6	None	
		21:00:00	55.8	45.0	56.1	0.3	None	
		22:00:00	53.9	45.0	54.4	0.5	None	
		21.6.19	07:00:00	53.5	45.0	54.1	0.6	None
			08:00:00	53.2	45.0	53.8	0.6	None

The report concluded that the impact classification in the context of change in noise level for Aldi delivery activity occurring during the daytime is considered to be low and that deliveries could be made during opening hours shown above without associated noise giving rise to significant adverse impact.

The Local Authority’s Environmental Health Officer (Noise) has recommended a condition that would ensure deliveries are made between the hours of 7am until 10pm. This would ensure nearby residents wouldn’t experience any significant impact in relation to noise caused by deliveries. The condition would also require compliance with the ‘quiet delivery scheme’ (which it is recommended would be subject to regular review and adapted as necessary) to ensure that deliveries are undertaken in accordance with this procedure.

The combination of these conditions / controls is considered, on balance, to ensure that appropriate controls will be in place to protect the residential amenity of neighbouring properties, and thus the proposal complies with Policy BE1 and EN 8 of the LDP.

Noise from Customer Car Parking Activity

The noise consultant has previously undertaken extensive noise monitoring of retail car parks, and have suggested that at 10 metres from the boundary of a busy car park measured noise levels of 48 dB LAeq,1hr (free field) have been found. During off peak trading periods, car park source noise levels can be approximately 5 dB lower.

As the store typically trades between 0800 and 2200 hours, customer car parking activity noise is considered in the context of daytime assessment criteria. The closest proposed car parking spaces are approximately 8 metres away from Rowan Lodge, with the resultant predicted car park activity noise level (during peak trading conditions) at Rowan Lodge stated as 40 dB LAeq,1 hour (based on distance attenuation of 20*log[10/8] and screening attenuation of 10 dB provided by the proposed 2 metre high acoustic grade boundary fence).

Having regard to the existing high ambient and background noise climates, it is considered that these levels would not introduce unacceptable impacts on the neighbouring properties, provided the acoustic fence is provided prior to the first beneficial use of the store and thereafter retained.

Additional Controls

Given that the submissions are based on calculations, the Environmental Health Officer has also recommended a condition which requires submission, within three months of the store becoming fully operational, of a noise assessment to evaluate the actual noise impact of the development (to include all aspects of the development). Submission of this report will allow the Council to evaluate whether or not the predictions made during the application are representative of operational real life noise levels. This is considered necessary to ensure that the impacts of the proposals are no greater than anticipated and, should issues be identified – such as if the assessment shows levels are higher than the predicted noise assessment - that actions are taken (operationally or in terms of additional mitigation) to ensure that the noise limitations within the condition are met. A suitably worded condition is attached.

In addition, the Environmental Health Officer has recommended that a 'complaints' condition is imposed which would allow the Council, on receipt of a 'justified complaint' to the Local Planning Authority, to formally require the operator to obtain an assessment of the noise arising from the operations on the site, to submit such a report and to demonstrate that any identified control measures recommended within the report (should any be identified) to be implemented and maintained thereafter. Such a condition will ensure that the LPA have the appropriate control to require the operator to demonstrate compliance (as opposed to requiring monitoring by the Council to demonstrate harm). A suitably worded condition is attached.

Noise from Construction Activity

In addition to operational noise impacts, the construction of the store itself has the potential to have impacts on neighbouring properties. In this respect, the Environmental Health Officer recommends approval of a Construction Environmental Management Plan (CEMP). This would include specified hours for deliveries, and details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) and seek to ensure that impacts from the construction works are minimised in the interests of preventing noise or nuisance amenity issues to surrounding properties.

However, while a CEMP would normally require approval of and control hours of construction, given the close relationship with the nearby residential properties, on this particular site it is recommended that a specific condition is also attached which restricts hours of working on site to between the hours of 08:00 and 18:00 Mon – Fri and 08:00 and 13:30 Saturdays , with no working on Sundays or Bank Holidays.

Whilst all construction will lead to disturbance these impacts are transient in nature and short lived. Nevertheless, subject to the above controls and conditions, it is considered that the impacts from construction will be minimised, to appropriate levels. Furthermore any

harm can be minimised further by restricting working hours, this can be also be done via imposing a suitably worded condition.

Lighting

In terms of external lighting, no details have been provided with this application. As external lighting will inevitably be required for such a development (both for the building and car park), it is necessary to impose a condition to ensure adequate details are provided prior to any lighting being erected to ensure any future lighting does not have an unacceptable impact upon the amenity of surrounding residential properties. This would also ensure that there is no unacceptable light spill onto neighbouring properties, as well as seek information on the hours of operation for such external lighting.

Construction lighting may also cause a nuisance, as such the Construction Environmental Management Plan condition will also consider construction lighting.

Other Matters Raised - Amenity

A number of objections have been received in terms of residential amenity, which are largely addressed by the detailed assessment above. However, the following additional responses are provided:-

- An objector complained and stated the development would result in an increase in vermin which a health and safety issue. It is not clear why this would be the case, there is no evidence to suggest a retail store at this location would be a health and safety issues.
- A concern was also raised that the air quality from Cwrt Herbert to the river bridge by Dynevor Avenue is very poor. The Local Authority's Air Quality officer was consulted on this matter and this is not the case. As such they have no objection on air quality issues
- A neighbour stated that on the night of the public meeting with ALDI, they were advised that the external refrigeration/HVAC units at the rear of the building would be moved but they are still located at the south eastern corner of the building, just a few metres away from the boundary with 7 Llys-Y-Coed. The report above notes the use of ultra-low noise coolers, and that the assessment indicates no unacceptable impacts subject to the aforementioned conditions / controls.

Residential Amenity Conclusion

Having regard to the above, it is concluded that while the proposal would introduce new built development in relative close proximity to existing residential properties, any impacts from the development or its associated activities can be sufficiently controlled by design or condition to the extent that the proposal would have no unacceptable impacts on residential amenity, and thus comply with Policies BE1 and EN8 of the LDP.

Parking and Access Requirements and Impact on Highway Safety

Policy TR2 identifies that proposals will only be permitted where appropriate levels of parking and cycling facilities are provided and that the development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes.

Policy BE1 requires, amongst other things, that new development has no significant adverse impact on highway safety, with Policy TR2 emphasising that development proposals will only be permitted where all of the stated criteria are satisfied, including that “(1) The development does not compromise the safe, effective and efficient use of the highway network and does not have an adverse impact on highway safety or create unacceptable levels of traffic generation.

The proposed development will provide a new 7.1m wide access road into the site with 2m wide pavements either side of the access. This new access will allow two way traffic and pedestrians to safely access the site, and will not only provide access to the store but also two existing businesses. The junction from the main road into the site will also be provided with a right turn lane.

Impact on Road Network (including junction)

The application has been accompanied by a Transport Assessment which provides details of the traffic and transportation issues associated with the development proposals and addresses the following issues:

- Site and Surrounding Area
- Development Proposals
- Delivery and Servicing
- Trip Generation and Impact

Based on the data and analysis presented within the report, the following conclusions have been made:

- The development proposes adequate car parking for all elements of the development proposal as well as 10 secure, covered and illuminated cycle parking spaces for the discount food store. In addition, the site supports safe access and turning of service vehicles;
- The development proposals include for the closing of one of the site’s existing accesses, to the benefit of highway safety;
- The site access has been designed to provide safe and efficient access for all modes;
- The site includes for a staff Travel Plan and a Transport Implementation Strategy;
- This report has considered the potential vehicle generating characteristics of the site and has demonstrated that traffic from the proposed development can be accommodated on the local highway network without creating significant issues or delay.

Based on these conclusions the report identifies that impact of the development proposals on the surrounding transportation network would be considered acceptable.

It is noted that consultants working on behalf of Lidl and Morrison's have made representations which dispute the findings and methodologies employed within the Transport Assessment, concluding that the scheme would have an adverse impact. These include assertions that the trip generation estimates are low and as such the full impact of the development may have been underestimated; that the full effect of the development on peak hour congestion at junctions has not been assessed; and that the proposed Neath Abbey Road junction improvement is insufficient.

The Head of Engineering and Transport (Highways) has reviewed the transport assessment / submissions in details, along with the above representations made on highways matters. In addition, they have reviewed other local representations which have raised concerns over matters including: -

- That the new Aldi would not be easily reached by public transport from shoppers in the Neath, Melyn, Briton Ferry and Baglan Area and as such would generate more traffic.
- That the proposed Leiros Park development of 200 houses is likely to generate an extra 600 vehicles using already congested Penywern Rd, Cadoxton Road during morning and afternoons with people going to work, college and that the main road from Penywern mini roundabout to Neath Abbey is already subsiding badly in places and floods in several places during heavy rain.
- That residents of Llys-y-coed regularly experience delays in entering and leaving their estate, making it almost impossible to turn right from Cwrt Herbert Playing Fields, Roman Way, Llys-y-Coed and the layby to the front of CSN Engineering.
- That traffic arriving at or leaving the proposed site would need to cross the busy main road, that there are hold-ups at the junction for Days garage a few yards away, and there will be far more traffic build-up caused by drivers using a new supermarket, as well as the likelihood of accidents.
- Concern that the A4230 from Cadoxton to Neath Abbey serves 5 schools and a college and that are general safety issues in relation to public and traffic are over 1400 children in Dwr-y-felin Comprehensive School and over 1,000 college students it is already just a matter of time before there is a serious accident.
- That the existing three sets of traffic lights on Neath Abbey Road on the stretch between the Neath Abbey roundabout and Neath College, plus speed camera in operation by one of the crossings, already cause heavy congestion at the best of times, the introduction of an additional road junction leading to a supermarket would 'literally cause chaos for all'.

In response, following their detailed assessment the highways officer remains satisfied that there would be no unacceptable impacts on highway safety as a result of this development. In this regard they note that: -

- In relation to peak hour congestion at key junctions close to the site; they are satisfied that the full effect of the development on key junctions has been assessed (based on 2019 survey data, retail impact led trip distribution, for the scenarios: 2019 base, 2021 base, 2036 base, 2021 base plus development and 2036 base plus development). No apparent impact resultant of the development proposals was identified.

- There are public transport facilities along Neath Abbey Road including a bus stop located immediately to the left as to exit the junction;
- Furthermore the traffic signals located outside Dwr y felin school and the college have been upgraded with a Microprocessor Optimised Vehicle Actuation (MOVA) system which assist in managing the flow of traffic by giving priority to congested arms of the junction;
- The Traffic Impact Assessment (TIA) has considered “committed development” for the area, with Leiros Park having been included as an allocated site, with the predicted growth factors over 15 years providing an acceptable increase which would not adversely affect queuing traffic. Moreover, the Leiros Park scheme would itself be required to make a contribution to off-site highway improvements to mitigate impacts of that new development.
- The new junction will remove the layby at the front of CSN Engineering and traffic flows will be managed as stated earlier with the updated MOVA lights; and
- In relation to traffic delays this was modelled and submitted as part of the TIA, furthermore the junction will be subjected to a full Road Safety Audit stages 1, 2, 3 and 4.

As stated earlier the Head of Engineering and Transport (highways) has advised that the new MOVA lights will be more responsive to traffic conditions and assess the traffic flow and give priority to arms that are congested. It should also be noted that the site is sustainably located with access to public transport, this together with the provision of cycle facilities will encourage other modes of transport to the site.

The Highway officer has also had extensive discussions over the course of the application, which has resulted in amendments being made to the scheme to address identified concerns. These include amendments to the extent of the application site (the red line boundary) which have incorporated additional land to ensure that the detailed design of the road junction and associated highway works including footpaths and the right hand turning lane could all be accommodated in land within the applicant’s control (and highway land).

Following receipt of these amended plans, the Highways Officer has raised no objections to the scheme, and is thus satisfied that the proposed development would have no unacceptable impact on the capacity of the road network, while the proposed Neath Abbey Road junction improvement - which has had appropriate regard to the Design Manual for Roads and Bridges (DMRB) and been the subject to Road Safety Audit 1 - is acceptable, and has been designed to ensure that right turning traffic will not interfere with through traffic.

Although it has been raised by a local objector that previous proposals at the site have been refused on highway safety grounds – which at that time largely related to an inability to accommodate a suitable right turn lane access on land in their control – it is emphasised that all previous issues of concern have been addressed to the Highway officer’s satisfaction, notably the provision of a compliant right turn lane.

The submitted Travel Plan also seeks to reduce staff car use, encouraging alternative transport choices and reducing the need to travel. It sets aims and tangible targets so that ‘real’ change in transport behaviour can be achieved i.e. encouraging a modal shift away

from single occupancy car use to more sustainable means of travel such as public transport, walking and cycling. The travel plan will suggest initiatives to maximise the sustainable transport opportunities of the site. A Travel Plan Co-ordinator will ensure that the Travel Plan is implemented and operating efficiently and that all the measures for encouraging sustainable travel are in place. Responsibilities will include promoting and encouraging travel modes other than the car, this can include promoting car sharing, Identify employee travel habits, ensuring the needs of the less mobile is incorporated and that the plan is monitored.

The Highway officer has made several recommendations which include: -

- That Vehicular visibility splays at the secondary junction leading into the proposed car parking area shall be 2.4 metres by 43 metres in both directions. This has been discussed further with the highways officer who has advised that this can be achieved as such it is reasonable to request this via a suitably worded condition.
- That the main junction access road, parking area and vision splays to the main road are constructed in accordance with the approved plans prior to the first beneficial use of the development; and
- Conditions are imposed relating to street lighting and the need for additional road safety audits and TROs (to cover both the main road and internal access road)
- Whilst a Staff Travel plan has been submitted the Highways Officer has asked that this be monitored further and more information provided to ensure the targets set within the travel plan are met and so that it can adapt over time, to ensure it continues to meet its requirements, as such a suitably worded condition can be imposed to reflect this requirement.

Legal Matters – Highway Improvements

The amended plans which indicate the use of additional areas of land to form the junction improvements, footways and visibility splays include land which is not currently in the control of the applicant, either because it is in the ownership of adjoining occupants, is unregistered, or is highway land. It is understood, however, that legal matters relating to use of such land (including re-siting of existing fencing on the adjoining site behind the new vision splays) are in the process of being agreed with the landowner (with appropriate notice having been served on the owners).

While the submitted scheme is considered to be acceptable, it will nevertheless be essential that such works are undertaken in full in the interest of highway safety. It is also essential that there are no legal obstacles to delivery of the agreed improvements which might place the Authority in a difficult position whereby a new store has been developed (at substantial cost) but is unable to comply with the required highway improvements.

While the above is an unlikely scenario, it is nevertheless one that must be guarded against. In this respect, it is necessary for a *Grampian* condition to be imposed upon the consent which would require the new junction, visibility splays and right hand turn lane to be completed before construction works commence on the store building.

Subject to the above condition, the Head of Engineering (Transport) has no objections.

Internal Layout / Parking Arrangements

The main car parking area will be easily accessed from the two main frontages and situated between the store and the main road, with a smaller parking area located to the side nearest to the entrance into the car park. The goods loading/unloading bay is located to the (side) East elevation of the store, accessed through the car park.

In terms of parking provision, the scheme incorporates a total of 107 parking spaces including 8 no. Spaces for disabled users, 8 no. Parent and Child designated spaces, 5 no. Electric Vehicle Charging (EVC) spaces (with a further 17 no. spaces provided with ducting, ready to provide future EVC spaces when demand requires them), and 7 no. staff parking spaces. The proposal also provides 10 no. secure cycle parking spaces.

The approved Parking Standards require a supermarket (in zone 3) with a floorspace of between 1001 and 2000 sq.m. to have one non-operational space per 40 sq.m, This would equate to a requirement for 48 spaces plus 3 commercial vehicle spaces. The current proposal therefore significantly exceeds such a requirement however the applicant has advised that the number of car parking spaces is based on Aldi's experience and requirements for a store of this size. The applicant has advised that as an absolute minimum, new Aldi stores seek to provide between 100 and 120 spaces.

It is also noted that were the store to be slightly larger (>2000 sq.m) it would require one space per 14 sq.m. which would amount to 143 spaces. Within that context, and having regard to the need to ensure that parking does not overspill to the internal road serving businesses beyond or onto the main highway, together with the site's generally sustainable location on a key bus route and accessible by foot, it is considered that it would be unreasonable to refuse the application based on such technical 'over-provision'.

Planning Policy Wales (para 4.1.39) refers to the need to encourage the use of Ultra Low Emission Vehicles (ULEVs), and support the provision of ULEV charging points as part of new development, stating that where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. The submitted plan show that 5 spaces are to be provided with 17 further spaces set up for expansion at a later date, which it is considered would comply with the expectations set out within Planning Policy Wales. A suitably worded condition can be imposed to ensure these are provided prior to the first beneficial use of the store.

Deliveries

The goods loading/unloading bay is located to the (side) East elevation of the store. While this is accessed through the car park, the site layout nevertheless allows for sufficient space for delivery vehicles to leave and enter the site in a forward gear and not interfere with the parking spaces or pedestrian routes provided. While concerns have been expressed in representations that the internal site layout does not appear to safely accommodate maximum legal articulated vehicles, the highway officer notes that there is a Delivery and

Service Plan (DSP) which allows for deliveries to be undertaken in a safe and appropriate manner together with a banksman. Furthermore, a Delivery Management Plan has also been requested which will provide vehicle sizes and ensure delivery times do not coincide with busy times of the day such as school drop off and pick up times. This will also benefit the free flow of traffic along Neath Abbey road, and can be imposed via a suitably worded condition.

Construction Impacts

As with all development there is likely to be some disruption during the construction process. To control such impacts, the Head of Engineering and Transport (highways) have recommended that a Construction Method Statement is submitted. This will ensure appropriate controls are put in place during construction to minimise any disruption to the highway network and nearby residential properties and businesses within the area. This can be imposed via a suitably worded condition.

Highways Conclusion

In conclusion, and having considered submissions made on behalf of locals and on behalf of nearby retail businesses, it is considered that the provided appropriate controls are imposed through the detailed conditions referred to above, that the development would not have an unacceptable impact upon highway and pedestrian safety, and that the proposals would accord with Policies SP20 and TR2 of the Neath Port Talbot Local Development Plan.

Contaminated Land

The site is located within an area at risk from land contamination, with historical maps (1962) suggesting there were works previously located on the site. To coincide with the potential risks attached with building on a previously designated industrial site the Council's Land Contamination Officer requested submission of a Phase 1 Preliminary Risk Assessment (PRA) which should clearly include a Conceptual Site Model for the area of land where the proposed development is to be constructed.

In response, the applicant has submitted a geo environmental investigation by Earth Environmental and geotechnical (dated May 2019) and on request and further report which includes additional desk study information, including a Conceptual Site Model.

The Council's Land Contamination Officer has reviewed all information and is yet to be satisfied. Notably there remains a need for a recent desk study and CSM in line with the newly developed Preliminary site investigation. They have further advised that the ability to refine and update the CMS at the Site Investigation stage must first require valid CSM at the Preliminary Risk Assessment/Desk Study stage.

Nevertheless, they raise no objections subject to conditions which would require further approval of such details in advance of development commencing in order to address the possible land contamination issues the site presents.

Natural Resources Wales have also assessed the report and note its content but have advised that given the history of the site it is considered possible that there may be unidentified areas of contamination that could pose a risk to controlled waters if they are not remediated. As such they have recommended a condition which would satisfy their concerns.

It is considered that with the above recommended conditions being imposed, any land contamination issues from this site can be adequately addressed. As such the proposed development would be considered acceptable in terms of risks from land contamination.

High Pressure Gas Main

There is an intermediate / high pressure gas main in proximity to the application site, which runs along the western boundary of the site. The Health and Safety Executive (under their PADHI+ system) does not advise against the development.

Wales and West have advised that no excavations should take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West Utilities. This can be addressed through an informative on the decision.

Flooding

Natural Resources Wales's (NRW) online Development Advice Map (DAM) shows that the site is predominantly located within the TAN 15 Development and Flood Risk Zone A (areas considered to be at little or no risk of fluvial or coastal/tidal flooding) with a small area to the south west of the proposed building and some of the access road area located within Zone C2, This is identified at figures 7 and 8 below.

Figure 7: Plan showing application boundary and Flood Zone C2

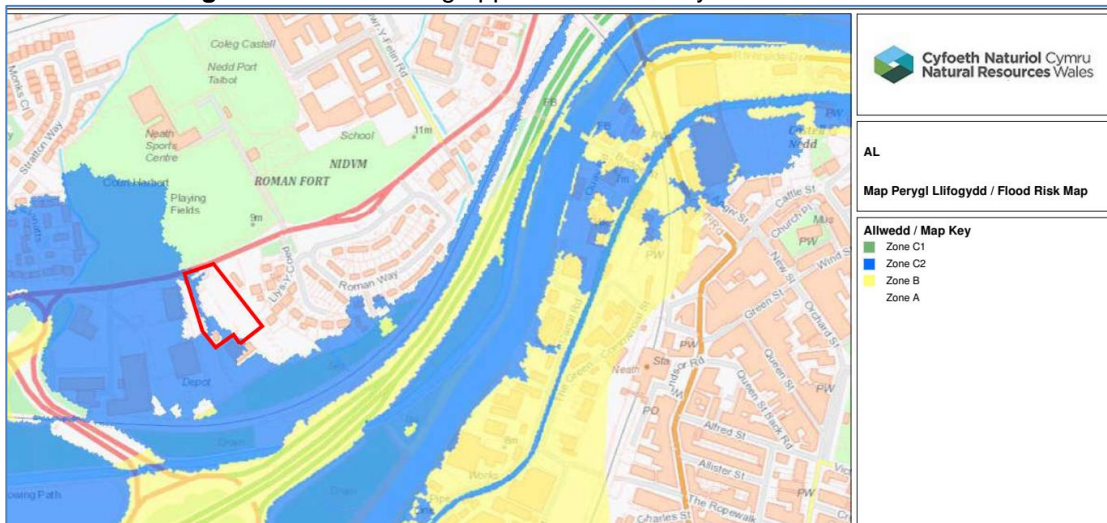
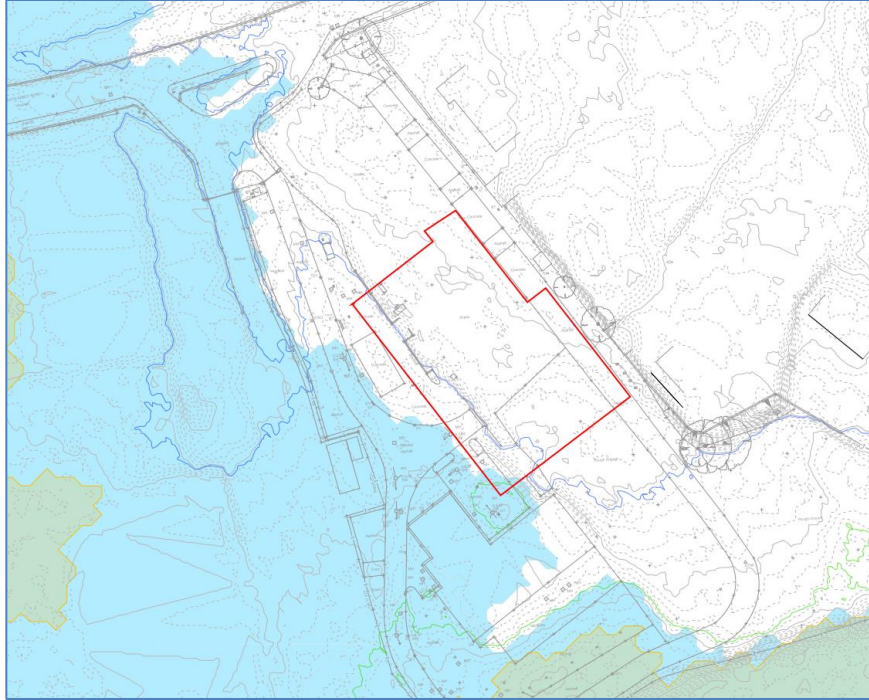


Figure 8: Plan showing flood zone C2 in relation to the outline of the proposed building



The proposed development is a commercial food store, which is classified as “less vulnerable” development by TAN15 Section 9. The majority of the proposed store building will be located within DAM Zone A apart from a very small corner near the CSN building shown below (figure 4).

Although the overall aim of TAN15 is to avoid development in flood risk areas, there is scope within TAN 15 to be flexible to allow the risks of flooding to be addressed whilst also recognising that precluding investment in existing urban areas, could have negative economic and social consequences, especially where it relates to the reuse of previously developed land. In these cases TAN 15 advises local Authorities that a balanced judgement is required.

Section 6 of TAN 15 requires the Local Planning Authority to determine whether the development at this location is justified with the initial requirement (para 6.2) to assess whether: -

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;
or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
and
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1);

The majority of the site is within zone A, with only a very small part of the building plus some of the access in zone C2. Nevertheless, it has been concluded above that the proposal would add to employment, which in turn would provide competition, provide a greater variety of products to shoppers and boost the local economy. Furthermore, it would also regenerate a brownfield site. As such it is considered that a development at this location would meet tests set out in criteria (i) to (iii).

The final test (iv) is then for the applicant to demonstrate through the submission of a Flood Consequences Assessment (FCA) that the potential consequences of flooding can be managed to an acceptable level.

In this respect, the applicant has submitted a Flood Consequence Assessment and engaged in discussions with NRW following their initial concerns that the footprint of the building will occupy some land identified as fluvial floodplain (even though a small area) and would increase flood risk elsewhere. They also advise that access and egress to the site are also shown to be at fluvial flood risk which would be a matter for the Local Authority to consider.

The applicant was advised of the concerns raised who subsequently discussed these issues further with NRW and the LPA. It was found that the development could cause a minor increased flood risk to the neighbouring CSN Precision Engineering (CSN) premises, which cannot be removed by physical mitigation measures.

The applicant has demonstrated that all potential measures have been taken to mitigate against the inability to achieve full compliance with TAN15 requirements. To overcome this issue, CSN who are selling the Land to the applicant have submitted a letter accepting the increase in flood risk that could potentially be caused by the Aldi development.

NRW has responded to advise that they can only comment on the technical aspects of flood risk, and not whether the above is acceptable mitigation. However, this is an approach that the Authority have agreed to on other sites where the additional risk to third party land is minor, and in this case, given that the impact is on land outside of the red line but currently in the same ownership, it is considered that no objections should be raised to such additional impacts.

In term of the other issues raised above it is considered that in this case Aldi are aware of the flood risks of this site and accept the consequences. However, given the location of the store and its access in relation to land at risk of flooding, it is considered appropriate to impose conditions relating to the following:

- To ensure that users of the site are aware of flood risk;
- That escape/evacuation routes are present;
- That Aldi signs up to NRW flood warning service; and
- A Flood emergency plan/procedure is prepared

Taking into consideration all of the flooding issues, the information submitted as part of the application and the above into account, it is considered that the proposal would be acceptable on flooding grounds.

Drainage

The proposed new development will require sustainable drainage - built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers - to manage on-site surface water. These systems must be approved by the Council's Engineering Service acting in its SuDS Approving Body (SAB), and must be approved prior to any work commencing.

The application has been assessed by the Head of Engineering and Transport (Drainage) who has advised that they have no objection to the proposal subject to the applicant obtaining SAB approval. However they have made several recommendations in relation to spring and groundwater seepage, foul and surface water being discharged separately, no surface water or land drainage to connect to public sewerage system and ensuring adequate drainage being made during construction. These can be imposed via suitably worded conditions.

Welsh Water have also advised of the need for such approval, and advised that the site is crossed by a 100mm and a 375mm public combined sewers, noting that no operational development is to take place within 3 metres either side of the centreline of the sewers. They have also advised that there is a water main where no structure is to be sited within a minimum distance of 5 metres from the centre line of the pipe. These recommendations can be imposed via conditions.

Welsh Water have also recommended that a foul drainage scheme for the site is submitted to the local planning authority. This can be imposed via a condition. As well as the above Welsh Water have also asked that the applicant is made aware of their standard advisory notes and note relating to water mains, these can be added as an informative.

Biodiversity

In assessing a planning application the Local Planning 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.

Technical Advice Note 5: Nature Conservation and Planning states that: *"Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation. The use and development of land can pose threats to the conservation of natural features and wildlife."*

The site is dominated by hardstanding, close-mown grassland and a single small building (which is to be demolished). Along the western boundary of the site are a line of cypress trees and birch. Outside of the site, there are industrial buildings to the south and west, with residential housing to the east. The landscape strategy for the proposal has been to replace the majority of the lost existing soft landscaping and enhance the boundary treatment at the site perimeter.

To support the application, the application has submitted the following documents:

- 1350-01 RevB Soft Landscape Proposals
- 12740_R02_ Scheme of Biodiversity Enhancement Measures
- Eco-System Resilience Assessment
- 12740_R01_Bat Survey & Assessment

The proposed development has been designed to include opportunities for wildlife and retain and protect the mature trees. The enhancement measures which have been incorporated into the soft landscaping of the site include native shrub, trees and new native wildflower meadow. In addition, the proposed ornamental planting would provide food sources for a variety of invertebrates and birds.

The proposed habitat creation will mitigate and enhance the site, providing a habitat which is considered to be more botanically diverse than existing and increasing biodiversity value. The applicant has also provided a management plan on how the landscaping will be managed. It is considered that proposal will provide a diverse habitat that will benefit a range of species.

The Local Authority's Ecologist has assessed the proposal and have no objection subject to a condition that the ecology management prescriptions set out within the document 12740_R2 scheme for biodiversity enhancements are followed in full. These can be imposed via suitably worded condition

Protected Species

There are several mature trees and a small building is to be demolished, as such a bat survey was undertaken. The report states there is limited potential for protected and notable species. The conclusions of the bat report states that no evidence or potential for bats was identified within the current building on site. It was concluded that demolition would not affect bats and due to the sub-optimal nature of the habitats and surroundings for bats, along with the ambient light levels at night, no enhancements (e.g. bat boxes) were recommended.

Natural resources Wales and The Local Authority's Ecologist have assessed the content of the bat report submitted in and have no objection.

The applicant has demonstrated there is no unacceptable impact upon ecology or protected species and that applicant has demonstrated that the ecology of the site will be maintained and enhanced and as such accords with PPW10, Technical Advice Note 5(Nature Conservation and Planning) and Policies SP15 and Policies ENV7 of the LDP.

Trees

There are several trees placed around the site and trees on the adjoining land, some of which are protected by a Tree Preservation Order. As such a tree Survey was required to be submitted part of the application, while an Arboricultural Impact Assessment & Tree Protection Plan report was also submitted.

They have advised within the report that 12 trees will need to be removed in order to construct the proposed development, which includes five B-grade trees, three C-grade trees and four trees in very poor condition (category U trees). To compensate for the loss of these trees they propose to plant 19 new trees as part of the wider landscaping scheme that will enhance the resilience of the existing tree canopy cover.

The report has been assessed by the Local Authority's Arboriculturist, who has advised he has no objection to the trees identified to be felled. He has also advised that drawing number TPP-1 shows the location of the groups and individual trees and also shows the root zone protective fencing for all the retained trees. He has advised that to retain the majority of the existing trees on this site the recommendations and guidance in the tree report must be followed at all times. A condition can be imposed to ensure the retained trees are protected in accordance with this report and also to ensure trees are replanted to compensate for the loss of the felled trees.

The report also identifies that temporary fencing will be used during construction to protect retained trees situated near works areas; the location of necessary tree protection fencing is indicated within the report, and the condition will require its installation at the outset to protect against harm, and for such fencing to remain in place until construction works have finished.

While an objection has been received which raises over the potential harm to trees subject to Tree Preservation Orders during construction works and removal of trees along the west/south-west side of the site which will have a negative impact on visual amenity of the local area, it is considered that the loss of trees is acceptable (subject to the above conditions) and that the retained trees will be satisfactorily protected by condition requiring protection measures during construction.

Archeology

Glamorgan Gwent Archaeological Trust (GGAT) have advised that the area had been archaeologically evaluated in 2008, when six trenches were opened and which encountered remains of Roman date. These included an area of gravel and stone c.3m in width which appeared to be part of the Roman road leading to the fort; other areas included a large cut feature, charcoal, and scatters of Roman pottery. Whilst some modern made ground was identified in part of the southern area, the archaeological work noted that the Roman features had survived although there has been previous modern use of the site.

The Scheduled Monument of the Neath Roman Site (Neath Roman Fort, Cadw reference GM215) is c. 0.17km to the north west, and significant other built elements of the fort, including the south west gate, and elements of associated activity including finds of pottery and coinage, and are represented in the archaeological record. Other archaeological work has identified Roman remains at adjoining and nearby sites.

In summary, GGAT advise that the previous archaeological work has identified remains which need to be mitigated by excavation. They have advised there is high potential for further significant archaeological features and deposits to be encountered; and this impact on the historic environment will need to be mitigated. Given that there has been an

archaeological evaluation, and the nature of the archaeological resource GGAT have recommended that the mitigation will be for archaeological excavation, via the submission and implementation of a written scheme of historic environment mitigation for a programme of archaeological work.

It is considered that subject to a suitably worded condition the development would be acceptable in terms of archaeological mitigation.

Scheduled Monuments and Registered Historic Parks and Gardens

Planning Policy Wales (edition 10) explains that it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset or its setting should be managed in a sensitive and sustainable way.

The conservation of archaeological remains and their settings is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in a direct, adverse impact on a scheduled monument (or an archaeological site shown to be of national importance)

Technical Advice note 24 (TAN): The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should value, protect, conserve and enhance the special interests of parks and gardens and their settings included on the register of historic parks and gardens in Wales and that the effect of a proposed development on a registered park or garden or its setting

The following scheduled ancient monuments and historic parks and gardens are within a 2km radius of the proposed development

- Scheduled Ancient Monuments
 - GM006 Neath Abbey & Gatehouse
 - GM039 Neath Castle
 - GM207 Court Herbert Cross & Grave Slab
 - GM215 Neath Roman Site
 - GM389 Neath Abbey Ironworks
 - GM394 Tennant Canal: Skewen Cutting and tramroad bridge
 - GM395 Neath Abbey Ironworks Dam

- Registered Parks and Gardens
 - PGW (Gm) 50(NEP) Neath: The Gnoll (grade II*)
 - PGW (Gm) 64(NEP) Neath: Victoria Gardens (grade II)

Cadw have advised that that the above designated heritage assets are located inside 2km of the proposed development but intervening topography, buildings and vegetation block indivisibility between them apart from scheduled monument GM215 Consequently Cadw have advised that the proposed development would not have any impact on the setting of these designated heritage assets.

In respect to the impact of the development on the setting of scheduled monument GM215 Neath Roman Site Cadw have noted that the proposed development was some 190m west of the designated site, which is part of the Roman fort of Nidum. It was also noted that archaeological evaluation had identified that the proposed development area is crossed by a Roman road which led from the southwest gatehouse of the Roman fort and had also found demolition rubble which may relate to buildings in a vicus, a civilian settlement outside the fort. As such Cadw believe the development area is part of the setting of the scheduled monument and will have an adverse impact on it.

Cadw have therefore proposed mitigation measures that could be included in the proposed development that would reduce this impact. These include interpretation boards and indicating the route of the road across the car park using a different colour of tarmac. The proposed plan (180487 – 1400 P8) submitted with the original application identified acceptance of Cadw’s recommendations as they show an area for the “Location for interpretation boards relating to route of Roman road” and also state “Location of road to be indicated on site”. Although the latest iteration has (mistakenly) omitted such notes, these works (and their retention) can be required through condition, and provided these mitigation measures are implemented then the impact of the proposed development on the setting of the scheduled monument GM215 will be reduced to slight and Cadw has confirmed they would not object.

Renewable Energy

Policy RE2 requires the submission of an ‘Energy Assessment’ for any proposal where developments result in new floor space of 1,000 square metres or more. Schemes that are shown by the assessment to be viable will be required to be implemented as part of the development. In order to meet the requirements of Policy RE2, the approved SPG sets out the matters required for an Energy Assessment.

Consequently an energy assessment (undertaken by Sol Environmental) has been submitted with the application. The report illustrates that the development seeks to achieve a reduction in CO2 emissions compared to a standard Building Regulation compliant developments, through the incorporation of the principles of the Energy Hierarchy and the combination of passive measures, including building fabric design improvements and the utilisation of zero and low carbon technologies.

The low and zero carbon technologies that are being proposed within the report relate to the external refrigeration plant. The plant recovers waste heat generated by the refrigeration system and re-uses it providing heating to the sales area and produces sufficient energy to ensure the reduction in CO2 emissions. The applicant has advised by utilising this technology would eliminate the need for a gas supply to the building.

It is also proposed that during construction materials will be procured locally where possible, and preference will be given to procuring materials from manufacturers and suppliers who are accredited with an EMS including BS EN ISO 14001 or a similar standard.

The conclusion of the energy strategy is that the development achieves a significant reduction in CO2 emission compared to 2013 Building Regulation compliant development, as well as 20% of the buildings predicted energy demand being offset through the incorporation of the principles of the Energy Hierarchy and the combination of passive measures, including building fabric design improvements and the utilisation of zero and low carbon technologies.

The report concluded that the development will provide a realistic total carbon equivalent emission saving of approximately the 7.6 tonnes per annum.

The applicant has identified how they aim to reduce the carbon footprint of this development and have shown that they will incorporate low carbon technology such as waste heat recovery. A condition can be imposed to ensure the building is constructed in accordance with the recommendations set out within this report and that the heat recovery system is installed, as such it is considered the applicant has demonstrated that the development would comply with the requirements of Policy RE2 of the Neath Port Talbot Local Development Plan .

Waste

Policy W3 – Waste Management in Development – requires proposals for new build development to demonstrate that provision is made for design, layout, storage and management of the waste generated by the development both during the construction phase and occupation. The applicant has confirmed that the proposal would not generate in excess of 1,000 tonnes of waste per annum and as such there is no requirement for a Waste Management Plan.

Nevertheless the applicant has advised Waste will be minimised by adoption of the national site waste strategy of reduce, reuse, and recycle. A detailed site waste strategy plan will be produced for the store, for example all cardboard will be baled on site and taken back to the Aldi Regional Distribution Centre for recycling. Waste streams will be monitored in construction to be in accordance with recognised benchmarking figures for the construction industry. They have also advised that the main contractor will be a member of the Considerate Contractor Scheme.

Open Space Provision

Policy OS1 (Open Space Provision) states that in the case of employment or commercial development proposals of over 1,000 sq.m, provision will be sought for associated amenity space. The explanatory text emphasises (at 5.1.57) that this is to allow employees to access outdoor amenity space close to the workplace in the interests of health and well-being.

As a result of the above the applicant has amended the plan to provide an outdoor amenity space for staff which includes seating areas. It is considered that the provision of this outdoor space for staff would be a benefit to them especially in terms of their health and wellbeing. As such it is considered that the development would comply with the requirements set out within Policy OS1.

Section 106 Planning Obligations

Local Development Plan Policy SP 4 (Infrastructure) states that “Developments will be expected to make efficient use of existing infrastructure and where required make adequate provision for new infrastructure, ensuring that there are no detrimental effects on the area and community. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable”.

Policy I1 (Infrastructure Requirements) then states that “In addition to infrastructure improvements necessary to make a development acceptable in health, safety and amenity terms, additional works or funding may be required to ensure that, where appropriate, the impact of new development is mitigated. These requirements will include consideration of and appropriate provision for: Affordable housing; Open space and recreation facilities; Welsh language infrastructure (in language Sensitive Areas); Community facilities including community hubs; Biodiversity, environmental and conservation interests; Improving access to facilities and services including the provision of walking and cycling routes; Historic and built environment and public realm improvements; Community and public transport; Education and training.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the proposal relates to a retail food store and has provided sufficient open space provision for staff, no other requirements have been identified as necessary to make the development acceptable as such it is considered that the proposal would not be required to provide any s106 provision.

Other Matters

As identified earlier in this report, a number of objections were received in response following the publicity exercise. In response to the main issues raised which have not been addressed elsewhere in this report, the following comments are made:

- Concerns that the development would devalue nearby property are not a material planning consideration
- In response to there being a large site which would be more suitable at the unused Pinetree car sales area in Baglan, it is noted that the applicant has undertaken a sequential test looking at other site potential sites in the area that they wishes to locate to i.e. Neath.
- Comments that NPT would be better to improve and regenerate Neath town centre and its retail properties, and that the old Tesco site in Neath town centre would be a better location are noted. However, the report has concluded that the site is acceptable and moreover the Council is investing heavily in Neath through the *Transforming Towns* initiative which includes the Neath Town Centre leisure centre/shops redevelopment which is now underway
- In relation to a neighbour's concern that the view from the front windows of their house would look directly onto the side of the supermarket, it is noted that there is no right to a view, and as such this is not a material planning consideration.
- In relation to the land being better suited as a residential development, the purpose of the planning system is to assess the application that has been submitted. Moreover, refusal on such grounds could not be sustained.
- In relation to a neighbour's statement that their drains run through the proposed site, it is noted that the applicant will be required to make a drainage application to the Sustainable drainage approval body (SABs), while it is unlikely that any the proposal would adversely affect any existing drainage pipes for existing development that run through the site

CONCLUSION

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

Following a detailed analysis of the supporting information, and representations made on behalf of locals and nearby retail businesses, it has been concluded that while it has not been satisfactorily demonstrated that there is a quantitative need for the proposed new retail development, it has been accepted that there is a qualitative need and while the weight is lesser than if it met both quantitative and qualitative need, the proposal is considered to

comply with the overall requirement of criterion (i) of Policy R3 to demonstrate need. In addition, the applicant has provided a robust sequential test to demonstrate why the development cannot be located within a defined retail centre (criterion (ii)), the scale of the identified impact would not be to such a degree to unacceptably undermine the vitality and viability of the town centre or other centres (criterion (iii)); and it is not considered that the development would undermine either the Council's retail hierarchy or approved regeneration schemes. Accordingly the principle of this new retail development is considered to be in accordance with Policy R3 of the Local Development Plan.

It is also considered that the development would provide economic benefits to the local area which weigh in favour of the development; that identified impacts on nearby properties can be mitigated to an acceptable degree through design or condition; that conditions can ensure there would be no unacceptable impact on pedestrian and highway safety; that the scheme would not have an unacceptable detrimental impact upon the character or appearance of the area; and that conditions can address all other issues including those relating to drainage, biodiversity and archaeology. Accordingly, the proposed development is acceptable having regard to Policies SP1, SP2, SP3, SP4, SP5, SP10, SP11, SP12, SP15, SP16, SP18, SP19, SP20, SP21, SC1, I1, OS1, R3, EN7, EN8, RE2, W3, TR2 and BE1

RECOMMENDATION: Approve subject to conditions

Time Limit Conditions

- 1 The development shall begin no later than five years from the date of this decision.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

List of Approved Plans

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

190487-1400-P21 Proposed Site Plan 190487 1401 P3 Proposed Floor Plan 190487-1402 P1 Roof Plan

190487 1500 P3 Proposed Elevations

190487 1501 P3 Proposed Context Elevations

190487 1503 P2 Proposed Context Sections 190487-1504 P2 Site Boundary Sections 1350-01 Rev B Soft Landscape Proposals

79-E1379-CDY-XX-XX-DR-D-En_80_35_74-0010-A2-P01 - Highway Works

Plant_ALDI EPTA Plant Type 3 Single Pack Walk in Housing Plant_Type 3 Store
30dB Gas Cooler

Plant_1463-R6 Rev B Plant Compound -30Db

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 commence on construction of the new retail store / building until such time as all works to the existing highways and new junction into the site off Neath Abbey Road, which include visibility splays, right hand turn lane, footpaths etc. as identified on drawing 79-E1379-CDY- XX-XX-DR-D-En_80_35_74-0010-A2-P0 and 1190487-1400 P21 have been completed to the satisfaction of the Local highway Authority.

Reason:

Since the proposed new development is only acceptable in highway terms with the required highway improvements, and there is a need to ensure such works can legally be undertaken on land which is not currently in the applicants' control, and to ensure accordance with LDP Policy BE1 and TR2.

- 5 No development shall commence (including any site clearance), until a Demolition & Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Environmental Management Plan 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:
- a) Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development; a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - b) Drainage: Details of drainage measures during construction phases to ensure that the drainage of any adjoining land, and land downstream is not interrupted or otherwise adversely affected by the development.
 - c) General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
 - d) Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures, wheel washing facilities, and measures to control light spill.
 - e) Traffic Management: details of site deliveries including routes of vehicles, plus delivery and construction times, taking into account the proximity of residential dwellings, schools and college, there shall be no deliveries in excess of 3.5 tonnes shall access or leave the site via any route during the hours of 8am to 9.30am and 2.30pm to 4pm during school term times; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors; scheme for the erection of temporary/semi-temporary signage warning drivers of the presence of children and speed restrictions; Measures to prevent stacking of vehicles onto the public highway; The frequency and size of vehicles used to transport the waste material arising from the demolition works;
 - f) Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
 - g) Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

Reason:

In the interest of highway and pedestrian safety, the environment, and the amenity of residents, and to ensure accordance with Policies BE1, EN8 and TR2 of the adopted Neath Port Talbot Local Development Plan.

6 No development shall commence on site until an assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011)'Investigation of Potentially Contaminated Sites Code of Practice' and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,- ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan

- 8 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, as required by Planning Policy Wales and Policy SP21 of the Neath Port Talbot Local Development Plan

- 9 No development shall commence until a foul drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 10 No development shall commence until such time as the tree protection fencing as identified on the tree protection plan TPP1 within the tree survey by Bosky Trees dated June 2019 has been provided on site. The fencing and tree protection measures set out within this report hereby approved shall be retained and adhered to throughout the course of the development.

Reason:

To ensure all existing trees are protected throughout the construction of the development, in the interest of visual amenity, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.

Action Conditions

- 11 Notwithstanding the submitted information, the development hereby approved shall not be brought into beneficial use until such time as the secondary junction leading into the proposed car parking area shall be provided with vehicular visibility splays in both directions measuring 2.4m by 43m in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The vision splay as agreed shall be retained as such thereafter. 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 Policy TR2 of the Neath Port Talbot Local Development Plan.

- 12 The vehicular visibility splays for the primary junction on to Neath Abbey Road shall be 2.4 metres by 90 metres in both directions, which shall be set out in accordance with drawing number 79-E1379-CDY-XX-XX-DR-D- En_80_35_ -0010 Rev P01. Highway Works, 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 Policy TR2 of the Neath Port Talbot Local Development Plan.

- 13 The development hereby approved shall not be brought into beneficial use until such time as a schematic street lighting scheme showing the relocation, removal, renewal and new street lighting columns for both the public highway and the access road to the car parking area and beyond has been submitted to and approved in writing by the Local Planning Authority, and such scheme has been implemented in full. The approved scheme shall thereafter be retained.

Reason

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

- 14 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 Policy BE1 and TR2 of the Neath Port Talbot Local Development Plan.

- 15 Notwithstanding the submitted information and prior to the first beneficial use of the site, a Staff Travel Plan together with contact details of the Travel Plan Coordinator shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a monitoring regime that shall commence from first beneficial

use of any building. Full monitoring shall be undertaken in the 1st, 3rd and 5th year, with an interim report submitted to the Local Planning Authority in the 2nd and 4th year. After five years of operating the first travel plan, a further travel plan shall be submitted to and approved in writing by the Local Planning Authority addressing any issues that have failed to reduce the use of the car and meet the agreed targets set in the travel plan. The assessment of this travel plan shall continue every five years in accordance with the above monitoring.

Reason

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

- 16 Prior to the first beneficial use of the site a Delivery Management Plan which will identify all relevant delivery vehicles, timings and risk assessment contact details, shall have been submitted to and approved in writing by the Local Planning Authority. The Plan shall ensure that no deliveries in excess of 7.5 tonnes shall access or leave the site via any route during the hours of 8am to 9.30am and 2.30pm to 4pm during school term times. Deliveries shall thereafter operate in accordance with the agreed details.

Reason:

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

- 17 Prior to the first beneficial use of the development the 5 parking spaces with Electric Vehicle Charging Points and the ducting for the future electric charging points for a further 17 spaces as shown on drawing 190487- 1400P21 shall be fully implemented on site and shall be retained for such use thereafter.

Reason

In the interest of highway and pedestrian safety and to ensure compliance with Planning Policy Wales 10, and policies BE1 and TR1 of the Neath Port Talbot Local Development Plan

- 18 The car parking area hereby approved shall be constructed in accordance with drawing number 190487-1400 P21 proposed site plan, prior to the first beneficial use of the development and retained for such use thereafter.

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 TR2 of the Neath Port Talbot Local Development Plan.

- 19 The use hereby approved shall not be brought into beneficial use until such time as a scheme detailing all white lining and Traffic Regulation Orders to the main junction onto Neath Abbey Road has been submitted to and approved in writing by the Local Planning Authority, and such scheme has been implemented in full. The approved scheme shall thereafter be retained.

Reason:

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

- 20 Notwithstanding the submitted plan, prior to the first beneficial use of the development a Heritage Interpretation Scheme, to include details of a) the design, location and details to be displayed on heritage interpretation boards; and b) details of how the Roman Road will be indicated/marked out on site in perpetuity; shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented on site in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason

To ensure the Historic mitigation measures are implemented which will ensure the impact upon the setting of the scheduled monument GM215 Neath Roman Site, will be reduced to slight and therefore not be significant and to ensure the development complies with Policy SP21 of the Neath Port Talbot Local Development Plan.

- 21 Within 3 months of the store becoming fully operational, a noise assessment shall be undertaken to evaluate the actual noise impact of the development (which shall include all aspects of the development) in accordance with a methodology which shall first have been agreed in writing by the Local Planning Authority. The purpose of the assessment will be to evaluate whether or not the predictions made during the application phase are representative of operational real life noise level. Findings of the assessment shall be documented within a report, which shall be submitted to the Local Planning Authority within 4 months of the store becoming fully operational, and which shall include any necessary mitigation or modifications necessary to ensure that the development is in compliance with the noise parameters set out in condition 34

Reason:

As predicted noise levels are on the limit of acceptability, a noise assessment is required to demonstrate compliance with the predicted noise levels in condition 34, since it is essential in the interests of residential amenity to ensure that they are achieved and, if not, that additional controls are implemented to ensure such compliance, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 22 Notwithstanding the submitted plan and prior to the first beneficial use of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the enclosure around the CO2 refrigeration packs. The scheme shall provide a more suitable less intrusive alternative to palisade fencing. The fencing as agreed shall be erected prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan

- 23 All means of enclosures including the acoustic fencing as shown on drawing 190487-1400 P21 (with the exception of the enclosure situated around the CO2 refrigeration packs which is covered under condition 22) shall be erected on site prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity, to protect the amenity nearby residents, and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 24 Notwithstanding the submitted plans and prior to the first beneficial use of the development, full details of the 2.5m and 2m high sections of Acoustic fencing (including specifications) shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be constructed in accordance with the agreed design and erected prior to the first beneficial use of the development and retained as such thereafter.

Reason:

In the interest of visual amenity, to protect the amenity of nearby residents, and to ensure compliance with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.

- 25 The Ultra-low noise 30dB gas coolers shall be installed prior to the first beneficial use of the development and retained and maintained as such thereafter. Should any of the approved plant need to be repaired or replaced then any repaired or replacement plant shall as a minimum perform to the same noise specification.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 26 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 reduce as far as practicable light spillage onto the adjoining residential properties) . The approved lighting shall be implemented on site in accordance with the approved scheme only, and retained as such thereafter.

Reason:

In the interest of residential amenity and to prevent any unacceptable light spillage, and to ensure compliance with Policies SP16, EN8 and BE1 of the Neath Port Talbot Local Development Plan.

- 27 Prior to their use in the construction of the development hereby permitted, details and samples of the materials to be used in the construction of the external surfaces of the development shall have been 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 and to ensure the development complies with Policy BE1 of the Neath Port Talbot Local Development Plan.

- 28 Prior to first beneficial use of the proposed development, 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 agreed 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 Local Development Plan

- 29 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, and to ensure compliance with Policies SP16 and EN8 of the Neath Port Talbot Local Development Plan

- 30 Prior to the first beneficial use of the development details of the 'Freeheat' refrigeration heat recovery scheme outlined within the Renewable and Low carbon Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide full details of any external apparatus required including elevations, floor plan and site plan where required, and details of how the system will operate. The development shall be constructed in accordance with the agreed details prior to the first beneficial use of the development and retained as such thereafter.

Reason

In the interest of providing low carbon energy generation within the development to accord with the requirements of Policy RE2 of the Local development Plan.

- 31 Prior to the first beneficial use of the development 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:

- a) Details of Flood emergency plan/procedure during an extreme flood event
- b) Details of escape/evacuation routes
- c) Details of flood warning signs and their locations within the store and car park
- d) Confirmation that the store is registered with NRW flood warning service. The approved scheme shall be fully implemented on site prior to the first beneficial use of the store and retained thereafter.

Reason:

In the interest of the staff and users of the site as it is partly located within a C2 Flood Zone and to comply with the requirements of Policy BE1 of the Neath Port Talbot Local Development Plan.

- 32 The hard and soft landscaping and biodiversity enhancements measures shown on 1350-01 Rev B Soft Landscape Proposals and detailed within 12740_R02_ Scheme of Biodiversity Enhancement Measures hereby approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

Regulatory Conditions

- 33 Construction operations shall be limited to 08:00-18:00 Mon-Fri, 08:00-13:30 Saturdays, and no construction operations shall take place on Sunday and Public Holidays without the prior approval of the Local Planning Authority.

Reason:

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 34 Between the hours of 07:00 and 19:00 the noise rating level of plant/machinery at the development shall not exceed 10 dB below the existing background noise level and Between the hours of 19:00 and 07:00 the noise rating level of plant/machinery at the development shall not exceed 35 dB (A) . The noise levels shall be determined at the nearest noise- sensitive premises or at another location that is deemed suitable by the Authority. Measurements and assessments shall be made in accordance with "BS 4142:2014 Methods for rating and assessing industrial and commercial sound".

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 35 Notwithstanding condition 16 Deliveries (including refuse collections) shall only take place between 07:00 and 22:00 and shall be undertaken in accordance with the Quiet Deliveries Scheme (February 2020) hereby approved, or such other Quiet Deliveries Scheme which shall on review first have been submitted to and approved in writing by the local planning authority.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan

- 36 On receipt of a justified complaint, following a written request from the LPA the applicant shall undertake an assessment of the noise arising from the operations on the site and submit to the Local Planning Authority a written report detailing the findings of the assessment within two weeks of such a request being made (or other such date that may be agreed in writing by the Local Planning Authority). The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant; The acoustic consultant shall be a member of the Association of Noise Consultants (ANC) and a member of the Institute of Acoustics. Prior to undertaking the noise assessment for the purpose of preparation of the report, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards. The noise assessment report shall include evidence that the control measures recommended within the assessment have been implemented, or include a timetable for their implementation, and all such mitigation measures shall be retained and maintained thereafter.

Reason

To protect the amenity of the locality, especially for people living and/or working nearby, and to ensure accordance with Policies BE1 and EN8 of the adopted Neath Port Talbot Local Development Plan.

- 37 Should any springs or ground water seepage be encountered the on site works in that area shall cease until a scheme for collection and disposal of the water has been submitted to and approved in writing by the Local Planning Authority. No ground water shall ever be discharged into the proposed drainage scheme.

Reason:

In the interest of drainage, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 38 No development shall take place within 3 meters either side of the public sewers that cross the application site

Reason:

In order to protect the pipeline from the effects of development, and ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 39 No structure shall be sited within 5 meters either side of the public sewers that cross the application site

Reason:

In order to protect the pipeline from the effects of development, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 40 Foul water and surface water discharges shall be drained separately from the site.

Reason:

In the interest of providing adequate foul and surface water drainage, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan

- 41 No surface water or Land drainage run-off shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of providing adequate surface water and land drainage runoff, and to ensure the development complies with Policy SP16 and BE1 of the Neath Port Talbot Local Development Plan.

- 42 All Landscape areas shall be managed in accordance with 12740_R02 Scheme of Biodiversity Enhancement Measures hereby approved in perpetuity.
Reason:
In the interest of visual amenity, and to ensure the long term management and maintenance of all landscaped areas, and to ensure the development complies with Policies SP15 and BE1 of the Neath Port Talbot Local Development Plan.
- 43 The total net sales area shall not exceed 1315 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 vitality and viability of Neath Town Centre and Skewen District Centre and to ensure the development complies with Policy R3 of the Neath Port Talbot Local Development Plan.
- 44 The use shall not be carried out outside the hours of 0800 to 2200 Monday to Saturday and 1000 to 1600 on Sundays and bank holidays.
Reason:
In the interest of residential amenity and to ensure the development complies with Policy BE1 and EN8 of the Neath Port Talbot Local Development Plan.
- 45 There shall be no outside storage of any waste, delivery trolleys, crates, packaging etc., (excluding shopping trolleys within the designated trolley bay) unless located within a designated area with appropriate screening which shall first have been submitted to and approved in writing by the Local Planning Authority.
Reason:
In the interest of visual amenity and to ensure compliance with Policy BE1 of the Neath Port Talbot Local Development Plan.
- 46 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 vitality and viability of Neath Town Centre and Skewen District Centre and to ensure the development complies with Policy R3 of the Neath Port Talbot Local Development Plan.