

**ADRODDIAD PENNAETH  
CYNLLUNIO,  
CYFARWYDDIAETH YR  
AMGYLCHEDD**

**REPORT OF THE  
HEAD OF PLANNING,  
DIRECTORATE OF ENVIRONMENT**

**AR GYFER PWYLLGOR CYNLLUNIO  
CYNGOR SIR CAERFYRDDIN**

**TO CARMARTHENSHIRE COUNTY  
COUNCIL'S PLANNING COMMITTEE**

**AR 16 GORFFENNAF 2020  
ON 16 JULY 2020**

**I'W BENDERFYNU/  
FOR DECISION**

*Ardal Del/  
Area South*



**Cyngor Sir Gâr  
Carmarthenshire**  
County Council



**Mewn perthynas â cheisiadau y mae gan y Cyngor ddiddordeb ynddynt un ai fel ymgeisydd/asiant neu fel perchennog tir neu eiddo, atgoffir yr Aelodau fod yna rhaid iddynt anwybyddu'r agwedd hon, gan ystyried ceisiadau o'r fath a phenderfynu yn eu cylch ar sail rhinweddau'r ceisiadau cynllunio yn unig. Ni ddylid ystyried swyddogaeth y Cyngor fel perchennog tir, na materion cysylltiedig, wrth benderfynu ynghylch ceisiadau cynllunio o'r fath.**

**In relation to those applications which are identified as one in which the Council has an interest either as applicant/agent or in terms of land or property ownership, Members are reminded that they must set aside this aspect, and confine their consideration and determination of such applications exclusively to the merits of the planning issues arising. The Council's land owning function, or other interests in the matter, must not be taken into account when determining such planning applications.**

<b>COMMITTEE:</b>	<b>PLANNING COMMITTEE</b>
<b>DATE:</b>	<b>16.07.2020</b>
<b>REPORT OF:</b>	<b>HEAD OF PLANNING</b>

**INDEX - AREA SOUTH**

<b>REF.</b>	<b>APPLICATIONS RECOMMENDED FOR APPROVAL</b>	<b>PAGE NOS.</b>
<b>S/39022</b>	<b>THE ERECTION OF A CLASS A1 FOODSTORE AND A DRIVE-THRU COFFEE SHOP, WITH ASSOCIATED ACCESS, CAR PARKING, AND LANDSCAPING AT LAND TO THE NORTH OF THE B304, TROSTRE ROAD, TROSTRE, LLANELLI</b>	<b>9 - 49</b>

**APPLICATIONS RECOMMENDED FOR APPROVAL**

<b>Application No</b>	<b>S/39022</b>
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<b>Application Type</b>	Full Planning
<b>Proposal &amp; Location</b>	THE ERECTION OF A CLASS A1 FOODSTORE AND A DRIVE-THRU COFFEE SHOP, WITH ASSOCIATED ACCESS, CAR PARKING, AND LANDSCAPING AT LAND TO THE NORTH OF THE B304, TROSTRE ROAD, TROSTRE, LLANELLI

<b>Applicant(s)</b>	ALDI STORES LTD, C/O AGENT
<b>Agent</b>	PLANNING POTENTIAL LTD - MR LLOYD COLLINS, 13-14 ORCHARD STREET, BRISTOL, BS1 5EH
<b>Case Officer</b>	Robert Davies
<b>Ward</b>	Bigyn
<b>Date of validation</b>	20/06/2019

## Reason for Committee

This application is being reported to the Planning Committee:

- as the County Council has a significant financial interest in the application.
- following the receipt of more than five objections from third parties.

## Site

The application site extends to some 1.76ha in area and consists of an irregular shaped parcel of land located to the immediate north of the B4304 at Trostre Road in Llanelli. The site is approximately 1.75km to the east of Llanelli Town Centre, and is located to the immediate west of the main A484/A4138 roundabout at Trostre.

Trostre Retail Park is located to immediate south of the site on the other side of the B4304, whilst Pemberton Retail Park is located to the north east with Parc Y Scarlets rugby stadium located beyond. Some residential development off Coedcae Road is located to the north west of the site beyond a wooded parcel of land.

The site sits at a lower level than the B4304 with its southern boundary defined by a tree line and drainage ditch. The eastern boundary with the main Trostre Roundabout is largely open in nature, leaving views through to this Gateway site set within the backdrop of wooded areas to the north and west of the site. There is currently a hedgerow that transverses the site in a north-west to south-east direction.

Whilst the main part of the application site is overgrown and appears previously undeveloped, historic maps indicate that Llwyn Colliery and St. George's Pit were located within the immediate vicinity.

The application site is located within the defined settlement limits of Llanelli as delineated within the Adopted Carmarthenshire Local Development Plan. A small part of the site is covered by the mixed-use allocation GA2/MU4 'Trostre Gateway'.

Policy EMP5 identifies Trostre Gateway as a mixed use allocation (GA2/MU4) where provision is made for a *'mix of uses, with a focus on commercial and visitor economy related uses along with an allowance of 70 residential units to assist in releasing value. Retail development would not be appropriate as the site is detached from Trostre Retail Park'*.

The eastern part of the application site is located within a C2 flood zone as defined by Development Advice Maps as referred to under Technical Advice Note 15.

## **Proposal**

The application seeks full planning permission for the construction of a Class A1 Aldi retail foodstore and a Class A3 Costa Coffee shop including drive through facility with a new roundabout road junction, associated access, car parking and landscaping.

The proposal consists of a 1,787 sqm gross (1,315 sqm net) Aldi retail foodstore with associated warehouse, welfare facilities, store delivery and external plant areas. The proposed Aldi store is to be located to the north western part of the application site with the highest elevation of the single storey mono pitch design facing towards Trostre Road. The glazed shop frontage and focal corner will be facing towards the main Trostre roundabout. The original scheme proposed a building which was to be clad with metal in its entirety. At the Local Planning Authority's request, the elevational treatment was altered, and a mixture of render, brickwork and timber cladding is now proposed with the metal cladding only reserved for the roof. Additional glazing has also been included in the south facing elevation.

The proposal also consists of a 204 sqm Costa coffee shop and drive through facility. The Costa is to be located in the north eastern corner of the site, close to the main roundabout. A single storey mono pitch design is also proposed to the Costa which is orientated to address the main Trostre roundabout. An almost identical pallet of external materials as the Aldi are also proposed to the Costa

The proposed development is to be accessed via a new roundabout junction of the B4304 Trostre Road. The proposed access road off this roundabout will lead to the Aldi site entrance, with a new estate road leading to the coffee outlet. The proposed internal road network makes provision for an access spur to facilitate future potential development to the west of the application site on the main part of the GA2/MU4 mixed use allocation.

The proposed development makes provision for 168 car parking spaces, 40 of which will serve the Costa and 128 will serve the Aldi store. Eight 'Parent and Child' spaces and eleven disabled parking spaces are proposed, whilst provision is also made for eight cycle spaces.

A new foul pumping station and new electrical substation are required to facilitate the proposed development with details provided as part of the application.

The Design and Access Statement submitted with the application explains some of the on-site constraints which in turn have influenced the layout and design proposed. These include the presence of a foul rising main to the western part of the site which requires a 6m easement, some Japanese Knotweed to the north and the C2 flood zone to the east. Previous historic land uses in the area have necessitated the undertaking of detailed site investigations. As with any new foodstore proposal, the operational and servicing requirements of the store were also an important factor informing the final design proposed. The DAS explains that the landscape strategy is to retain as much of the existing landscaping as possible, and introducing new soft landscaping as appropriate whilst ensuring that views through to the new buildings are retained.

In addition to the drawings, the application has been accompanied by the following suite of supporting documentation:-

- Planning and Retail Statement
- Supplementary Retail Information
- Design and Access Statement
- Ecological Assessment
- Transport Statement and Supplementary Information
- Travel Plan
- Environmental Noise Assessment
- Landscape Management Plan
- Ground Investigation Report
- Geo Environmental Assessment Report
- Desk Study Assessment Report
- Coal Mining Risk Assessment
- Gas Assessment
- Flood Consequence Assessment and Supplementary Information
- Arboricultural Impact Assessment and Tree Protection Plan
- Pre-Application Consultation Report

## Planning Site History

The following previous applications have been received on the application site:-

S/25954	Advertisement hoarding Advertisement granted	09 February 2012
S/00505	Display of Advertisement – free standing display Advertisement granted	14 April 1997
D5/14312	Project sign Full planning permission	31 March 1994
D5/8042	Overhead line application Approved	16 September 1984
D5/8041	Overhead line application Approved	13 September 1984

D5/7501 Raising of existing ground level for industrial and recreational purposes  
Permission granted

19 January 1984

## Planning Policy

[Carmarthenshire Local Development Plan](#) (Adopted December 2014) ('the LDP')

SP1 Sustainable Places and Spaces  
SP2 Climate Change  
SP3 Sustainable Distribution – Settlement Framework  
SP8 Retail  
SP9 Transportation  
SP13 Protection and Enhancement of the Built and Historic Environment  
SP14 Protection and Enhancement of the Natural Environment  
SP17 Infrastructure  
GP1 Sustainability and High Quality Design  
GP2 Development Limits  
GP3 Planning Obligations  
GP4 Infrastructure and New Development  
EMP2 New Employment Proposals  
EMP5 Mixed Use Sites  
RT1 Retail Hierarchy  
TR2 Location of Development – Transport Considerations  
TR3 Highways in Developments – Design Considerations  
EQ1 Protection of Buildings, Landscapes and Features of Historic Importance  
EQ4 Biodiversity  
EQ5 Corridors, Networks and Features of Distinctiveness  
EP1 Water Quality and Resources  
EP2 Pollution  
EP3 Sustainable Drainage

[Carmarthenshire Supplementary Planning Guidance](#)

National Planning Policy and Guidance is provided in [Planning Policy Wales](#) (PPW) Edition 10, December 2018 and associated [Technical Advice Notes](#) (TANs) published by Welsh Government.

## Summary of Consultation Responses

**Head of Transportation & Highways** – No objection subject to conditions and a financial contribution towards active travel.

**Valuations Manager** - No observations received to date.

**Head of Public Protection** – No objection subject to conditions.

**Flood Defence and Coastal Protection (Suds Approval Body)** – No objection.

**Llanelli Town Council** - No objection but ask that the Local Planning Authority addresses concerns raised by residents in relation to:-



- Deemed lack of disabled parking spaces in the proposed parking area.
- Possible requirements for improved access arrangements for walkers, cyclists and users of public transport.

**Local Member(s)** – County Councillors J Edmunds and E Morgan have not responded to date.

**Natural Resources Wales** – No objection subject to conditions.

**Dwr Cymru/Welsh Water** – No objection subject to conditions.

**Coal Authority** – No objection subject to conditions.

**Dyfed Archaeological Trust** – No objection.

**Dyfed Powys Police (Secure by Design)** – No objection subject to compliance with Secure by Design.

All representations can be viewed in full on our [website](#).

## Summary of Public Representations

The application was publicised by virtue of a number of site notices and a press notice. To date seven letters of representation have been received raising the following concerns and objections:-

- Lack of disabled parking spaces – 11 should be provided instead of the 7 proposed.
- Non-compliance with Building Regulations in terms of routes free from obstructions from the boundary to the principle entrance.
- The proposed development is car based with no provision made to promote walking or cycling. A contribution towards improving such provision should be made in accordance with the Active Travel Act.
- The closest bus stop is a significant distance away.
- Concern over increased traffic.
- The proposed retail development is contrary to the LDP aspirations for this mixed-use site. There is no commercial development, visitor economy or residential development proposed.
- Flood risk – the eastern half of the application site is within Zone C2 and the proposal fails to satisfy the tests outlined in Paragraph 6.2 of TAN15 as the eastern part of the site is not allocated. In addition, the proposed retail use does not accord with LDP aspirations. The site is greenfield and not brownfield. Inadequate FCA.
- Assurances should be given that the existing town centre Aldi store will remain open.

- Retail need – the area surrounding the application site is well served by convenience retailing. Both Tesco and Morrisons offer a range of goods including discount food items. Asda, Morrisons and Tesco are not overtrading which demonstrates that there is no need for a further supermarket in this area. Some members of the public have questioned the need for an extra coffee shop.
- Sequential approach – the approach adopted is inadequate and flawed. Specific vacant units within the town centre and edge of centre sites have not been adequately assessed in advance of this out of centre site. The lack of such sites has not been evidenced. It is also argued that the existing TK Maxx site in Parc Trostre, which is subject of a separate planning application for a LAD store, is sequentially preferable being located within a retail park, brownfield, benefits from co-location and is thus more sustainable. The application site is greenfield, is not sustainable and will not generate linked trips. It is argued that the TK Maxx store is suitable for a LAD store and available.
- Retail Impact – the applicant has failed to undertake a cumulative impact assessment. An assessment of the health of existing centres has not been undertaken. As such the retail impact assessment is inadequate and its conclusions flawed. The 2% impact on Asda, a town centre store afforded protection in terms of planning policy is underestimated. The impact would be at least 7.5%. There would be far greater than 36% diversion of trade from Tesco and Morrisons due to their proximity to the site. The 23% impact upon Aldi's existing store is significant considering the importance of this edge of town centre store and the linked trips generated from it to the town centre.

In addition, the Local Planning Authority (LPA) has received 60 letters of support. These letters have sited the following:-

- Economic benefits and job creation.
- Increased choice – wider range of products.
- More convenient.
- The town centre Aldi store is very popular, but it is too small and parking is a problem there. Better parking facilities will be provided at the new store which in turn will ease congestion at the town centre store.
- Increased competition which is good for the consumer.
- Good use of vacant land.
- Environmental benefits.

All representations can be viewed in full on our [website](#).

## **Appraisal**

The LPA considers that the main material planning considerations in the determination of this planning application are dealt with under the following separate sub-headings.

## **Retail Policy Considerations**

### **Applicant's Case**

Whilst there is no mandatory requirement for a development of this scale to be accompanied by a Retail Impact Assessment (RIA), the application was nevertheless originally accompanied by a RIA. The Agent also submitted subsequent correspondence in response to the critique from G L Hearn (GLH) who were commissioned by the LPA to advise on retail policy matters.

The Retail Statement opines that the proposals which are specific to Aldi and Costa will complement the existing Aldi and Costa's in Llanelli. It states that Aldi has had a longstanding requirement to open a second store in Llanelli and that there is currently a lack of discount food retail presence on the eastern side of the town. The closest Aldi store other than the current one is Gorseinon, and therefore the agent states that the Aldi element of the proposal will provide improved consumer choice and convenience. The Costa drive thru element is a new coffee shop concept which the agent states will supplement their existing offer in Llanelli.

The RIA largely focuses on the Aldi element of the proposal. It is based on an Aldi/Limited Assorted Discount (LAD) supermarket trading format. Such stores have approximately 1500 product lines in comparison to the larger supermarkets which have 20-40,000. Aldi do not have specialist in store butchers, fishmongers, bakeries etc which are commonplace in other supermarkets, and do not have franchises such as photo processing or dry cleaning. Aldi dedicates 20% of its store format to comparison goods on a "when it's gone, it's gone basis". It is opined that the Aldi trading format complements rather than competes with other convenience goods retailers as customers would still use other facilities to fulfil their grocery needs, and thus result in spin offs and linked trips.

The submission states that Aldi has a localised catchment and will assist in retaining expenditure within a given catchment area. The store will draw existing Aldi customers however will assist by reducing their travel distances. Reference is drawn to the CCC Retail Study Update 2015 which acknowledges changing shopping habits away from the big four supermarket retailers and towards smaller stores and discounters like Aldi and Lidl.

The retail assessment is based on a design year of 2024 which, if approved and built, is when it is expected that the new store will achieve a mature trading position.

The agent states that the proposal will result in a contemporary development for two well-known named operators. It is opined that the proposals will result in co-location and linkages with surrounding retail facilities. The economic benefits associated with creating 60 new job opportunities and social benefits through providing high quality, low priced goods and qualitative improvements are emphasised.

In terms of the Local Development Plan, the retail statement states that the proposed development will assist with the delivery of an identified Gateway site before the end of the plan period in 2021. The proposals will kick start the wider delivery of this site through the provision of significant enabling infrastructure for both the current and future development. The application site red line only overlaps part of the site leaving 3ha to be brought forward in line with the LDP strategy.

## **Need**

The retail statement acknowledges that PPW and TAN4 state that the need for additional retail provision should be considered first, and also acknowledges that quantitative need should be established before other qualitative aspects.

Reference is made to the Retail Study Update 2015 which states that in pure quantitative terms there is adequate provision across the County for convenience goods floorspace. However, given the significant trade currently attracted to the discount retailers, the RSU acknowledges that there may be scope for the existing discount stores to be extended or new discount stores to be developed in areas where there is limited existing provision.

The assessment concentrates on the convenience goods element of the proposed Aldi store as the comparison is only a small element of such a store and which as aforementioned relates to special offer goods.

It is argued that the significant overtrading of the existing Aldi store represents quantitative need for additional floorspace. From 2019 to 2024, available convenience goods expenditure in Zone 2 (Llanelli and surrounding area) is expected to grow by £7.1m resulting in £85.6m.

It is envisaged that the proposed new store will generate a turnover of £11.44m in 2019 increasing to £11.68m in 2024.

The assessment states that 17% of spending on convenience goods in Zone 2 takes place at discount foodstores. When assessed against benchmark, discount foodstores make up only 10% of anticipated turnover in Zone 2. Therefore, it is argued that there is a shortfall of £10m or 1,020 sqm of floorspace, which in the agent's opinion evidences a quantitative need. This identified shortfall is broadly equivalent to the size of store proposed.

It is also argued that there is a qualitative need with emphasis placed on the following:-

- Supports LDP strategy
- Co-locate retail facilities
- Increased diversity of retail provision
- Address lack of discount foodstore provision on eastern side of town;
- Sustainable by reducing travel distances
- Alleviate congestion at existing Aldi store which is an issue highlighted by respondents to the pre-application consultation process.

The RIA states that the existing Aldi store is trading at circa 228% of its company benchmark level, which clearly evidences a qualitative need also. In subsequent correspondence the agents opine that the extent of qualitative need could evidence the need for more than one new discount foodstore.

## **Sequential Test**

In terms of the sequential test, the RIA acknowledges the hierarchy principles for new retail development, and that only after town centre and edge of centre sites have been discounted that such out of centre sites can be considered. It is also acknowledged that retailers need to demonstrate flexibility in considering such sites in accordance with well-established caselaw.

The applicant fully acknowledges that this is an out of centre location and that the proposed development should be considered on this basis. It is stated however that the application site is adjacent to a Regional Centre (Retail Park) as defined in the LDP and adjacent to existing superstores.

It is stated that the proposal in size terms is at the lower end of what could reasonably be considered a supermarket.

The sequential test originally focussed on the eastern side of the town as this it is stated is the catchment that the proposed new Aldi store will serve. It is argued that Aldi generally serve a catchment population of between 20-30,000. Zone 2 which covers Llanelli town and the surrounding areas will have an estimated population of 58,000 in 2021/59,000 in 2024. Therefore, it is stated that it is reasonable to consider that the proposal will serve the eastern side of Zone 2, as the existing town centre store will serve the town centre and western side including Burry Port.

In terms of town centre opportunities, most units within the town centre are too small. Whilst 10-12 Vaughan Street is large enough in terms of floorspace, it is contested that it is not wide enough for a standard LAD layout, and in addition there is no parking provision immediately adjacent. Since the planning application was submitted, the LPA can confirm that 10-12 Vaughan Street has been re-occupied.

With regards to edge of centre sites, the existing Aldi store in Llanelli is on the edge of the defined town centre and therefore it is argued that it is commercially unrealistic for them to develop another store within the town centre or its edge. Notwithstanding this, it is stated that there are no suitable sites within or on the edge of the town centre to accommodate the proposal with the latter primarily characterised by medium to high density housing.

The RIA states that whilst the retail parks are not afforded any status in the retail hierarchy and are thus not sequentially preferable to the application site, there are nevertheless no suitable sites or premises on Trostre or Pemberton retail parks. The proposal is not for a retail warehouse as referred to under Policy RT9 of the LDP and therefore the retail park is not sequentially preferable. It is argued that the existing TK Maxx unit which recently had planning permission to relax conditions to allow a LAD operator to trade from there is not suitable for Aldi. The unit size, configuration, multi-level nature and shared parking arrangement are specified as reasons. In terms of parking Aldi do not typically consider new stores which share customer parking with others.

The previously approved development at Pizza Hut in Trostre was for a mix of smaller A1 and A3 units. This planning permission has not been implemented and has lapsed. Reference is also made to the then pending, since approved planning application for the Food Warehouse at Pemberton (S/39243). It is argued that this site is too small to accommodate the size of store and parking required by Aldi. The retail store proposed by Food Warehouse is some 400sqm less.

With regards to the sequential test for Costa, reference is drawn to the fact that Costa already has stores within the town centre and both retail parks. The drive thru is a new complementary concept to serve predominantly road users, and therefore requires a visible and accessible site to catch passing traffic.

## Impact

The impact aspect of the assessment adopts the principle of “like competes with like”. As aforementioned it is envisaged that the catchment area for the proposed store will mainly be to the eastern side of the town as the western side is already served by an Aldi. The main trade diversion is expected to be from the existing Aldi store itself but also Tesco, Morrisons, Lidl and Asda.

As there is an existing Aldi store in the town it is estimated that the proposed store will only have a 2% / £0.7m impact on Asda which is not considered to be significant in terms of Asda’s trading performance and function.

The largest impact is envisaged to be on the existing Aldi with a 23% / £3.85m trade diversion. However, this store is not protected in planning policy terms and is currently significantly overtrading above benchmark and will still continue to do so after the new store becomes operational. A 13% impact is estimated on Lidl.

The RIA estimates that the proposed Aldi will divert 36% of its trade from the nearby Tesco and Morrisons which equates to a 7.5% impact on each in terms of convenience trade. Again, neither of these stores are offered protection in terms of planning policy. The assessment highlights that Tesco especially has a high percentage of comparison goods floorspace and along with Morrisons has in store bakeries and franchises etc which will not be impacted by the Aldi.

A brief health check of Llanelli town centre undertaken within the assessment indicates that Aldi and Asda are busy whilst the market and St. Elli Centre had close to full occupancy. The main vacant units within the town are along Stepney Street and Vaughan Street.

The applicant was asked to undertake a cumulative impact assessment as part of the planning application process. In order to do so they based this on figures provided in their own RIA and the retail assessments provided by the agents on the applications relating to the TK Maxx unit at Trostre and the proposal by the Food Warehouse at Pemberton. The updated assessment shows that if all three of the proposed foodstores were to commence trading by 2024, the town centre Asda store would experience an impact of approximately - 5%. The total trade diverted away from Asda by the three proposed stores would be £1.7m, which is less than the anticipated growth of the store’s convenience goods sales between 2019 and 2024. Put simply, the store’s turnover would be greater in 2024 than 2019, even if all three proposed stores commence trading during this period.

The impact of all three proposals trading on the existing Aldi store is estimated at 32% but even with this scenario the store would continue to trade approximately 30% above benchmark.

Therefore to summarise, the applicant contests that the initial retail assessment concluded that there is both a quantitative and qualitative need; that there is no impact or threat to vitality and viability of existing centres; and that the application site is the only suitable, available and viable option for the proposal. On this basis they conclude that the tests of need, impact and sequential assessment are satisfied.

## **LPA's Assessment**

The LPA has sought independent advice from retail consultants G L Hearn (GLH) on the proposed development. They have provided advice upon the original RIA and subsequent correspondence from the applicant's agent.

GLH acknowledges that the proposed development is under the 2,500sqm gross threshold for Retail Impact Assessments, however PPW does advise that smaller retail planning proposals may also be subject to RIA's if deemed necessary by the LPA. In such circumstances however, PPW expects RIA's for smaller developments to be proportionate to potential impacts.

## **Need**

PPW advises that there is a requirement to establish "need" in first instance for any such out of centre proposal. Para 4.3.15 of PPW gives precedence for quantitative need (expenditure, capacity) before qualitative need (retail quality, range of goods or accessibility) however the paragraph states that "need may be quantitative, to address a quantifiable unmet demand for the provision concerned, **or** qualitative".

Sections 6.6 and 6.7 of TAN4 defines what constitutes qualitative need, along with Paragraph 4.3.16 of PPW which reads as follows:-

*4.3.16 Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:*

- *supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;*
- *is highly accessible by walking, cycling or public transport;*
- *contributes to a substantial reduction in car journeys;*
- *contributes to the co-location of facilities in existing retail and commercial centres;*
- *significantly contributes to the vibrancy, attractiveness and viability of such a centre;*
- *assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;*
- *addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;*
- *alleviates a lack of convenience goods provision in a disadvantaged area.*

Para 4.3.17 of PPW states that it is up to the LPA to determine and justify the weight to be given to any qualitative assessment.

In terms of quantitative need, and in pure expenditure capacity terms, the 2015 RSU concluded that there was no convenience goods capacity for Llanelli/Parc Trostre and Parc Pemberton retail parks to 2021. GLH opine that changes to the convenience goods market since 2015 are unlikely to be substantial in terms of expenditure or store turnover to the degree that they would demonstrate a marked difference between the 2015 RSU position and the 'on the ground' reality at 2019. However, GLH state that the 2015 RSU did acknowledge a potential qualitative need for additional LAD stores in Llanelli. GLH did acknowledge the pattern of increased market share of LAD's since 2015 however and opine that any updated survey of this nature would be more favourable in terms of the quantitative and qualitative need aspects.

GLH are of the opinion that the needs expectation of PPW 10 should be capable of being satisfied by either quantitative or qualitative need. In respect of qualitative need GLH advise that it is up to the LPA how much weight it affords qualitative need aspects in the overall balance in making a decision on the planning application.

In assessing the need argument, GLH agree that due to its scale and nature, the Costa element of the proposal should be excluded from the need and impact assessment. In any event they opine that the proposed size of drive thru is unlikely to significantly affect the conclusions of the need and impact case in terms of expenditure capacity or expenditure diversion.

GLH agree that the majority of convenience goods expenditure to support the proposed store will be from Zone 2 as defined within the RSU however expect that the store will also attract convenience expenditure from other zones or possibly from outside the County considering the close proximity to the border.

GLH agree that the existing LAD stores in Llanelli were overtrading in 2016 and as aforementioned agree that the market shares of these would have continued to increase since then. They also agree that the degree of overtrading in terms of turnover is likely to support additional LAD stores operating at average LAD benchmark trading levels. However, GLH opine that this is a qualitative need rather than the approach taken by the agent to justify this overtrading in terms of quantitative need and thus quantifying the shortfall of discount foodstore floorspace as a result.

In terms of qualitative need criteria, whilst GLH do not agree with the agent's justification in relation to a number of the criteria outlined in Paragraph 4.3.16 of PPW as stated above, they do state that the quantitative need evidence provided by the agent does indicate that the existing LAD stores in Llanelli are overtrading. On this basis an additional store in the Llanelli area will assist in relieving a degree of overtrading currently experienced.

The LPA is aware that overtrading is causing problems at the existing LAD stores in Llanelli with busy car parks, especially the town centre Aldi store, and lengthy till queues at both Lidl and Aldi. In this respect the proposed store would positively contribute towards the following criteria in Paragraph 4.3.16 namely:

- assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;

Whilst GLH opine that there is a lack of evidence within the RIA to satisfy a number of the other criteria outlined in Paragraph 4.3.16, the LPA, from its own detailed knowledge of the area would agree with the agent that there is currently a lack of discount foodstore provision



on the eastern side of the town. The provision of such a LAD store in this location should contribute to reductions in the length of car journeys whereby the population to the eastern side of the town who currently travel passed the site to the town centre Aldi or Machynys Lidl stores would no longer have to do so. Some of the population to the eastern side of the town may currently find it easier to visit the LAD store in Gorseinon and in this respect the proposal would draw back trade into the County and result in more sustainable shopping patterns. The LPA would expect that such a store could potentially draw trade from outside zones 1 to 9 of the RSU due to its close proximity to the border with the City and County of Swansea if more convenient to those customers. GLH agree with the agent's assertion that the proposed store will serve the eastern catchment of the town whilst the existing Aldi would serve the western catchment.

As will be noted in the following sections of this report, the site is close to public transport links and such links are likely to improve with the significant road infrastructure proposed as part of the proposed development. The site is immediately adjacent to Active Travel links proposed by the Local Highway Authority and the applicant has agreed to provide a significant financial contribution towards improving such links to ensure that the site is accessible by walking or cycling.

Therefore, the LPA are of the opinion that the proposed development contributes positively to a number of criteria outlined in Paragraph 4.3.16 of PPW in terms of qualitative need.

Whilst GLH opine that the number of pending applications for additional LAD stores in the Trostre and Pemberton areas is not definitive proof of the need for additional LAD stores, it is nevertheless a contributing factor.

In concluding on the needs test, GLH opine that on balance it would be difficult to defend an appeal based on a 'lack of need' case, particularly given the LDP's recognition of need for discount store(s). Therefore, GLH's recommendation would be to not resist on 'need' grounds. GLH do however advise that as the need identified is linked specifically to a LAD store, then it would be reasonable for the LPA to impose relevant conditions in this respect.

Notwithstanding the consideration of "need" in the planning policy sense, the LPA understands that the Courts have held that the word "need" means 'required' in the interests of the public and the community as a whole i.e. necessary in the public interest sense. In this regard the LPA considers that there is a public interest in bringing forward additional LAD floorspace in the area. This is evidenced by the high number of support letters submitted during the application process and the positive public response to the pre-application consultation process.

## Sequential Test

Paragraph 4.3.19 of Planning Policy Wales and 7.1 of TAN 4 are relevant in this respect.

Paragraph 4.3.19 states:

*"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. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the*

*sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer”*

As can be seen Paragraph 4.3.19 provides that the sequential test is concerned with the ‘suitability’ of a site or building to meet identified need; the availability of any such site, and; that the onus of proof for sequential assessment purposes rests with the developer. The matter of what is classed as “suitable” in this context has been determined by the Courts and provided the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that can be made to fit the alternative site.

Paragraph 7.1 of TAN 4 sets out the order by which a planning application of this nature should be considered and reads as follows:-

*“The sequential test supports the Welsh Government’s policy objective of promoting centres identified in the retail and commercial centre hierarchy, as the most sustainable locations to live, shop, socialise and conduct business. Development plan site allocations or planning applications for retail, leisure and other complementary uses should be subject to the sequential test. The sequential location of development plan allocations or planning applications should be considered in the following order:*

*Firstly, within retail and commercial centres identified in the retail hierarchy where suitable sites, or buildings for conversion are available. Where this relates to a development plan allocation, they must be available for development within the plan period. Local planning authorities should ensure that any development plan allocation or planning application is of an appropriate scale in relation to the role and function of the centre.*

*If no suitable sites are available in retail and commercial centres then edge-of-centre locations should be considered, with preference given to brownfield sites that are or will be well connected to the existing centre and accessible by a variety of means of transport, particularly walking, cycling and public transport.*

*Only when retail and commercial centres and edge of centre locations have been considered and found to be unsuitable can out-of-centre options within, and then outside, a settlement area be considered. Where out of centre sites are concerned preference should be given to brownfield sites which are or will be well served by a choice of means of transport and are close to an established retail and commercial centre.”*

The initial RIA by the agent confined the sequential search area to the eastern part of Zone 2 on the grounds that the existing Aldi store was located to the west. GLH and the LPA were critical of this and asked them to widen the search and to examine potential sequentially preferable sites within the catchment area that the store will serve and from which it will draw its turnover, including within or on the edge of Llanelli Town Centre.

To demonstrate flexibility the agent states that the proposed store with a net sales area of 1315sqm and a minimum of 100 designated car parking spaces is at the lowest end of what could reasonably be considered a supermarket or main food shopping destination. This is accepted by the LPA.

The proposed development clearly represents out of centre development, and this is accepted by the agent. During the course of the planning application process, and following a request by the LPA, the agent provided additional information in terms of assessing town centre and edge of town centre sites. The LPA accepts that there are no suitably sized town centre sites. At the time when the application was submitted, 10-12 Vaughan Street was vacant. Despite being suitably sized, the LPA accepts that the lack of adjacent associated car parking rendered it unsuitable for a LAD store. The unit has since been re-occupied and is therefore no longer available.

The LPA also accepts that the existing Aldi store is located on the edge of the town centre, whilst the dense urban housing that surrounds the town centre means that there are no suitable or available edge of centre sites.

Based upon the information submitted, the LPA following consideration of the evidence provided by the applicant and the responses received from GLH, is satisfied that there are no suitable town or edge of centre sites for the development proposed.

Whilst Trostre and Pemberton retail parks do not form part of the retail hierarchy of centres referred to in the LDP and therefore, in sequential terms, should not be considered as centres for the purposes of the application of the sequential approach, they do nevertheless represent existing out of centre brownfield sites. The agent has provided some detail, which has already been referred to in the applicant's case section above, as to why the TK Maxx unit at Trostre and the now approved application for a new Food Warehouse unit at Pemberton are not suitable for Aldi.

Whilst the application site is greenfield in appearance, there is evidence of historic land use to parts of the site associated with former collieries within the immediate area.

Paragraph 7.1 of TAN4 does not define what is meant by "close to an established retail and commercial centre". Whilst the LDP does not recognise the retail parks as a centre for the purposes of the hierarchy, they are nevertheless established retail parks which the application site is close to, albeit detached from. The application site is close to bus stops and accessible via public transport. The connections to the existing bus stops and retail parks will be improved as a result of the infrastructure works proposed to facilitate the development. The Active Travel improvements proposed by the Local Authority, and which the applicant has agreed to provide a significant financial contribution towards, will also improve the accessibility of the area by active travel methods. The nature of the uses proposed in terms of a supermarket and a drive thru coffee shop will however primarily attract customers via car.

The sequential test for Costa which is predicated on the basis that it is to provide mainly a drive thru offer, primarily used by road users and thus would be inappropriate to locate within the town centre or retail parks, all of which already have a Costa, is accepted by GLH provided that suitable conditions are imposed to this effect.

Therefore, to conclude the sequential test, the LPA accepts that there are no suitable or available town centre or edge of centre sites. The proposed development represents an out of centre proposal on a partial historically used site, close to existing retail parks, and is accessible by a choice of travel modes and thus satisfies the requirements of Paragraph 4.3.19 of PPW and 7.1 of TAN4.

## Impact

Paragraph 4.3.25 of PPW says that “the purpose of a retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences”. “*These issues*” are defined by PPW10 as:

- changes in turnover and trading ability;
- consumer choice;
- traffic and travel patterns;
- footfall;
- centre regeneration strategies; and,
- existing or proposed retail sites allocated in the development plan.

In terms of impact, GLH agree with the approach taken by the agent that “like competes with like”. In this respect it is accepted that the proposal will compete principally with other main foodstores. They also advise that with the exception of the town centre Asda store, none of the other superstores referred to are offered any protection in planning policy terms.

Whilst GLH advise that any impact on Asda may have knock on effects in terms of linked trips and footfall within the town centre, they do not consider that the identified 2% impact from the proposed store can be considered sufficiently significant to justify refusing the application on impact grounds.

In terms of the cumulative assessment provided by the agent which also considers the TK Maxx and Food Warehouse developments, GLH consider the stated 5% impact on Asda to be a reliable figure. They opine that the impact on Asda is unlikely to be of a magnitude significantly higher than that outlined, given the overall shopping patterns across the Llanelli area and the format, trading nature and likely catchment of the proposals.

Generally speaking, for example, given that existing Asda customers could already transfer their trade to Aldi or Iceland (Food Warehouse) relatively easily and without significant disruption to travel patterns, there would not appear to GLH to be a significant, realistic rationale or prospect for substantial trade diversion from the Asda to the proposed new Aldi and Food Warehouse stores.

A 5% impact in this context represents the loss of turnover relative to the expected level of turnover of the store if the current level of turnover was maintained to 2024. The cumulative assessment states that the turnover of the Asda store would be expected to be close to (98%) the ‘company benchmark’ at 2024. (£34.39 benchmark turnover versus £33.58 survey derived turnover). On that basis, and given that company benchmark is by definition an average across the operator’s store portfolio and hence stores will trade at higher or lower turnovers, GLH do not consider a 5% cumulative impact on Asda could reasonably be considered significant and sufficient to justify refusal.

GLH raised the potential impact on the retail aspirations for Burry Port harbour as identified within the LDP as a consideration. In this respect there is no current committed development to consider as the previous planning permission for a retail store at Burry Port has now lapsed. The spending patterns and likely catchments for any proposed Burry Port retail proposal will differ. In this respect it is considered that there is no justifiable reason to refuse planning permission on the basis of any impact on LDP retail aspirations for Burry Port.

With regards to consumer choice and traffic and travel patterns the proposal will have positive impacts by increasing choice and by contributing towards more sustainable shopping patterns. This is evidenced by the significant number of support letters received from the general public who highlight the benefits in terms of convenience and increased choice.

On the basis of the retail policy context and assessment of all the retail evidence now provided in this application, GLH consider that a refusal on retail policy grounds would be difficult to sustain and would have potential to be overturned at appeal. They do however advise that should the LPA be minded to approve the application that suitable conditions are imposed to ensure that the resultant use of the retail unit is in line with the LAD trading format that the applicant's retail need, sequential and impact evidence is reliant upon.

## **Highways**

With regards to highway related matters some concerns have been raised in relation to increased traffic generation, accessibility by sustainable modes of travel, lack of disabled parking provision and the need for Active Travel improvements. To the contrary in some respects a significant number of support letters received highlight the convenience offered by the new store location, thus encouraging more sustainable shopping patterns and the positive impact that it will have on reducing congestion at the town centre store.

The application was originally accompanied by a Transport Assessment which included a Staff Travel Plan, whilst supplementary information was also received during the course of the planning application process following requests from the Authority's Highways section. This information has been scrutinised in detail by the Authority's Highways section who have subsequently provided the following comments.

The proposed development includes the following highway and transport related proposals:

- 1787 sqm GFA Aldi Food Store
  - 128 Car parking spaces (2.5m by 5.0m)
  - 10 Cycle parking spaces
- 204 sqm GFA Costa Drive-thru.
  - 40 Car parking spaces (2.5m by 5.0m)
  - 2 Cycle parking spaces
- New site access on Trostre Road
- Active Travel access routes

In terms of the surrounding transport network there are footway networks to the north east, south and west of the site serving the local retail parks, this includes a range of crossing facilities, although at present there is no access to the application site for pedestrians.

There are a range of cycle facilities local to the site as well as further afield ensuring that cyclists can access the site without impediment.

There are bus routes and stops immediately adjacent to and within 300m of the site in both directions. Regular and efficient routes can be accessed from local stops. This level of service ensures that the use of bus travel to visit and shop at the site is a viable option.

Site access is proposed via a new 30.8m ICD roundabout to include internal site access roads, pedestrian and cycle routes and internal and external crossing points. The internal layout of the site facilitates access and egress for service vehicles from the site access that will be able to be undertaken in a forward gear. The proposed internal road network will be two-way including the routes within the Aldi and Costa Car Parks.

An ARCADY assessment (operational assessment) of the site access roundabout shows that it has sufficient capacity to accommodate forecast traffic flows with the proposed development in place.

With regards Active Travel, Carmarthenshire County Council is progressing with an off-road network spanning Llanelli. One of the active travel network's spinal routes runs close to the north western boundary of the site connecting to the NCN. Consequently, 3m wide shared use paths are proposed on the northern side of the proposed site access road, with associated widened crossing splitter island of Trostre Road. This will facilitate a future connection between Trostre Road and Llanelli's active travel network via the site and undeveloped land to the north west. Also, in terms of Active Travel, a financial contribution of £45,825.47 towards connecting the link between the site, the remainder of mixed-use allocation site and the spinal route of Llanelli's off road active travel network has been requested and agreed by the applicant.

In terms of parking given that the proposed Aldi store is considered a modern supermarket or main-food shopping destination (performing a similar role to a larger traditional supermarket) and based on parking analysis presented in the TA (presented in Review of Car Parking Requirements); 1 space per 14 sqm GFA is proposed and considered appropriate. This equates to a total of 128 spaces and is in accordance with standards for traditional food stores (>2000 sq m).

On-site parking provision has been considered both in terms of CSS Wales Standards and operational requirements of the stores (based on experience at other stores in similar locations). The proposed parking levels and nature are considered to be appropriate for the development under consideration. In terms of disabled parking spaces, the CSS Wales Standards recommend that for car parks associated with shopping facilities that a minimum of one space for each employee who is a disabled motorist plus 6% of the total car parking capacity for visiting disabled motorists is provided. In this instance 6% of the 168 spaces provided in total equates to 10 spaces. The applicant has amended the original parking layout drawing to ensure that these standards are complied with, and 11 disabled parking spaces are now proposed.

Delivery and Servicing arrangements for the Aldi Store are considered within the Transport Assessment and are supported by track run.

Given the potential for reversing delivery vehicles (ALDI) to interfere with other car park users and the absence of delivery or servicing information for the Costa Drive Through a delivery management plan will need to be conditioned as part of any forthcoming planning permission. Whilst a delivery management plan condition is expected, the applicant explained that all ALDI vehicles are equipped with Reversing Cameras and Audible Warning Systems enabling the driver and customers to be aware of the reversing vehicle. A trained Pedestrian Marshall will also be utilised by the store to guide pedestrians in a safe manner whilst a service vehicle is manoeuvring. The delivery management plan will need to demonstrate that the proposed service and delivery arrangement are appropriate and safe.

The trip generation and traffic impact effects of the proposed development on the surrounding transportation network has been assessed within the TA and supplementary information.

The proposed site access roundabout junction has been assessed and is shown to have sufficient capacity to remain well within capacity with the development in place in the 2030 Future Year. The expected queues are no more than 1-2 vehicles on any approach with low delays to approaching traffic. The link impact of the development traffic on Trostre Road is low, C.1% during Peak Periods.

The Transport Assessment includes a Transport Implementation Strategy setting out elements of the development proposal supporting travel choice and the Local Development Plan objectives. The TIS is structured around the Travel Plan that supports the planning application.

Following detailed consideration of the information submitted, the Authority's Highways section has raised no objection subject to the imposition of conditions and the successful completion of a S.106 agreement to secure the financial contribution towards Active Travel.

## **Flood Risk**

Technical Advice Note 15 Development and Flood Risk (2004) aims to direct new development away from those areas that are at high risk of flooding. Those areas of high risk are defined on a series of Development Advice Maps (DAMs) which detail three principle zones, A, B, C and sub-categories C1 and C2 that should be used to trigger Flood Consequence Assessments. TAN 15 defines what is considered to be vulnerable development and provides advice on permissible land uses in relation to the location of the proposed development and the consequences of flooding.

The eastern half of the application site is located within Zone C2 which is defined as 'areas of floodplain without significant flood defence infrastructure'. The western half of the application site is located within Zone A which according to TAN15 is 'considered to be at little or no risk of fluvial or tidal/coastal flooding'. The proposed development represents less vulnerable development as defined by TAN15.

TAN15 states that only less vulnerable development should be considered in Zone C2 subject to the application of the justification test, including acceptability of consequences. Whilst half of the site is in Zone A where TAN15 states that the justification test is not applicable and there is no need to consider flood risk, the LPA considers that the scheme needs to be considered in its entirety in this respect and therefore this section of the report will consider the scheme against the justification tests outlined in Paragraph 6.2 of TAN15 in order to establish the degree of compliance.

Paragraph 6.2 of TAN15 reads as follows:-

*6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by*

*the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-*

*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<sup>1</sup>; 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); and,*

*iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.*

In relation to criterion (i), as aforementioned the application site is located within the defined settlement limits of Llanelli as delineated within the Adopted Carmarthenshire Local Development Plan, and a small part of the site is covered by the mixed-use allocation GA2/MU4 'Trostre Gateway'. This is a long-standing mixed-use allocation which has yet to come forward for development despite nearing the end of the current LDP plan period. Whilst it is acknowledged that retail was not envisaged for this site, only a small part of the allocation straddles the current application site leaving the possibility for the majority to come forward at a later stage. The proposed development will provide significant enabling infrastructure, primarily in the form of a new roundabout and road network into the site, drainage and electricity provision that will assist with the delivery of the wider identified Gateway site. The applicant has also agreed to provide a financial contribution towards improving Active Travel connections that will benefit the future development of the wider allocation. The proposals have the potential therefore to kick start the delivery of a site allocated within the Adopted LDP through the provision of significant enabling infrastructure, with the road design allowing for a spur to be left to access the remaining majority of the mixed-use allocation site. The proposal in this respect accords with the emphasis placed in PPW on delivering outcomes.

Therefore, the LPA considers that the proposed development will "assist" a local authority strategy, namely the Adopted LDP, and thus criterion (i) is met.

The wording of Paragraph 6.2 requires only criterion (i) or (ii) to be met. Whilst the jobs created by the proposed development are welcomed and will contribute towards the job creation aspirations of Carmarthenshire County Council as outlined in its Corporate and Economic Development strategies, the LPA does not consider that the proposed development satisfies criterion (ii). Half of the application site represents white land, and whilst the mixed-use allocation that covers part of the site does refer to commercial and visitor economy uses and thus would deliver some jobs, there is no employment land allocation relating to this site in the LDP. Notwithstanding this fact however, as criterion (i) is met the LPA will proceed to assess the degree of compliance with criteria (iii) and (iv).

In terms of criterion (iii) Planning Policy Wales defines previously developed land as "that which is or was occupied by a permanent structure and associated fixed surface infrastructure". The Coal Mining Risk Assessment submitted with the planning application includes historic maps that indicate a railway line to the northern boundary of the application site and the former St. George's Pit/Llwyn Colliery to the immediate west of the site. The



response from the Coal Authority refers to evidence of coal mining activity at shallow levels to the northern part of the site and requires further investigations in this respect which will form a condition of any planning permission granted. Notwithstanding these historic uses however, due to the extent to which the site is currently greenfield, the LPA considers that the application site does not constitute previously developed land as defined by PPW and therefore the proposed development does not satisfy the second element of criterion (iii).

The first part of criterion (iii) refers to the aims of PPW. Paragraph 1.2 of PPW states that “the primary objective is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales”. In this respect it is considered that the proposed development does concur with the aims of PPW, especially the social and economic aspects. It also concurs with the placemaking objectives of PPW which through the creation of sustainable places will improve the well-being of communities. The proposed development will deliver a Gateway development that will result in both economic and social benefits to the wider community, and will contribute towards more sustainable shopping patterns. Therefore, the LPA is of the opinion that the proposed development, in part, satisfies criterion (iii).

The last of the criteria outlined in Paragraph 6.2 requires the potential consequences of a flooding event for the particular type of development to be considered and found to be acceptable. In this respect the application was originally accompanied by a Flood Consequences Assessment. In their original response, Natural Resources Wales (NRW) advised that the base modelling needed to be updated before they could comment on the FCA, whilst a 30% allowance for climate change was also needed. NRW also advised that any proposed mitigation measures in the form of increasing levels needed to consider displacement in order to prove compliance with table A1.12 of TAN15.

The FCA was updated accordingly and a revised report was submitted for consideration during the course of the planning application process addressing the comments made by NRW. This FCA indicates that the main risk to the site is fluvial flooding from the River Dafen. The FCA considers the 1:100 and 1:1000 year annual probability of fluvial flooding events and applies a 30% allowance for climate change to the 1:100 event.

The proposed finished floor level of the Aldi store is 6.7m AOD and Costa 6.1m AOD. The FCA indicates that the maximum flood level for the 1:1000 year annual probability fluvial undefended scenario is 6.69m AOD. The entire development proposal is shown to be flood free during the 1:100 plus climate change event and thus complies with A1.14 of TAN15 according to NRW. As the finished floor level of the Aldi store is above 6.69m AOD, NRW confirm that the Aldi element of the proposal is compliant with all criteria within A1.15 of TAN15.

As the finished floor level of Costa is at 6.1m AOD, it will flood to a depth of 0.59m AOD during the 1:1000, which is just below the 600mm threshold referred to in A1.15. The velocity during the 1:1000 event is assessed as below 0.3 m/sec which is also compliant with A1.15. The FCA does indicate that some of the parking areas will flood to a depth of 0.98m AOD during the 1:1000 event, thus exceeding the 600mm threshold in A1.15.

Additional detail received in relation to Rate of Rise and Speed of Inundation indicates that the Rate of Rise of flood water during the 1:1000 event is estimated at 0.6m/hr and is therefore not compliant with the 0.3m/hr guidance in A1.15. The maximum speed of inundation is estimated to be 1 hour, which is also not compliant with the 2 hour guide referred to in A1.15.

In order to ensure that by raising ground levels on parts of the site the proposal does not increase flooding elsewhere, the FCA proposes to implement flood compensatory measures within the development boundary. These measures comprise the provision of compensatory flood storage volume within the site on a level for level basis using a cut and fill approach, and by achieving an additional flood storage volume in the order of 5,760 cubic metres. These measures ensure compliance with A1.12 of TAN15.

In terms of flooding, NRW conclude that they offer no objection to the proposed development from a flood risk perspective.

The applicant's technical reports and evidence indicates that the majority of the development complies with TAN15 with the exception of the flooding depth to certain parts of the car park, the Rate of Rise and Speed of Inundation which exceed the guidance in A1.15. Paragraph A1.15 of TAN15 clearly states however that the table contained within this section should not be regarded as prescriptive and provides indicative guidance on what is considered tolerable for different types of development. In this instance the proposal represents less vulnerable development, and the agent has confirmed in writing that the applicant is fully aware of the flood risks and will produce their own Emergency Flood Evacuation Plans accordingly.

The detailed reports and evidence submitted has been considered by NRW who has raised no objection from a flood risk perspective. Therefore, the LPA considers that the potential consequences of flooding have been considered, would not pose any unacceptable risks and therefore the proposed development is considered to comply with criterion (iv) of Paragraph 6.2.

Therefore, to summarise, the proposed development partially complies with para 6.2 (iii) because it is not previously developed land in the strictest sense. However, it complies with all other aspects of para 6.2. In the circumstances, the Council considers that it is reasonable to treat it as complying with the policy as a whole. Even if it does not comply with all aspects of the policy to the letter, given the lack of objection from NRW on flood risk and the Council's own consideration of flood risk generally at the site, it is considered that the development is acceptable from this perspective.

## **Drainage**

In terms of foul and surface water drainage, the submitted FCA also included a Drainage Strategy.

The existing site drainage section of the FCA acknowledges the presence of a foul rising main crossing the western area of the site. This is the foul rising main that serves the wider Parc Trostre to the south of the proposed site. This rising main crosses the site and discharges into a foul break chamber located in the undeveloped land to the north of the site, to the south of the A484. From here, the sewer falls in a northerly direction, via gravity, to a combined manhole close to the westbound carriageway of the A484.

The nearest storm sewer is located to the west of the proposed site. This appears to be a storm pump station that collects storm water from the ditches that are located along the eastern and southern site boundary. The asset map shows the storm rising main to be rising in a westerly direction, away from the site.

As the site is undeveloped there are no other positive drainage assets. An existing ditch forms the eastern and southern boundaries of the site and further investigation is required to determine the exact outfall of this ditch.

The proposed surface water drainage strategy for the site is undertaken in accordance with SUDS principles, and will need to be approved under a separate SUDS approval process with Carmarthenshire County Council Drainage Engineers. This SUDS method adopts the hierarchical approach to dealing with surface water disposal.

As a result of ground investigation works undertaken the report states that soakaways are not considered feasible due to the presence of relatively impermeable strata underlying the site. It is therefore proposed to discharge storm water generated by the proposed development to the existing ditches at the southern and eastern boundary. It is proposed that the post-development discharge rate be restricted to match the greenfield QBAR rate for the site such that flooding is not worsened downstream when compared with the pre-development scenario. An allowance for climate change will be included in the drainage design to account for increases in rainfall intensity over the design life of the development.

As aforementioned, in addition to the planning submission, a SuDS scheme application will be made to Carmarthenshire County Council as SuDS Approval Body (SAB) for the area. The Authority's Drainage section has acknowledged this and has raised no objection towards the proposed development. Notwithstanding the information provided to date, a condition will be imposed on any planning permission granted requiring the submission and subsequent approval of a surface water drainage scheme. As part of the separate SAB process the applicant will need to evidence the hierarchical approach to dealing with surface water in a more detailed manner. Whilst the applicant considers that ground conditions are unfavourable for soakaways it does not necessarily follow that all forms of infiltration are not feasible.

In terms of foul water drainage, it is proposed to connect the foul drainage from the development to the existing break chamber of the existing foul rising main that crosses the site. The existing invert level of this chamber is too shallow to make a gravity connection. It will therefore be necessary for a foul pump station to be located on site and for a new rising main to be laid to the existing chamber. A pumping station up to adoptable standard is proposed to be located between the Aldi and Costa buildings. Foul pipework from each of the buildings will fall to the pump station via gravity. The proposed connection is subject to DCWW approval and will be made under a section 106 direct connection application. The adoption of the foul pump station and foul laterals is also subject to DCWW approval under a S104 adoption application.

The proposed method of foul water disposal to the mains sewer is considered to be the most appropriate and sustainable method. Dwr Cymru/Welsh Water has been consulted on the application and has raised no objection subject to conditions.

The proposed development also needs to evidence compliance with the agreed CBEEMS Memorandum of Understanding which was drawn up to safeguard water quality in the protected estuary and which only allows for new foul connections to be made within the Llanelli Waste Water Treatment catchment when compensatory surface water removal or a suitable improvement scheme has been implemented within the same catchment. This will then reduce flows within the existing combined sewerage network which on occasions discharges via combined sewer overflows directly to the estuary. The agreed relevant details

must be recorded on the register of compensatory surface water disposal which is held by the Local Planning Authority.

In this respect the LPA drew the applicant's intention towards this requirement and as a result supplementary information was received during the course of the planning application process.

There is clearly no available option on site to achieve surface water removal from the combined sewer. The supplementary information states that ALDI's existing estate within the MoU area is limited to the existing stores at Swanfield Place in Llanelli and Millers Drive in Gorseinon. Both of these stores already have separate foul and surface water systems, and do not discharge surface water to the combined sewerage network, therefore no opportunity exists to remove flows from the network.

The applicant has therefore been in discussions with the Authority's Property section to establish whether any betterment flows achieved on some of the surface water removal projects that they are implementing within the Llanelli wastewater treatment works catchment can be used as part of this development. According to the supplementary statement and confirmed by the Authority's Property section, it has been agreed that some of the betterment achieved at the sports pavilion and car park at Penygaer Playing Fields, Bryndulais Avenue, Llanelli can be used as part of this development. This development includes diversion of surface water drains around the changing rooms, to discharge to soakaways and the adjacent Afon Lledi instead of the combined sewer.

This proposal removes surface water runoff from approximately 1078m<sup>2</sup> of positively drained impermeable from the sewerage network, giving a discharge rate to the sewer of 3.236L/s (based on a 1 in 30-year storm with duration of 5hrs for the Burry Inlet area in accordance with Appendix 1 of the MoU).

The MoU requires a bespoke solution for major developments and is not specific in terms of the betterment factor. It is however considered that a betterment factor of 1.5 would be acceptable and therefore the scheme at Penygaer could allow enough betterment for a peak foul discharge rate of up to 2.157L/s.

It is intended for this allowable discharge of flows to be allocated across several developments, including several residential developments and the proposed ALDI store and Costa drive through. It has been estimated that the proposed Aldi and Costa development will result in a peak foul flow of 0.27 l/s, equivalent to 21 residential units.

The current proposal for residential developments includes 34 units at Dylan, and 90 units at Cwm y Nant. The combined discharge is therefore equivalent to 145 residential units, to give a peak flow rate of 1.885L/s. This would subsequently give a betterment factor of 1.72, above the 1.5 minimum suggested to be acceptable.

The LPA therefore considers that the applicant has adopted the relevant sequential approach for identifying opportunities for surface water removal and betterment, and it is considered that the off-site scheme identified at Penygaer, which has now been completed, does provide sufficient betterment. The LPA therefore considers that the proposal accords with the CBEEMS MoU and will proceed to update its surface water removal drainage register accordingly.

## **Ground Conditions**

A Preliminary Geo-Environmental Report has been prepared to review previous uses of the site and advise on the likelihood of contamination within the site. The report concludes that the risk to human health and controlled waters is considered to be low. The report also states that relatively low gas concentrations have been recorded in the ground however gas monitoring is ongoing. A full assessment will be made on completion.

Additionally, a Desk Study Assessment has been prepared to determine the site's environmental setting and likely site conditions, highlighting potential areas of concern that may govern the site's redevelopment. It identified that whilst the site has largely remained undeveloped a refuse heap has been located on the northern part of the site. A coal pit and a former colliery were located to the west of the site. In addition, a number of nearby industrial uses have been identified within 250m of the site including tanks, a garage/filling station and electricity substations. However, based on the site having a commercial end-use, the risk to human health is considered to be low.

The site is located in a Development High Risk Area according to the Coal Authority. In addition, the Swansea 5ft coal seam is indicated to subcrop beneath the site. The coal mining report indicates that the property is in the likely zone of influence from workings in 3 seams of coal at shallow to 300m depth.

As a result of the above, a Coal Mining Risk Assessment report was submitted with the application in order to determine the risk to the site from possible mine workings and the need for intrusive ground investigation works. Some intrusive site investigation works have taken place and results provided during the course of the planning application process, however further investigations to the northern part of the site are proposed. The Coal Authority concurs with the recommendations of the applicant's consultants that the coal mining legacy potentially poses a risk to the proposed development and that further investigations are required, along with possible remedial measures, in order to safeguard the safety and stability of the proposed development.

The Coal Authority has confirmed that such further intrusive works can be secured via the imposition of suitably worded conditions on any planning permission granted.

The supporting reports have also been considered by both Natural Resources Wales and the Authority's Public Health section. NRW has confirmed that it is satisfied that the risk to controlled waters are low. However, to ensure the protection of controlled waters from any unsuspected contamination request that the unsuspected contamination condition is included within any permission granted.

The Authority's Public Health section has not raised any concerns from a human health perspective subject to the imposition of the same condition requested by NRW.

## **Noise/Air Quality**

From a noise perspective, an Environmental Noise Assessment Report was submitted with the application which concluded that the likelihood of noise from the proposed Aldi and Costa development would not give rise to significant adverse impact. This assessment was based on unrestricted operating and servicing hours, however acknowledged that Aldi and Costa do not trade 24 hours a day

The report states that the fixed plant equipment can be designed in such a way to ensure that suitable plant rating noise levels can be achieved at the nearest noise sensitive properties in Llwynycfarthwch.

This report has been considered by the Authority's Environmental Health Officers who have confirmed that they have no objection towards the proposed development on noise ground subject to the imposition of conditions on any planning permission granted.

In terms of air quality, whilst an air quality assessment was not submitted with the application, the Authority's Environmental Health Officers have also assessed the application in this respect also. They have raised no objection subject to the imposition of a condition requiring a scheme for the mitigation of dust during construction works. No conditions in terms of any operational requirements have been recommended.

## **Heritage**

The application site does not contain any listed buildings or scheduled monuments and is not located within a conservation area. There are also no such designations close by either. Therefore, the proposed development will not have any direct or indirect effects on the setting of such heritage assets.

The Authority's Archaeological Advisors, Dyfed Archaeological Trust (DAT) has confirmed that the application site is not located within a Registered Historic Landscape as defined by Cadw, and there are no recorded heritage assets within the site boundary. DAT therefore consider the potential for archaeological features or deposits to extend into this area to be low, and therefore advise that no further action is required to protect the historic environment in respect of this proposed development.

## **Ecology**

As aforementioned the application was accompanied by an Ecological Assessment which assessed the ecological impacts of the proposed development.

The ecological assessment opines that there will be no impact on statutory or non-statutory designated sites primarily due to the nature of the proposed development and separation distance from such sites.

The report acknowledges that the proposed development will result in the loss of species poor semi improved grassland; scrub and a select number of trees including a single oak of local importance. However, considering the surrounding habitats, the loss of habitats within the site is considered to be an impact within the site only. The majority of mature trees are being retained however, with a significant amount of new trees and landscaping proposed.

There is reference made to the presence of some Japanese Knotweed on Carmarthenshire County Council owned land to the north of the site. The report recommends that the applicant liaises with the landowner in this respect in order to prevent spread into the site.

The report assesses potential implications upon Amphibians, Bats, Birds and Invertebrates and makes suitable recommendations where required.

The report concludes that there would be no adverse ecological effects as a result of the proposed development, whilst there is also scope to improve and enhance biodiversity. In this respect the imposition of a condition requiring mitigation and enhancement strategy measures is suggested.

This document has been reviewed in detail by the Authority's Planning Ecologist who has confirmed that she is satisfied with the level of assessment made, the findings of the submitted assessments, and the ecological recommendations provided within the aforementioned documents. As such she considers that the recommendations meet the LDP policy objectives listed above subject to the imposition of conditions on any planning permission granted.

In terms of designated sites, the Planning Ecologist has advised that this application site is within 1.4km of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), the Burry Inlet Special Protection Area (SPA) and Ramsar site. As a competent authority under the Habitats Regulations the LPA has to consider the impacts of development on the features for which the European sites are designated and where necessary undertake a Test of Likely Significant Effect. It is considered the development proposed within this application will not likely impact on the SAC, SPA and Ramsar habitat or species features. The works proposed are not considered to pose a significant pollution risk due to the distance between the application site and the designated sites. The habitat is not considered suitable for SPA and Ramsar site bird features to utilise currently. The works proposed are not considered to pose a significant disturbance risk, as the works are 1.4km away from the site. NRW have raised no concerns in response to this application and consider the risk to controlled waters are low.

It is therefore considered not likely that the development will cause any adverse effects including sediment transfer and deposition, turbidity, noise, visual presence, physical disturbance, contamination and nutrient transfer. The development will not change the coherence of the site or the Natura 2000 network. There will be no reduction in the area of habitat within the SAC/SPA/Ramsar site. There will be no direct or indirect change to the physical quality of the environment (including the hydrology) of the habitats within the site. There is unlikely to be any ongoing disturbance to species or habitats for which the site is notified or changes in species composition or population size of any feature and it is considered there is no pathway to significant effects. Therefore, on this occasion a full TLSE has not been undertaken.

In addition to the response received from the Authority's Planning Ecologist, Natural Resources Wales has not raised any concerns in terms of ecology. NRW note the content of the report and that no trees, that have been identified as having low or moderate roosting potential for bats, will be removed as part of the development. Provided this is the case NRW offer no adverse comments in respect of protected species and welcome the mitigation and enhancement strategy detailed in Section 5 of the report.

## **Landscape and Trees**

The application was originally accompanied by a Landscape Management Plan, Tree Removal Plan and Soft Landscape Proposals Plan. During the course of the planning application process and following discussions with the Authority's Landscape Officer, a revised Soft Landscape Proposals Plan was submitted for consideration along with a Arboricultural Impact Assessment and Tree Protection Plan.

The soft landscape proposals as amended indicate that the majority of existing trees are to be retained. A significant amount of new tree planting is proposed both within the site, and to the site boundaries, including areas where a small number of existing trees are to be removed.

There is also a significant amount of hedge planting, ornamental and native shrub planting proposed as part of the development.

In terms of hard landscape materials, the main element will be black macadam to shared and all parking bays. There will be trolley storage and cycle hoops in the store entrance area. Under the canopy, dark grey floor tiles will be used, with black macadam to the area beyond. The rear access and escape path will consist of concrete paving slabs. Paving slabs and metal railings have been proposed to identify the external seating areas of the coffee outlet.

The Authority's Landscape Officer has raised no objection to the landscape proposals as amended subject to the imposition of relevant conditions on any planning permission granted. It is considered that the proposed landscaping will complement and enhance the existing, and will make a positive contribution towards this Gateway site.

## **Design and Layout**

It has been highlighted throughout the report that the application site represents a prominent 'Gateway' site, highly visible from the surrounding road network including the main Trostre roundabout which effectively represents the eastern approach into Llanelli town. Therefore, ensuring a high quality design and layout is of paramount importance.

During the course of the planning application process the applicant was asked to amend and improve the visual appearance of the Aldi store element of the proposal. The original design had a mass of cladded walling to the south elevation. Amended plans received introduced more glazing to this elevation, whilst the external finishes were altered to a mixture of render and timber cladding, which serve to break up the elevation and also ensure continuity with the Costa design.

The scale and massing of both buildings is considered acceptable and as aforementioned are broken up by the use of different contemporary materials. The designs ensure that the plant and servicing areas are away from the main public interface areas.

The position and orientation of the proposed Costa ensures that it addresses the main Trostre roundabout but also allows for a vista through the main elevation of the proposed Aldi store.

As aforementioned also, a significant amount of new soft landscaping is proposed to enhance the visual appearance of the site, whilst the layout proposed is acceptable to highways from an operational and servicing perspective. The layout and road infrastructure design makes provision for suitable active travel and other linkages to the surrounding area.

It is therefore considered that the proposed scheme is acceptable in design and layout terms, and conforms with and enhances the character and appearance of the area. It is therefore considered to be compliant with relevant LDP policies, TAN12 and the placemaking objectives of PPW by kick starting the delivery of a wider Gateway



development and will result in economic, sustainability and social benefits to the wider community.

### **Alignment with the Adopted Carmarthenshire Local Development Plan, 2014**

The combined effect of s. 38(6) of the Planning and Compulsory Purchase Act 2004 and S. 70(2) of the Town and Country Planning Act 1990 is that the determination of an application for planning permission is to be made in accordance with the development plan, unless material considerations indicate otherwise. Therefore, the starting point for consideration of the application must be the development plan and in this respect this section of the appraisal assesses the alignment with the aforementioned relevant LDP policies.

SP1 Sustainable Places and Spaces – in this regard it is considered that the proposal does accord with policy as it represents a sustainable form of development that will result in more sustainable shopping patterns.

SP2 Climate Change – in this regard it is considered that the proposal does accord with policy as it represents a sustainable form of development for the reasons already specified in the report and on balance accords with the provisions of TAN15 in relation to flooding.

SP3 Sustainable Distribution – in this regard it is considered that the proposal does accord with policy as the development proposed is within the defined growth area of Llanelli.

SP8 Retail - in this regard it is considered that the proposal does accord with policy as the development will enhance the existing retail provision within the County whilst not compromising the viability and vitality of existing defined retail centres.

SP9 Transportation - in this regard it is considered that the proposal does accord with policy as by encouraging more sustainable shopping patterns the proposed development will reduce the need to travel, whilst the development will also enhance active travel linkages.

SP13 Protection and Enhancement of the Built and Historic Environment - in this regard it is considered that the proposal does accord with policy as there are no built or historic environment assets affected by the proposed development.

SP14 Protection and Enhancement of the Natural Environment - in this regard it is considered that the proposal does accord with policy in that the assessments provided with the application have concluded that there will be no adverse ecological affects associated with the development and relevant consultees, including the Authority's Planning Ecologist has agreed with these findings.

SP17 Infrastructure - in this regard it is considered that the proposal does accord with policy in that the location where the development is proposed is served by appropriate infrastructure, and relevant statutory consultees including Dwr Cymru/Welsh Water have raised no objection.

GP1 Sustainability and High Quality Design in this regard it is considered that the proposal does accord with policy in that the scale, design, layout and landscaping of the proposed development will enhance the character of the site.

GP2 Development Limits - in this regard it is considered that the proposal does accord with policy in that the application site is within the defined settlement limits of Llanelli.

GP3 Planning Obligations - in this regard it is considered that the proposal does accord with policy in that the applicant has agreed to provide a financial contribution to fund improvements to Active Travel infrastructure arising from the development.

GP4 Infrastructure and New Development - in this regard it is considered that the proposal does accord with policy in that the location where the development is proposed is served by appropriate infrastructure, and relevant statutory consultees including Dwr Cymru/Welsh Water have raised no objection.

EMP2 New Employment Proposals - in this regard it is considered that the proposal does accord with policy in that the proposed development is located within the defined settlement limits of Llanelli and are of an appropriate scale and form.

EMP5 Mixed Use Sites – in this regard it is considered that the proposed does not accord with policy in that the proposal is for a retail development on a site which was not envisaged to be appropriate for retail development. Notwithstanding this however, the application site only straddles a small part of the mixed use allocation, and the development will provide significant enabling infrastructure that will assist in the delivery of the wider mixed use allocation. This along with other material considerations is an important consideration in the overall balance.

RT1 Retail Hierarchy - in this regard it is considered that the proposal does accord with policy in that due regard has been given to the retail hierarchy as part of the planning application process.

TR2 Location of Development – in this regard it is considered that the proposal does accord with policy in that the proposed development is located in a highly accessible and sustainable location.

TR3 Highways in Developments – in this regard it is considered that the proposal does accord with policy in that the design and layout has a suitable access arrangement and appropriate car parking, whilst the proposal will not be detrimental to highway safety or cause significant harm to the amenity of residents.

EQ1 Protection of Buildings, Landscapes and Features of Historic Importance - in this regard it is considered that the proposal does accord with policy in that there are no built or historic environment assets affected by the proposed development.

EQ4 Biodiversity - in this regard it is considered that the proposal does accord with policy in that the assessments provided with the application have concluded that there will be no adverse ecological affects associated with the development and relevant consultees, including the Authority's Planning Ecologist has agreed with these findings.

EQ5 Corridors, Networks and Features of Distinctiveness - in this regard it is considered that the proposal does accord with policy in that the proposed development does not adversely affect features of local distinctiveness or ecological networks.

EP1 Water Quality and Resources - in this regard it is considered that the proposal does accord with policy in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters, and relevant statutory consultees have not raised any concerns or objections in this regard.

EP2 Pollution - in this regard it is considered that the proposal does accord with policy in that the proposed development will not result in any adverse pollution issues, whilst relevant statutory consultees have raised no objections subject to the imposition of certain conditions on any planning permission granted.

EP3 Sustainable Drainage - in this regard it is considered that the proposal does accord with policy in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been investigated, whilst this will need to be looked at further as part of the SAB process.

## **EIA screening**

As the area of development is approximately 1.76 ha and as such exceeds the threshold of 1ha outlined in Column 10 (B) of Schedule 2 of the EIA Regulations whereby a screening opinion is required. The LPA undertook such a screening opinion under Section 8 of Part 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as part of the application process.

The development falls under the 'Urban Development Projects' description of Column 1 of Schedule 2 of the Regulations with the applicable threshold for the same being, 1ha of non dwellinghouse development. The development clearly exceeds these thresholds and accordingly consideration was given to the selection criteria contained in Schedule 3 of the Regulations which fall under the categories of:

1. Characteristics of development.
2. Location of Development.
3. Types and characteristics of the potential impact.

Notwithstanding the foregoing criteria the Authority must firstly consider whether the development falls in a 'Sensitive Area' as defined in the Regulations. Such areas include Sites of Special Scientific Interest, National Parks, Areas of Outstanding Natural Beauty, The Broads, World Heritage Sites and Scheduled Monuments. In this regard, it does not.

The proposal has an acceptable package of supporting reports and where identified mitigation measures which reduce the impact of the development and as such the proposal was not considered significant in the context of EIA regulations.

In conclusion, and in accordance with the requirement for a screening opinion for a development of this scale and nature the Local Planning Authority considers that an EIA was not required for the proposed development.

## **Planning Obligations**

As aforementioned the applicant has agreed to a request by the Authority's Highways section to make a financial contribution of £45,825.47 towards Active Travel and specifically towards connecting the link between the site and the remainder of the mixed-use allocation site with the spinal route of Llanelli's off road active travel network which is being implemented by Carmarthenshire County Council.

# Well-being of Future Generations (Wales) Act 2015

The decision considers the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). The decision takes into account the ways of working set out at section 5 of the WBFG Act and it is considered that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## Conclusion

As aforementioned in this report, the determination of such a planning application is to be made in accordance with the development plan, unless material considerations indicate otherwise. The appraisal has shown that the proposed development accords with the majority of LDP policies with the exception of Policy EMP 5.

The above appraisal has indicated that the proposed development for both the new Aldi and Costa meets the relevant retail planning policy tests, and the advice received from the LPA's independent retail consultants is that a refusal on retail policy grounds could not be sustained.

Para 4.3.17 of PPW states that "It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced"

In this respect, and as with all planning applications, an on-balance decision must be made taking into consideration a number of factors.

The Welsh Government in Chapter 5 of PPW defines Economic Development as:

*"the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes. The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses." (Paragraph 5.4.1)*

It goes on to state that:

*"Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy" (Paragraph 5.4.2)*

Paragraph 5.4.4 states that:

*"Wherever possible, planning authorities should encourage and support developments which generate economic prosperity and regeneration..."*

TAN 23 Economic Development (2014) re-iterates the broad definition of economic development contained within the Chapter 7 of PPW, and states that it is important that the planning system recognises the economic aspects of all development and that planning decisions are made in a sustainable way which balance social, environmental and economic considerations.

PPW therefore acknowledges retail as an economic land use and therefore the economic benefit in terms of inward investment and the creation of 60 new jobs is an important material consideration in the determination of this application. It is considered that on balance the proposal would not significantly conflict with the Trostre Gateway mixed-use allocation in the Adopted LDP. In fact, it is considered that through the provision of significant highway infrastructure works, estimated to cost around £678,000, the proposed development has the potential to facilitate the future delivery of the wider mixed-use allocation.

As well as the economic effects, it is considered that the proposed development represents a sustainable form of development which will also have positive social effects. This is evidenced through the significant amount of support letters to the application and positive responses to the original PAC process. Such responses, as well as the positive economic aspects, have sited the increase convenience and choice offered by a new LAD store on this side of the town, which points towards more sustainable shopping patterns in future.

The report has considered that the proposed development is acceptable in size, scale and design terms and will provide a contemporary development on this prominent site. The significant amount of soft landscaping proposed will have environmental benefits.

There are no technical issues associated with the proposed development whilst there are no statutory consultee objections to the proposed development. It is also considered that the proposed development will not result in any adverse residential amenity issues.

Notwithstanding the identified conflict with Policy EMP5 of the LDP, it has been shown that through providing significant enabling infrastructure, the proposed development could assist with delivering the aspirations of EMP 5 for the Trostre Gateway site. Therefore, in considering all material planning considerations the LPA considers that the proposal complies with the LDP as a whole.

On balance after careful examination of the site and its surrounding environs in the context of this application, together with the representations received to date it is considered that the proposal does accord with the Policies contained within the Adopted LDP. As such the application is put forward with a recommendation for approval subject to the following conditions and the successful completion of a S.106 agreement.

## **Recommendation – Approval**

### **Conditions**

- 1 The development hereby approved shall be commenced before the expiration of five years from the date of this permission.
- 2 The development hereby permitted shall be carried out strictly in accordance with the following schedule of plans:-

- Proposed site plan (150733-1400 -P14) 1:500 @ A1 received 23<sup>rd</sup> June 2020;
- Soft landscape proposals plan (1341-01 Rev F) 1:250 @ A1 received 23<sup>rd</sup> June 2020;
- General arrangement compact roundabout 30.8m ICD 1:200 @ A1 (10323SK0012B) received 17<sup>th</sup> March 2020;
- Cut-fill analysis plan (10323SK0011 Rev A) 1:500 @ A1 received 28<sup>th</sup> January 2020;
- Timber knee rail details (AD5301) 1:10 @ A4 received 27<sup>th</sup> August 2019;
- Aldi elevations (1505-P2) 1:100 @ A1 received 27<sup>th</sup> August, 2019;
- Typical refrigeration plant area details (AD5299 Rev L) 1:50 @ A3 received 27<sup>th</sup> August 2019;
- Plant compound details (268-R6) 1:50 @ A3 received 27<sup>th</sup> August 2019;
- Typical sub-station details (1600 P1) 1:50 @ A3 received 27<sup>th</sup> August 2019;
- Close boarded fence details (AD5302) 1:20; 1:5 @ A4 received 27<sup>th</sup> August 2019;
- Pumping station details (004A) 1:500 @ A3 received 27<sup>th</sup> August 2019;
- Post and fencing details received 27<sup>th</sup> August 2019;
- Proposed sections (1503-P3) 1:200 @ A1 received 18<sup>th</sup> June 2019;
- Section A-A, B-B key plan (1502-P3) 1:200; 1:1250 @ A1 received 18<sup>th</sup> June 2019;
- Location plan (110-P3) 1:2500 @ A4 received 5<sup>th</sup> June 2019;
- Existing site plan (1150-P3) 1:500 @ A1 received 5<sup>th</sup> June 2019;
- Costa elevations, key plan (1504-P1) 1:100; 1:200 @ A1 received 5<sup>th</sup> June 2019;
- Aldi roof plan (1402-P1) 1:100 @ A1 received 5<sup>th</sup> June 2019;
- Costa roof plan (1404-P1) 1:100 @ A3 received 5<sup>th</sup> June 2019;
- Site plan – residual site (1120-P3) 1:2500 @ A4 received 5<sup>th</sup> June 2019;
- Costa floor plan (1403-P1) 1:100 @ A3 received 5<sup>th</sup> June 2019;
- Aldi floor plan (1401-P2) 1:100 @ A1 received 5<sup>th</sup> June 2019.

3 The A1 retail unit hereby approved shall not be used for any other purposes including those set out in class A1 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification and shall be subject to the following limitations:-

- The retail floorspace hereby approved shall not exceed 1787sqm gross (1315 sqm net);
- No more than 20% of the permitted retail floor area shall be used for the sale of comparison goods; and
- No more than 1800 product lines shall be sold from the retail unit at any one time.

4 The A3 coffee shop unit hereby approved shall have a drive-thru facility and shall not be used for any other purposes including those set out in class A3 of the schedule for the Town and Country Planning (Use Classes) Order 1987 or any Order revoking, amending or re-enacting that order with or without modification.

5 The A1 retail floor space hereby approved shall not be subdivided into smaller units without express planning permission.

- 6 The access, visibility splays and turning area required, shall be wholly provided prior to any part of the development being brought into use, and thereafter shall be retained unobstructed in perpetuity. In particular, no part of the access, visibility splays, or turning area, is to be obstructed by non-motorised vehicles.
- 7 Prior to any use of the development herewith approved, the required access roads, footways and footpaths from the existing public highway shall be laid out and constructed strictly in accordance with the plans herewith approved, to at least the base course levels, and with the visibility splays provided.
- 8 The parking spaces and layout shown on the plans herewith approved shall be provided prior to any use of the development herewith approved. Thereafter, they shall be retained, unobstructed, for the purpose of parking only. In particular, no part of the parking and turning facilities is to be obstructed by non-motorised vehicles.
- 9 No development shall take place until a detailed Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full and as agreed.
- 10 No development shall take place until a detailed Delivery Management Traffic Plan is submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in full and as agreed.
- 11 The development should be undertaken in strict accordance with the recommendations made in the Flood Consequences Assessment produced by Craddys referenced 10323w0001 dated January, 2020, and received by the Local Planning Authority on the 10<sup>th</sup> January, 2020.
- 12 No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
- 13 The proposed development site is crossed by a 150mm public foul rising main with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located, marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
- 14 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- 15 No development shall commence until further intrusive site investigations have been carried out on site to establish the exact situation in respect of shallow coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

- 16 Where the findings of the intrusive site investigations (required by the condition 15 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.
- 17 The rating level of sound emitted from any fixed part or machinery associated with the development shall not exceed the existing background sound level. The rating sound 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 and/or its subsequent amendments.
- 18 Within 28 days from the receipt of written request from the Local Planning Authority, the operator of the development shall, at its own expense, employ an independent consultant approved by the Local Planning Authority to assess the level of sound emissions arising from the development to determine whether they exceed the sound levels specified in condition 17. The assessment shall be undertaken under the supervision of the Local Authority.
- 19 In the event that Condition 17 is exceeded then the submitted survey shall also include mitigation measures to ensure compliance with the sound level specified in condition 17. These measures will then be implemented forthwith.
- 20 Works shall not take place until a scheme for the mitigation of dust has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during all stages of demolition and construction. Vehicles transporting materials which are likely to cause dust onto and off site shall be suitably covered.
- 21 All site operations shall be undertaken in compliance with the approved landscape constraint and protection information, as defined in the Arboricultural Impact Assessment and Tree Protection Plan received on the 23<sup>rd</sup> December, 2019.

Any construction operations and/or access within the defined construction exclusion zone(s) (CEZ) shall be limited to those undertaken in compliance with the recommendations of BS5837.

CEZ(s) shall be fully implemented prior to the commencement of any works associated with the development; and thereafter maintained in entirety, throughout the duration of all development works and until all equipment, machinery and surplus materials have been removed from the site.

Any existing landscape elements, identified for protection, or part thereof, which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the existing landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting season with replacement elements of similar size and specification and in such positions as



may be agreed with the Local Planning Authority, and thereafter likewise conditioned for a further period of five years.

- 22 The approved Landscape Design Scheme (LDS), as defined in the Soft Landscape Proposals Plan (1341-01 Rev F) 1:250 @ A1 received 23<sup>rd</sup> June, 2020 shall be fully implemented in the first available planting and seeding seasons following commencement of development.

Any new landscape elements constructed, planted or seeded; or existing landscape elements retained; in accordance with the approved LDS which, within a period of 5 years after implementation are removed; die; become diseased; damaged or otherwise defective, to such extent that, in the opinion of the Local Planning Authority, the function of the landscape elements in relation to this planning approval is no longer delivered, shall be replaced in the next planting or seeding season with replacement elements of similar size and specification.

- 23 No development shall take place until a Drainage and Service Infrastructure (DSI) Plan has been submitted to and agreed in writing by the local planning authority.

The DSI Plan shall indicate the: position, depth and height of all existing and proposed underground, overhead and associated surface DSI elements in relation to the Landscape Design Scheme (LDS) as defined in the Soft Landscape Proposals Plan (1341-01 Rev F) 1:250 @ A1 received 23<sup>rd</sup> June, 2020

The DSI Plan shall demonstrate that potential conflicts have been minimised through DSI design and layout. In locations where, potential conflicts with the approved LDS are identified, a DSI Method Statement shall accompany the DSI Plan. The Method Statement shall specifically provide details of construction and installation operations and specific design solutions for all DSI elements located:

- within the root protection areas of all trees, large shrubs and hedges identified for retention;
- within proposed landscape areas.

The development shall thereafter be carried out in accordance with the approved DSI Plan and Method Statement.

- 24 Prior to the construction of the buildings hereby approved samples of the materials to be used in the construction of the external surfaces of the buildings must be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 25 Notwithstanding the information submitted with the application, no development shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

- 26 The development shall be undertaken in strict accordance with the recommendations made in Sections 4.15, 4.17, 4.21 and 4.22 of the Ecological Assessment produced by Tyler Grange dated 22<sup>nd</sup> May, 2019 and received on the 5<sup>th</sup> June, 2019.

- 27 Prior to the commencement of development a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority. The submitted details shall adopt the recommendations made within both the Ecological Assessment and Section 5.4 of the Design and Access Statement. Development shall take place in accordance with the approved details.
- 28 Prior to commencement of development a pollution prevention method statement detailing all necessary pollution prevention measures for both the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall adopt the recommendations made within both the Ecological Assessment and Section 5.3 of the Design and Access Statement. The details of the plan shall be implemented as approved and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

## Reasons

- 1 Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
- 2+24 In the interest of visual amenity
- 3-4 To accord with the applicant's justification and to ensure that the development does not compromise the retail strategy of the development plan and/or national planning policy and to protect the vitality and viability of existing centres. Furthermore, other retail uses or changes to the format of retail sales would require further justification and consideration by the LPA.
- 5 In the interests of preserving the retail vitality and viability of town centres, and to reflect the basis of the retail assessment.
- 6-10 In the interest of highway safety.
- 11 To prevent the risks of flooding and in accordance with TAN15.
- 12 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.
- 13 To protect the integrity of the public sewer and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 14 To protect the environment and human health and comply with LDP Policy.
- 15-16 In the interest of land stability and health and safety.
- 17-19 To preserve residential amenity.
- 20 To ensure that the amenity of local residents/businesses is adequately protected from dust during demolition/construction.

- 21 To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990.
- 22 To ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6
- 23 To ensure that the development retains, incorporates and does not adversely affect existing landscape or other features which contribute to local qualities and distinctiveness: thus delivering the objectives of CLDP policies: - SP1 d) and i); SP14 e); GP1 b) and f); and EQ5; and pursuant to section 197 (a) of the Town and Country Planning Act 1990. And to ensure that the development enhances the character and appearance of the site and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity: thus, delivering the objectives of CLDP policies: - SP1 d) and i); GP1 a), f) and i); EQ5; and where appropriate EQ6
- 25 To ensure a satisfactory means of surface water disposal.
- 26-27 In the interests of biodiversity.
- 28 Prevent pollution of the wider environment.

## **Reasons For Granting Planning Permission**

The decision to grant planning permission has been taken in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

- It is considered that the proposal complies with Policy SP1 of the LDP in that the proposed development is environmentally sustainable.
- It is considered that the proposal complies with Policy SP2 of the LDP in that the proposed development is resilient to the impact of climate change and accords with the provisions of TAN15.
- It is considered that the proposal complies with Policy SP3 of the LDP in that the proposed development accords with the LDP's settlement framework.
- It is considered that the proposal complies with Policy SP8 of the LDP in that the proposed development will enhance existing retail provision and will not compromise the viability and vitality of existing defined retail centres.
- It is considered that the proposal complies with Policy SP9 of the LDP in that the proposed development is located in a sustainable location, accessible by a variety of transport means.

- It is considered that the proposal complies with Policy SP13 of the LDP in that the proposed development respects, and will not adversely affect the built and historic environment or its setting.
- It is considered that the proposal complies with Policy SP14 of the LDP in that proposed development protects and does not adversely affect the natural environment.
- It is considered that the proposal complies with Policy SP17 of the LDP in that the proposed development will be served by appropriate infrastructure.
- It is considered that the proposal complies with Policy GP1 of the LDP in that the proposed development is sustainable and will enhance the character and appearance of the area.
- It is considered that the proposal complies with Policy GP2 of the LDP in that the application site is within defined settlement limits.
- It is considered that the proposal complies with Policy GP3 of the LDP in that the application will be subject to a Planning Obligation to meet the requirements arising from the development.
- It is considered that the proposal complies with Policy GP4 of the LDP in that adequate infrastructure is proposed to serve the proposed development.
- It is considered that the proposal complies with Policy EMP2 of the LDP in that the proposal will create new employment opportunities of an appropriate scale within defined settlement limits.
- Whilst the proposed development does not strictly comply with Policy EMP5 of the LDP the proposed development will deliver significant enabling infrastructure that will assist with the delivery of the mixed use allocation, and it is considered that this along with other material considerations as referred to under Section 38(6) of the Planning and Compensation Act 2004 warrant a relaxation of the Policy requirements in this instance.
- It is considered that the proposal complies with Policy RT1 of the LDP in that the proposed development has fully considered the retail hierarchy.
- It is considered that the proposal complies with Policy TR2 of the LDP in that the proposed development is located in a highly accessible and sustainable location.
- It is considered that the proposal complies with Policy TR3 of the LDP in that the proposed development would not be detrimental to highway safety or cause significant harm to the amenity of residents.
- It is considered that the proposal complies with Policy EQ1 of the LDP in that the proposed development preserves the built and historic environment.
- It is considered that the proposal complies with Policy EQ4 of the LDP in that the proposed development will not have an adverse impact on priority species, habitats and features of principal importance.

- It is considered that the proposal complies with Policy EQ5 of the LDP in that the proposed development does not adversely affect features of local distinctiveness or ecological networks.
- It is considered that the proposal complies with Policy EP1 of the LDP in that the proposed development will not lead to a deterioration of either the water environment and/or the quality of controlled waters.
- It is considered that the proposal complies with Policy EP2 of the LDP in that the proposed development will not result in any adverse pollution issues.
- It is considered that the proposal complies with Policy EP3 of the LDP in that the impact of surface water drainage and the effectiveness of incorporating SUDS has been fully investigated.

## Note(s)

- 1 The applicant/developer is advised that this consent is subject to the applicant entering into a legal agreement with the local planning authority under Section 106 of the Town and Country Planning Act 1990. This agreement shall cover a commuted sum financial contribution of £45,825.47 towards Active Travel improvements specifically the provision of a link connecting the site and the adjacent allocated site to the spinal route of Llanelli's off-road active travel network.
- 2 Comments and guidance received from consultees relating to this application, including any other permissions or consents required, are available on the Authority's website.
- 3 Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any Conditions which the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers') responsibility to ensure that the terms of all Conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any Conditions which require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other Conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.