

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 11/10/2017

APPLICATION No. **17/01490/MJR** APPLICATION DATE: 27/06/2017

ED: **HEATH**

APP: TYPE: Full Planning Permission

APPLICANT: ALDI Stores Ltd

LOCATION: PART OF FORMER PHOENIX ESTATE, CAERPHILLY ROAD,
BIRCHGROVE, CARDIFF, CF14 4QF

PROPOSAL: THE DEMOLITION OF EXISTING BUILDINGS AND
ERECTION OF A CLASS A1 FOODSTORE (1,717SQM
GROSS FLOOR AREA) WITH ASSOCIATED ACCESS, CAR
PARKING AND LANDSCAPING

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in Section 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The development shall be carried out in accordance with the following approved plans and documents:

Plans:

- (i) Site Location Plan (P(1)01)
- (ii) Existing Site Plan (P(1)02A)
- (iii) Proposed Site Plan (P(1)103F)
- (iv) Proposed Floor Plan (P(1)04B)
- (v) Proposed Roof Plan (P(1)05B)
- (vi) Existing Street Sections (P(1)08)
- (vii) Proposed Elevations (P(1)105B)
- (viii) Proposed Street Elevations (P(1)106B)
- (ix) Proposed Street Sections (P(1)107B)
- (x) External Lighting (B2340-MJA-P105-4549)
- (xi)

Documents:

- (i) Arboricultural Impact Assessment and Tree Protection Plan, Bosky Trees, 21 June 2017
- (ii) Planning and Retail Statement, Planning Potential, June 2017
- (iii) Pre-Application Consultation Report, Remarkable Engagement, June 2017
- (iv) Transport Assessment, Entran, June 2017.

- (v) Drainage Strategy and Calculations, Craddys, 16 June 2017
- (vi) Preliminary Ecological Appraisal, Waterman, March 2017
- (vii) Protected Species Assessment, Tyler Grange
- (viii) Geo-Environmental Report and Detailed Quantitative Risk Assessment Specification, Brownfield Solutions Ltd, May 2015

Reason: The plans and documents form part of the application.

3. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the demolition and construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures; (vi) Wheel washing facilities; (vii) Measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety and public amenity.

4. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and no further surface water or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

5. The net retail floorspace hereby approved shall not exceed 1,254 square metres either by internal or external alterations and shall only be used for the sale of convenience goods, except for a maximum of 251sq m (net) which may be used for the sale of non-convenience goods, and for no other purpose including those set out in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking, amending or re-enacting that Order with or without notification. (For the avoidance of doubt convenience goods shall be taken to mean: Food, drink, tobacco, household cleaning products, newspapers and magazines). None of this floorspace shall be subdivided.

Reason: To ensure that changes to the type, format and scale of development do not compromise the retail strategy of the development

plan and/or national planning guidance.

6. Prior to their installation samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
7. Prior to their installation details of all boundary enclosures, including the acoustic fencing shown on the 'Proposed Site Plan' (drawing no. P(1)103F), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained thereafter.
Reason: To ensure that the finished appearance of the development is in keeping with the area.
8. Prior to beneficial use of the development hereby approved, details of facilities for the storage of refuse containers shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the development is brought into beneficial use and shall be retained thereafter.
Reason: To secure an orderly form of development and to protect the amenities of the area.
9. Prior to beneficial use details of external seating to the public realm area on the Proposed Site Plan (drawing no. P(1)103F) shall be submitted to and approved in writing by the Local Planning Authority. The external seating shall be constructed in accordance with the approved details and retained thereafter.
Reason: To make satisfactory provision for future users of the development.
10. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to Caerphilly Road and Phoenix Way (adjacent to the site) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to, the creation of the new vehicle access off Caerphilly Road, new pedestrian accesses, new pedestrian crossing point on Caerphilly Road, carriageway amendments on Caerphilly Road to accommodate a new right turn facility, the existing two carriageways, bus lane, and bus stop, and the removal of on-street parking on Caerphilly Road. The scheme shall also include the resurfacing/reinstatement of the footway/carriageway as may be required as consequence of implementation of the development and shall include surfacing, kerbs, edging, tactile paving, drainage, lighting, road marking and lining, signing and street furniture. The approved scheme shall be implemented prior to beneficial use of the development hereby approved.
Reason: To amend and reinstate the carriageway and footway to

provide an improved environment to facilitate safe commodious access to and from the proposed development.

11. Prior to their installation details showing the provision of facilities for the secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use and they shall be retained in perpetuity.
Reason: To ensure that adequate provision is made for the secure parking of cycles.
12. Prior to the beneficial use of the development hereby approved, the car parking and manoeuvring areas shall be laid out in accordance with the details shown on the 'Proposed Site Plan' (drawing no. P(1)103F) and shall thereafter be kept available for such purposes in perpetuity.
Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
13. The employee Travel Plan hereby approved shall be implemented in accordance with the timetable set out in the Plan, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures detailed in the Travel Plan shall be submitted annually to the Local Planning Authority, commencing from the first anniversary of beneficial occupation of the development and continuing for five consecutive years thereafter.
Reason: To accord with section 5.0 of the Council's Supplementary Planning Guidance 'Access, Circulation & Parking' and to promote the use of more sustainable transport modes.
14. No equipment, plant or materials shall be brought onto the site for the purpose of development until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, hard surfacing materials, proposed and existing services above and below ground level, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.
Reason: To enable the Local Planning Authority, to determine that the proposals will maintain and improve the amenity of the area, and to monitor compliance.
15. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting

season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area.

16. No demolition of buildings, felling of trees or clearance of structural vegetation shall take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this building/tree/vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

17. Members of the public shall only be admitted to or allowed to remain on the premises between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 17:00 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the amenities of the area.

18. Deliveries shall only be taken at or dispatched from the site between the hours of 07:30 and 22:00 Monday to Saturday and 09:00 and 17:00 on Sundays. No refrigerated vehicles with refrigeration units running shall be parked on the site between the hours of 22:00 and 07:30.

Reason: To ensure that deliveries, loading and unloading do not cause unreasonable nuisance to neighbours.

19. Prior to its installation, details of the fixed plant and machinery serving the development, and any mitigation measures, shall be submitted to and approved in writing by the Local Planning Authority. The rating level of the sound emitted from the site shall not exceed 40dB(A) between 07:00 and 23:00 hours and 35dB(A) at all other times. The rating levels shall be determined by the objective acoustic feature methodology of BS4142:2014 and calculated to the nearest noise sensitive premises.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

20. Prior to its installation on site a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be designed to avoid light spill into neighbouring residential properties. All external lighting shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity.

21. The lighting scheme approved under Condition 20 shall only be illuminated between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 to 17:00 on Sundays.

Reason: To ensure that the use of the premises does not prejudice the

amenities of the area.

22. If at any time the use of the premises is to involve the preparation and cooking of hot food the extraction of all fumes from the food preparation areas shall be mechanically extracted to a point which shall be agreed in writing with the Local Planning Authority, and the extraction system shall be provided with a de-odorising filter. Details of the above equipment shall be submitted to and approved in writing by the Local Planning Authority and the equipment shall be installed prior to the commencement of use for the cooking of food. The equipment shall thereafter be maintained in accordance with the manufacturer's guidelines.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

23. Prior to the commencement of any development works and following completion of the monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development hereby approved. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

24. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use

of the land after remediation.

All work and submissions carried out for the purposes of this condition shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

25. The remediation scheme approved by Condition 24 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation in writing.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

26. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall stop, and no further development shall take place unless otherwise approved in writing by the Local Planning Authority

until a scheme to deal with the contamination found has been approved. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be approved in writing by the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

27. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).

28. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be approved in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light

Pollution and Land Contamination).

29. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused. Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Local Development Plan Policy EN13 (Air, Noise, Light Pollution and Land Contamination).
30. Notwithstanding the provisions of the Town and Country Planning General Development Order 1995 (or any Order amending, revoking or re-enacting that Order) the windows of the shopfront on the front (east) elevation shall allow an open and unrestricted view of window displays or the trading areas within the premises and the windows shall not be painted, covered over or otherwise obscured without the prior written permission of the Local Planning Authority. Reason: In the interests of visual amenity.

RECOMMENDATION 2 : To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : That the Applicant/Developer be advised of the South Wales Police Designing Out Crime Officer's advice regarding community safety and crime prevention set out in their letter of 24 July 2017, forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 5 : That the Applicant/Developer be advised of Dwr Cymru Welsh Water's advice regarding public sewer connections set out in their letter of 21 July 2017 forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 6 : That the Applicant/Developer be advised of the South Wales Fire and Rescue Service's advice regarding provision for fire fighting and emergency access set out in their letter of 12 July 2017 forwarded to the Agents acting on behalf of the Applicant.

RECOMMENDATION 7 : That the Applicant/Developer be advised to have regard to the precautionary mitigation advice concerning bats set out in Sections 5.5 and 5.6 of the Protected Species Assessment by Tyler Grange received on 22 September 2017.

RECOMMENDATION 8 : That the applicant /developer be advised that the highway works proposed to the existing adopted public highway, to be undertaken by the developer, will need to be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.

RECOMMENDATION 9 : Prior to the commencement of development, the developer be advised to notify the Local Planning Authority of the commencement of development, and display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Full permission is sought for the demolition of existing buildings and erection of a Class A1 Foodstore (1,717 square metres gross floor area) with associated access, car parking and landscaping on part of the former Phoenix Estate, Caerphilly Road, Birchgrove.
- 1.2 The single-storey building would create a frontage onto Caerphilly Road, and would be positioned towards the north of the site near the northern site boundary. The net sales area is 1254 square metres, plus warehousing and staff welfare facilities.
- 1.3 The building has a mono-pitch roof design to a maximum height of 7.8 metres and a minimum height to eaves of approximately 5.5 metres. Curtain wall glazing would be installed to the east elevation overlooking a new area of public realm outside the store. The building would be finished in red brick, render, metallic silver cladding, and composite roof panels.
- 1.4 A new access/egress would be created onto Caerphilly Road, north of the retained electricity substation with both left and right egress for vehicles. A new pedestrian footpath would be created along the southern boundary of the site, with a pedestrian entrance into the site.
- 1.5 New tree planting is proposed in a new public realm area at the store frontage, together with other tree and soft landscaping areas to the site frontage, rear boundary and within the car parking area.
- 1.6 123 no. car parking spaces would be provided within the site, including 10 no. parent/child and 8 no. disabled spaces. 8 no. cycle stands would be provided to the site frontage.
- 1.7 Proposed opening hours would be 08:00 – 22:00 Monday to Saturday and 10:00 – 17:00 on Sundays.
- 1.8 The applicant undertook a formal pre-application consultation in May/June 2017 in accordance with The Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. A pre-application report summarising the outcomes has been submitted with the application (Remarkable Engagement, June 2017).

2. **DESCRIPTION OF SITE**

- 2.1 This brownfield site extends to approximately 0.7 hectares and is generally flat and level with a frontage onto Caerphilly Road measuring approximately 84 metres. It is partly a cleared site which formerly accommodated a petrol filling station. Some derelict industrial buildings would be demolished, with other derelict buildings to the rear of the site being retained.
- 2.2 The site is bounded to the north and south by two and three storey residential development respectively. Two storey residential development is also opposite

the site on Caerphilly Road, with some commercial uses.

- 2.3 Part of the site, together with the remaining derelict buildings to the rear, are allocated for residential development in the Local Development Plan. It is estimated that the site could accommodate 20 units (Policy H1.8).
- 2.4 Caerphilly Road is well served by public transport. Birchgrove train station is approximately 380 metres north of the site.
- 2.5 Birchgrove Local Centre is approximately 600 metres due south.

3. **SITE HISTORY**

- 3.1 06/01441/E: Permission granted in February 2008 for demolition of existing petrol station and erect four town houses and twelve residential flats.
- 3.2 04/01763/E: Permission granted in November 2004 for deletion of Condition 17 (Footpath/Cycleway Connection) of Planning Permission 02/02542/N.
- 3.3 04/00107/N: Permission granted in April 2004 for installation of New LPG 3x1 tonne vessels compound, dispenser and associated works.
- 3.4 02/02542/N: Permission granted in August 2003 for mixed use scheme comprising residential development, sheltered housing, doctor's surgery with ancillary pharmacy and associated highway works.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016):

- 4.1 Sustainable Development
- 4.2 Planning for Sustainability

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

- 4.3 The Sustainable Development Principles

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*

- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.4 Objectives

4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability around environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.5 Planning for Climate Change

4.6 Priorities for Urban and Rural Areas

4.9 Preference for the Re-Use of Land

4.11 Promoting Sustainability Through Good Design

4.12 Planning for Sustainable Buildings

8.2 Promoting Walking and Cycling

8.3 Supporting Public Transport

8.4 Managing Traffic and Parking

8.7 Development Management and Transport

9.3 Development Management and Housing

10.2 Principles of Retail and Commercial Centre Development

10.4 Development management and retail and commercial centres

13.5 Dealing with unstable and contaminated land

13.7 Development management and contaminated land

13.9 Development management and unstable land

13.12 Development management and improving the quality of water and air

13.13 Reducing noise and light pollution

13.15 Development management and noise and lighting

4.2 Technical Advice Notes (TANs):

4 Retail and Commercial Development (2016)

11 Noise

12 Design

18 Transport

4.3 Local Development Plan (January 2016):

KP4 Masterplanning Approach

KP5 Good Quality and Sustainable Design

KP6 New Infrastructure

KP7 Planning Obligations

KP8 Sustainable Transport
KP12 Waste
KP13 Responding to Evidenced Social Needs
KP14 Healthy Living
KP15 Climate Change
KP18 Natural Resources
H1 Non-Strategic Housing Sites
EN8 Trees, Woodlands and Hedgerows
EN10 Water Sensitive Design
EN12 Renewable Energy and Low Carbon Technologies
EN13 Air, Noise, Light Pollution and Land Contamination
T1 Walking and Cycling
T2 Strategic Rapid Transit and Bus Corridor Enhancement
T5 Managing Transport Impacts
T6 Impact on Transport Networks and Services
R1 Retail Hierarchy
R6 Retail Development (Out of Centre)
C3 Community Safety/Creating Safe Environments
C6 Health
W2 Provision for Waste Management Facilities in Development

- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)
Trees and Development (March 2007)

- 4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

- 5.1 The Operational Manager, Transportation considers the application to be acceptable in principle subject to the comments, conditions and financial requirements detailed below.

- (i) The store would employ up to 40 staff and operate between the hours of 8am to 10pm, Monday to Saturday and 10am to 4pm on Sunday. All delivery operations to the store will be undertaken with the assistance of a banksman from the store's staff. It was agreed with the transport consultant in discussions that deliveries would take place during the operational hours of the store given the residential nature of the location.
- (ii) Vehicle access to the store will be taken from a new junction off the Caerphilly Road. The proposed junction will maintain the existing northbound bus lane, all-be-it that the lane will need to be broken to

facilitate access to the site. The bus stop will remain at the same location, although the bus shelter will be relocated to the back of the footway (to preserve sight-lines). The bus lane and southbound carriageway will need to slew to accommodate a right turn lane at the new junction.

- (iii) Six short-stay on-street parking places directly adjacent to the site will be removed to accommodate the new access junction. No on-street parking directly outside any residential property (to the north or opposite) on Caerphilly Road will be removed.
- (iv) The proposed car park will include 123 car parking spaces, including eight disabled spaces, in accordance with the SPG – Access, Circulation and Parking Requirements (2010). The car park will be controlled between the hours of 8am to 8pm Monday to Saturday and 8am to 4pm on Sunday. Outside of these hours Aldi have indicated that the car park will not be monitored so would be available for residents to use outside of these hours. This would alleviate any inconvenience caused to residents by the removal of 6 on-street parking bays on Caerphilly Road.
- (v) Pedestrians will have an access, through the car park, from Waun Ddyfal /Phoenix Way. Secure covered cycle parking for 16 cycles is to be provided.
- (vi) A transport implementation strategy is outlined in the transport statement indicating a targeted staff modal split. The implementation strategy relies on a staff travel plan to reduce an anticipated 80% car borne modal split on opening to 65% (car borne) within 5 years. ALDI propose to employ a travel plan co-ordinator to ensure that the travel plan (draft provided with the transport statement) objectives and actions are undertaken, monitored and achieved. The draft Travel Plan, including proposals and targets to encourage staff to use alternative modes of transport and sustainable journeys, including review mechanisms to revisit the proposals/targets has been provided as part of the application process.
- (vii) The main walking routes to the store would be via the local highway network and making use of existing footways and crossings. Pedestrians will have an access, through the car park, from Waun Ddyfal /Phoenix Way. A new pedestrian crossing facility will be provided linking the existing footpath (from Milestone Close) across Caerphilly Road and to the store.
- (viii) The store would be expected to receive up to two large deliveries a day (articulated lorries) and a number of smaller deliveries. All vehicles will use the dedicated delivery docking facility at the rear of the building. The TS indicated that the delivery function has been a “one-man function”, although in subsequent discussions ALDI’s representatives it has been confirmed that deliveries received at the store would be supported by a

banksman (a member of store staff) to reduce potential conflicts between the delivery vehicle and car park users. ALDI have also verbally confirmed that no deliveries will take place outside of the hours of 6am to 10pm, Monday to Saturday and 8am to 4pm on Sunday.

- (ix) The number of vehicular trips (customer visits) generated by the proposed store have been estimated using appropriate TRICS data and taking account of the potential for pass-by trips visiting the store. The anticipated number of generated trips was reduced by 30% to take account of pass-by trips. Pass-by trips comprise existing trips (vehicles already using Caerphilly Road for another purpose) which stop to use the proposed facility, rather than being a newly generated trip. The agreed traffic generation numbers are shown below;

	Total generated trips			30% of new trips			Total new trips		
	Arrivals	Depart	Trips	Arrivals	Depart	Trips	Arrivals	Depart	Trips
AM peak	19	13	32	6	4	10	13	9	22
PM peak	62	74	136	19	22	41	43	52	95
All day	756	761	1517	227	228	455	529	533	1062

- (x) The extant traffic generation was presented in the TS, but it has been agreed with the applicant's traffic consultant that considering the previous uses closed in 2008 that these should be disregarded when considering the impact of the proposed store.
- (xi) The junction modelling exercise, using the ALDI generated traffic and existing background traffic flows, indicated that the proposed junction layout, incorporating a right turn lane would adequately cater for the generated traffic.
- (xii) An amended plan (Plan 120334 P(1)103F) provided by the applicant outlines the agreed road layout outside and in the immediate vicinity of the proposed store required to accommodate a new junction and access road to the store from the Caerphilly Road. The junction will be accordance with the approved plan (120334 P(1)103F) and incorporate a northbound bus lane, a northbound carriageway, a southbound carriageway, a southbound right-turn lane into the site, a pedestrian crossing and safety island facility. The existing bus shelter (abutting Waun Ddyfal) will be relocated to the rear of the footway. The applicant will apply to implement no waiting at any time traffic regulation orders to protect the access junction.
- (xiii) Internally, within the proposed car park, the applicant will provide disabled parking places (eight spaces) in accordance with the council's Access, Circulation & Parking Standards (Jan 2010). An internal footpath will be provided to allow pedestrian/cycle access to the site from Waun Ddyfal (Phoenix Way).

- (xiv) It is concluded that the proposed development is acceptable in transport terms, subject to the listed conditions and financial contribution, and that any objection on traffic or parking grounds would therefore be unsustainable. A Section 106 contribution of £3,000 is sought in respect of amending any traffic regulation orders associated with the removal of limited waiting parking places and the extent of waiting restrictions required to accommodate the installation of the new access arrangements.

5.2 The **Operational Manager, Environment (Contaminated Land)**, considers that the geo-environmental assessment carried out by Brownfield Solution Ltd, provides a contamination assessment and partial ground gas assessment (ongoing at the time the report was written). He advises that a complete set of gas monitoring results and robust assessment of the risks from ground gas is required. The detailed Quantitative Risk Assessment & Remediation Specification does not include:

- (i) details of the proposed sampling regime for soils used to form the proposed cover system (frequency of testing and contaminant screening values); or
- (ii) details of the proposed verification method for validating the cover system (frequency of validation trial pits).

An amended remediation strategy is required incorporating the above information plus any appropriate amendments in relation to ground gas monitoring results. He therefore requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan:

5.3 The Council's **Tree Officer** has no adverse observations with regard to the amended proposals. His original comments regarding tree species, tree pits and soils remain applicable as follows:

- (i) He advises that 16 no. new trees should be provided;
- (ii) Lighting columns should be located to avoid conflict with proposed tree positions, and either the position of the columns or trees should be adjusted to maximise clearances.
- (iii) Recommended tree species are *Gleditsia triacanthos* 'Imperial' or 'Draves Street Keeper' (15-25m³ pits), *Liquidambar styraciflua* 'Slender Silhouette' (20m³ pits) *Malus baccata* 'Street Parade' (10m³ pits). Potential alternatives to the *Gleditsia*, in the bed south of the sub-station, are *Tilia tomentosa* 'Brabant' and *Tilia cordata* 'Streetwise'. Potential alternatives to the *Liquidambar*, are *Acer lobelii* and *Ginkgo biloba* 'Princeton Sentry'.

All planting soils will need to be imported and emplaced in accordance with an agreed specification. The assumed profile for the pits is 300mm topsoil over 700mm subsoil, with provision for drainage as required. As a default, tree pit soils should meet the sandy loam textural range and be of neutral to slightly acid pH, though the *Tilia cordata* will tolerate relatively high alkalinity, and the *Malus*, *Gleditsia* and *Liquidambar* will tolerate heavier soil textures. For the trees in hard landscape to the east of the store, secondary rooting will need to be provided via soil crates such as 'Silva Cells' or 'Root Space', with full, site

specific specifications drawn up in conjunction with the product supplier, and for each 5m³ soil, an aeration inlet will be required (e.g. 'Arborvent'). Root-barriers will be required to line car-parking edges/wall foundation edges etc., and should be specified accordingly, but to maximise, not minimise root available soil volumes.

- 5.4 He looks forward to receipt of full landscaping details comprising scaled planting plan, plant schedule, tree pit section and plan views, planting methodology and aftercare methodology.
- 5.5 The **Operational Manager, Waste Management**, advises that a commercial contract is required for the collection and disposal of all commercial waste. By law (Environmental Protection Act, 1990, section 34) all commercial premises have a duty of care to ensure that their waste is transferred to and disposed of by a registered waste carrier. The Council can make arrangements to collect and dispose of commercial waste upon request. Litter bins will need to be provided around the site. She refers to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.
- 5.6 The Council's **Ecologist** notes the conclusions of the R01a Protected Species Assessment (undated) which is effectively a bat flight survey. He supports the precautionary mitigation advice set out in sections 5.4 and 5.6 of this document, which should be attached as an advisory note to any consent granted.

In relation to nesting birds he supports the measures set out in sections 5.14 and 5.1 of the Preliminary Ecological Appraisal dated March 2017. These measures should also be included in an advisory note.

- 5.7 The **Air Pollution Officer** having reviewed comments, confirms that an air quality assessment is not required to determination this application. The applicant is required to examine the potential impacts from dust emissions generated during the construction phase of the development. Due to the close proximity of residential dwellings to the proposed development it is considered best practise to adopt the principles stipulated in IAQM "Guidance on the assessment of dust from demolition and construction." The guidance provides a risk based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust effects. The importance of professional judgment is noted throughout the guidance. The guidance recommends that once the risk class of the site has identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts. In accordance with the guidance, Chapter 6, Step 1, Box 1 highlights certain screening criteria which needs to be considered and if a development qualifies for an assessment. The document states "An assessment will normally be required where there is: a 'human receptor' within: - 350 m of the boundary of the site; or- 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s)." It is apparent that there are residential dwellings located in close proximity to the proposed site (<25m), therefore satisfying the 'human receptor' criteria stipulated in the cited guidance and the need for a detailed

dust assessment to be produced. He recommends a condition regarding dust control.

5.8 The Council's **Access Officer** has been consulted and any comments will be reported to Committee.

5.9 The **Noise Pollution Officer** considers that the fixed plant noise can be adequately controlled by the inclusion of a condition, which includes an amendment to that recommended in the noise report:

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 40dB(A) between 07:00 and 23:00 hours and 35dB(A) at all other times. The rating levels shall be determined by the objective acoustic feature methodology of BS4142:2014 and calculated to the nearest noise sensitive premises.

5.10 He is satisfied with the suggested store opening times of 08:00 – 22:00 Monday to Saturday and 10:00 – 17:00 Sundays.

5.11 In relation to the delivery times, he has concerns that the noise report highlights that the noise sensitive premises at Philip Close will experience an unacceptable level of noise during normal working hours. The applicant's report has not suggested mitigation to render the noise impact acceptable. He therefore recommends that the fixed plant condition be amended to make it suitable for deliveries as follows:

No deliveries shall be made to the store until details of the deliveries serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 40dB(A) between 07:00 and 23:00 hours and 35dB(A) at all other times. The rating levels shall be determined by the objective acoustic feature methodology of BS4142:2014 and calculated to the nearest noise sensitive premises.

5.12 The **Operational Manager, Drainage Division**, has been consulted and any comments received will be reported to Committee.

6. **EXTERNAL CONSULTEES RESPONSES**

6.1 **Dwr Cymru Welsh Water** has reviewed the drainage strategy accompanying the application and notes the applicant's intention to explore sustainable means of disposal of surface water, albeit that initial soakaway test results have proved they are unviable. Their understanding is that some of the existing drainage on site will be reused and some abandoned, they assume therefore that there will be no new connections required to the brick work public sewer in Caerphilly Road. However, before they can fully support this proposal they recommend that a CCTV/connectivity survey is undertaken to confirm how the existing site

drains off site, where it connects to the existing public sewerage system and ensure that any proposed drains to be abandoned do not serve any other customers.

- 6.2 Whilst they acknowledge that there are no sustainable alternative other than for surface water flows to communicate to the public sewer, their preference would be for flows to connect to the 450mm public surface water sewer at manhole reference ST16806405 located in Phoenix Way. This will convey flows away from site and discharge to a culverted watercourse a short distance away. They therefore welcome dialogue with the applicant to progress the drainage strategy and recommend that a condition be attached to any permission granted.
- 6.3 The **South Wales Police Designing Out Crime Advisor** notes that the surrounding area is mainly residential with a small number of small commercial units nearby. The main vehicle access is to be off Caerphilly Road with a pedestrian route along the southern boundary linking Caerphilly Road with Waun Ddyfal. The southern and eastern sides of the food store are partly glazed which allows for some surveillance over the car park and cycle stands area. He makes various recommendations to reduce crime covering aspects such as boundaries, lighting, landscaping, and building security.
- 6.4 The **South Wales Fire and Rescue Service** advises that the developer should consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.
- 6.5 **Cardiff Bus** have been consulted on the application and any comments received will be reported to Committee.

7. **REPRESENTATIONS**

- 7.1 **Councillor Fenella Bowden** objects to the application for the following reasons:
- (i) No traffic assessments appear to have been undertaken at the junction of Caerphilly Road with Maes-y-Coed Road & Ty-Wern Road. With the generation of an estimated 600 trips in and out of Aldi per day, this will have a significant impact on the junction;
 - (ii) The proposed entrance/exit for the development will create additional strain on an already complicated road lay-out at this location. The stacking of cars trying to enter the site from the north will be a significant issue, as will vehicles exiting to go south along Caerphilly Road. To create an entrance/exit within a matter of metres from Phoenix Way will create additional road pressure in the location;
 - (iii) She would have liked to have seen surveys undertaken at the exit/entrance to Phoenix Way. She understands that Council officers have not asked Aldi to provide these;
 - (iv) Having just sorted out parking provision for residents in this part of Caerphilly Road, up to 8 spaces will be lost under this proposed development & there is no Council highways provision elsewhere to

- replace them;
 - (v) The layout to accommodate the introduction of a 5th lane on Caerphilly Road for cars wishing to enter the site means another adjustment to the road layout for the bus lane. She would be interested to see Cardiff Bus' views on this;
 - (vi) She notes the moving of the bus stop to accommodate the development. As it is proposed to be sited on Aldi's land, she queries who will be responsible for its maintenance;
 - (vii) She notes note that there are a significant number of comments in support of the development, but only a very small minority of people who have responded actually live anywhere near the site;
 - (viii) She believes that this development could have a negative impact on the quality of life for residents in Caerphilly Road & surrounding roads given the increase in noise; traffic movements; loss of parking provision; & light pollution.
- 7.2 The application was publicised in the press and by site notices on 13 July 2017 as major development and a departure from the Local Development Plan under Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 7.3 **74 no. representations in support** of the application have been received from residents of Heath, Rhiwbina, Whitchurch and Llanishen, plus one unaddressed comment. They are in support of healthy competition and customer choice for supermarkets in the area, job creation/employment opportunities, visual improvement to Caerphilly Road through the re-development of a derelict site, and the site is accessible for pedestrians.
- 7.4 **2 no. general comments** have been received. The occupier of 58 Phoenix Way supports the application overall however they raise the following concerns:
- (i) The development only covers the area nearest to Caerphilly Road and provides no facility of access for any future development of the rear of the site. Essentially the ALDI store and car park would occupy the entire width of the currently disused industrial area and does not provide vehicle access to the area that ALDI are not developing on
 - (ii) The rear half is for "residential development by others". No indication has been made if this will ever be done, and as such the current problems with the disused buildings will continue.
 - (iii) If development of the rear is done in the future, access would have to be provided by the small roundabout on Phoenix Way. Unfortunately this is already a very busy junction off Caerphilly Road, with the road itself constantly occupied on both sides by parked cars likely using the Birchgrove GP surgery. As such, a new development of housing would not be able to be serviced from the existing road infrastructure.
 - (iv) They therefore propose that ALDI revise their plans and when constructing the new junction for the store provide vehicular access to the rear for future use. They would also suggest that a condition would include clearance of the abandoned warehouses at the rear, which

although not part of the ALDI site cannot be left in their current condition. If no future development occurs the land could be used as a public park.

7.5 Another general comment has been received from the occupier of 6 Philip Close who requests an increase in disabled parking bays from 6 to 8 no. spaces and the provision of sitting areas for those with mobility difficulties while they await transport with their shopping.

7.6 **10 no. representations objecting** to the application have been received from residents of Tasker Square, Nant-Fawr Road, Threipland Drive, Philip Close, and one unaddressed email. Their reasons for opposing the application are summarised as follows:

- (i) Residents have already had to endure disruption from construction works on Caerphilly Road;
- (ii) There are plenty of supermarkets in the area already;
- (iii) Road accident data needs to be examined in more detail;
- (iv) The site visit for traffic matters was carried out on a Wednesday lunchtime which is inadequate and will not provide a good indication of issues;
- (v) The infrastructure is insufficient to accommodate more traffic and footfall. Traffic is already a problem and congestion will get worse;
- (vi) Uncertainty remains regarding the rear of the site; A comprehensive scheme is required, not piecemeal development.
- (vii) The application will impact upon the design and amenity of the rear of the site;
- (viii) 8-10 disabled parking spaces should be provided rather than the 6-8 spaces currently shown;
- (ix) Seating at store entrance should be provided for elderly and the disabled;
- (x) The Transport Assessment (TA) does not confirm that the scope of the junctions assessed has been agreed with Cardiff Council. As a result, the capacity analysis only examines the proposed site entrance junction and not the impact of the proposed development on the signalised junction at Caerphilly Road/Maes-y-Coed Road/Ty-Wern Road.
- (xi) A significant increase in traffic on Caerphilly Road will result which has not been assessed in full with regards to the signalised junction at Caerphilly Road/Maes-y-Coed Road/Ty-Wern Road.
- (xii) The location of the proposed site entrance conflicts with the location of an existing bus stop, existing bus lane and existing shared use footway/cycleway.
- (xiii) There are no safe crossing facilities on Caerphilly Road for pedestrians at the location of the site entrance increasing the likelihood of an increase in the number of personal injury accidents in the vicinity of the site.
- (xiv) The proposed site plan shows a bus stop relocated within the red line of the application site which means that it will be located on land owned by Aldi, raising concerns regarding the future installation and maintenance.
- (xv) The TA states that the proposed trip generation would be less than the last known use of the site. Whilst this is technically correct, the last

known use ended in *approximately 2008*. Therefore, the 144 extant trips in the AM peak, the 141 extant trips in the PM peak and the 1926 extant daily trips are not currently on the local highway network and haven't been for 9 years. It is unjust to state that the proposed development will generate 125 less trips in the AM peak, 59 less trips in the PM peak and 1016 trips daily compared to the existing development as the existing development is currently generating 0 trips in the AM peak, 0 trips in the PM peak and 0 daily trips.

- (xvi) No details of the waste management plan for the proposed development once it is operational has been made available.
- (xvii) The Geo-Environmental Assessment Report identifies additional work that is required to report asbestos quantification results upon receipt; further sampling and delineation of asbestos within made ground if required; produce remedial specification for the site; confirmation of remedial recommendations with Local Authority & EA (this should actually be NRW); completion of ground gas assessment; complete tank decommissioning and removal; 'demolition' asbestos survey of buildings; demolition and site clearance; and watching brief during demolition and construction but no further details have been provided despite this report being dated 2015;
- (xviii) The consultation documents should include a Noise Survey so the noise emitted from any fixed plant and equipment can be assessed in relation to nearby residential properties and the increase in dBA on habitable rooms; they should also include information regarding the existing levels of air pollution and the proposed levels of air pollution due to the increase in the traffic movements on Caerphilly Road as a result of the proposed development because the current site has been vacant for 9 years; and the proposed development is likely to generate a significant amount of light pollution compared to the existing site which will affect nearby residents but no assessment of this has been undertaken either.
- (xix) A suitably worded planning condition should be attached to any permission restricting the hours of operation for the store and associated deliveries in order to minimise the impact of the additional traffic including HGVs on local residents in the form of unreasonable nuisance. The car park should also include a barrier preventing any access to the site overnight to ensure that the use of the premises does not prejudice the amenities of the area by becoming a place for people to gather resulting in anti-social behaviour.
- (xx) No details have been provided regarding the sign which is shown on the proposed site plan.

7.7 Following the re-consultation process on amended plans and additional information, 3 no. further objections have been received from occupiers on Philip Close and Caerphilly Road, plus one unaddressed email. Their objections can be summarised as follows:

- (i) There is no need for a supermarket on the site;
- (ii) Numerous planning and traffic issues need addressing before any decision is made;
- (iii) The applicant is 'cherry picking' the front of the application site. The

- whole site should be developed to its maximum potential to the benefit of all; it is inappropriate to leave a disused building on site;
- (iv) Construction traffic disruption;
 - (v) Caerphilly Road residents have had to endure disruption through bus lanes, parking bays, and associated gas/electric/water services disruption;
 - (vi) Concern that some representations from Caerphilly Road have not been listed online (approximately 12+);
 - (vii) Caerphilly Road is operating above its capacity;
 - (viii) Has received verbal assurances from the applicant that any HGV deliveries will always and planning conditions will suffice.
 - (ix) A park and playground with some parking facilities would be a better use of the site;
 - (x) If the development does proceed provision of more disabled spaces and instore seating for the elderly and disabled;
 - (xi) The location of the bus stop within the application site;
 - (xii) The capacity of the signals at the junction north of the site;
 - (xiii) Likely trip generation in the Transport Assessment not addressed;
 - (xiv) Waste, contaminated land, and air/light pollution issues have not been resolved and further comments should be provided.

7.8 **Julie Morgan AM** confirms that she has been contacted by several constituents about this application and is also aware that many people have written in support of it as they welcome the opportunity to shop at a local Aldi store. However she notes that there are also some concerns about a number of issues, principally parking and traffic:

- (i) The recent creation of a bus lane along Caerphilly Road has caused considerable disruption for the residents of the area, as well as loss of many parking spaces and an increase in the amount of traffic in the other lanes. The arrival of an Aldi store will only add to the volume of traffic in an already very busy area. There have already been complaints about the difficulties faced by drivers having to cross a bus lane (or at least a gap in a bus lane) in order to turn off Caerphilly Road. Access to Aldi's store is to be from Caerphilly Road and there are therefore some concerns about drivers having to cross a bus lane to enter the store car park. She hopes that consideration can be given to mitigating those problems.
- (ii) She welcomes the plan to move the bus stop from its current location to further up Caerphilly Road, as long as it is moved far enough to prevent any obstruction to the entrance to the store car park or to the sight lines of passing drivers.
- (iii) There are considerable concerns about the question of parking in the area and the need for the customers of other local businesses to be able to park near those businesses. As mentioned above, the creation of the bus lane led to the loss of many parking spaces on the road and the plan for development of the Aldi store will lead to the loss of another 6 spaces on Caerphilly Road. Immediately opposite the site are several

businesses, including Nahin Spice Centre. This is open in the evenings and needs to have parking spaces available for their customers, who often pre-order a takeaway by phone and then want to spend as little time as possible collecting their hot food. She is aware of discussions between the business owner, the Council and Aldi and that it has been suggested that Aldi would agree to allow people to use their car park and to remain for up to 90 minutes during Aldi's opening hours while they access other local businesses. It has also been suggested that they would allow people accessing other businesses to use their car park at any time when the store is closed and this would significantly help to resolve parking issues. She supports those suggestions and feels that these arrangements need to be formally included as planning conditions enforceable via s.106 agreement.

7.9 An objection has been received by the Pegasus Group on behalf of the Co-Operative Group Limited, whose comments are summarised as follows:

- (i) The local and district centres listed in the Retail Statement are not the only centres in this area of Cardiff. The Cooperative stores are all in local or district centres that are identified in the Local Plan, with the exception of Cyncoed Road which is not a designated local centre but is part of a group of local shops that include an adjacent parade and together serve as a neighbourhood centre;
- (ii) applications will be contrary to *Planning Policy Wales (PPW) Chapter 10, Retail and Commercial Development* if they cannot satisfy the 'town centres first' principle of co-locating retailing and related uses in established centres by applying the tests of retail need, the sequential test and where appropriate retail impact assessment, as interpreted in more detail in *Technical Advice Note 4, Retail and Commercial Development* (November 2016).
- (iii) concerns about trading impacts focus particularly on the local centres of Birchgrove and Rhiwbina Village and the district centre of Merthyr Road, Whitchurch. The Co-operative Group has forecast trade diversions of 10% or more from its own stores, which will also lead to secondary impacts on other local traders. These impacts also need to be seen in the context of cumulative impacts on local and district centres from other out-of-centre food stores that have been developed in recent years, including the Lidl stores on Station Road, Llandaff North and Caerphilly Road.
- (iv) PPW paragraph 10.4.4 states: *'For smaller retail planning applications or site allocations, local planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by local planning authorities on smaller developments should be proportionate to potential impacts.'*
- (v) PPW paragraph 10.4.15 states: *'Planning applications for retail development should not normally be permitted on land designated for other uses. This advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be*

available for such uses.'

- (vi) They have no reason to disagree with the conclusion in paragraph 5.69 of the Planning and Retail Statement that *'there are no alternative sequentially preferable sites within the town centre or in edge-of-centre locations elsewhere within the primary catchment area.'* That is, of course, only a gateway test and does not, by itself, constitute a case in favour of the proposed development.
- (vii) They have strong reservations about the methodology of the need and impact assessments and the evidence on shopping patterns on which they are based:
- The survey data is now more than 9 years' old and does not account for a significant number of stores that have opened subsequently or other general changes in shopping behaviour that have been documented elsewhere.
 - The survey was designed to provide forecasts of retail expenditure and capacity at a zonal level to inform the Local Development Plan. It was not designed to produce reliable estimates of market shares and turnovers for individual stores and local or district centres. The sizes of the sub-samples of responses relating to small stores and centres are not statistically significant or reliable.
 - There are no recorded responses for small stores and local centres in the household survey, as is shown by Appendix 1D of Collier's' Retail Capacity Study Update (*Market Share by Centre and Zone*).
- (viii) Figures for market shares and store turnovers for Local Centres in Zones 1 and 3 that are quoted in the PRS (Appendix 4, Tables 2 and 3) are invented. Footnote 2 to Table 2 states: *"Local Shops' and 'Other' market shares redistributed to local centres in Zones 1 & 3'*. The basis on which the market shares for local and 'other' shops have been *'redistributed'* is not explained. There is no empirical evidence to support this procedure.
- (ix) The figures shown in Tables 2 and 3, which purport to show market shares and store turnovers for Local Centres such as Birchgrove, Rhiwbina and Station Road, Llanishen have been invented in the PRS. The estimated turnover of each local centre is £3.4m. These estimates cannot be regarded as a reliable basis for assessing retail need or trading impacts of the proposed Aldi store.
- (x) There is also no empirical basis for the trade diversions to recently developed stores (Lidl and Morrisons on Caerphilly Road or Lidl on Station Road in Llandaff North) in Appendix 4, Table 4. These are also subjective judgments that have been placed on top of the *'redistribution'* of market shares to local centres in Table 2.
- (xi) Forecasts of trade diversion from local centres to the proposed Aldi store in Appendix 4, Table 5 (£100,000 p.a. from Birchgrove and nothing from the other local centres) are also purely judgmental and have no empirical basis. The Cooperative Group's modelling of retail sales has forecast trade diversions of 10% or more from its own stores on Caerphilly Road and Merthyr Road, which will also lead to secondary impacts on other local traders in those local centres because of the anchor role of food stores, as described in paragraph 7.20 of Colliers' Retail Capacity Study

Update of March 2011

- (xii) Paragraph 6.21 of the PRS states that the Primary Catchment Area of the proposed Aldi store (PCA), for the purposes of the retail need and impact assessments, *'reflects that used within previous assessments and adopts a primary catchment area based on Zones 1 and 3 from the Cardiff retail evidence base.'* The PCA is, in fact, a very wide area. It is not the same as the area used for the sequential test in spite of the statement in paragraph 5.20 of the PRS that it was *'consistent with the impact assessment study area'*
- (xiii) The PRS estimate of population in Zones 1 and 3 is likely to be an over-estimate as the Retail Capacity Study used data from Cardiff Council for Zones 1 and 3 (and the rest of the City area). However, the main concern is the relevance of taking such a wide area as the PCA for the proposed Aldi store. The likely effects of taking such a wide area are an over estimate of trade diversion from more distant stores and an under estimate of trade diversion from nearby local centres.
- (xiv) the PRS has given far too much weight to store size and too little weight to distance from the proposed store. 77.5% of the turnover of the proposed Aldi store is forecast to be diverted from just 4 stores, with a further 14% from outside the study area and only 1% from the nearby Birchgrove Local Centre. These are not realistic judgements, when the distribution of food stores in the wider area is taken into consideration. The Co-operative Group's assessment is that the impact on Birchgrove and Merthyr Road will be at least 10%, which will also have consequences for smaller shops that get spin-off trade from the anchor food retailers.
- (xv) The *'survey-derived'* turnover figures and the *'benchmark'* turnover figures are unreliable;
- (xvi) The application proposals are clearly contrary to national and local planning policies. They do not satisfy the policy tests of capacity/need and impact, although they may satisfy the sequential test. In relation to Policy R6 of the Local Development Plan, there is no need for the proposed floorspace; the proposal would cause unacceptable harm to the vitality, attractiveness or viability of nearby local centres; and the proposal is partly on land allocated for housing.

8. **ANALYSIS**

- 8.1 The key considerations for this application are the principle of retail development on this out-of-centre location, the Local Development Plan (LDP) designation of the site for housing development, the design and appearance of the proposed building and its associated relationship with Caerphilly Road together with site layout, transportation considerations, matters related to residential amenity, and issues arising from the public consultation process.

Principle of Development

Retail Policy Considerations

- 8.2 The application site is located within the settlement boundary defined in the

LDP and part of the site (0.34.hectares) is shown as a non-strategic housing allocation on the LDP Proposals Map and is allocated under Policy H1.8: Electrocoin Automatics Ltd for 20 dwellings on a 0.61 hectare site.

- 8.3 The application site is in an out-of-centre location in terms of retail policy. Planning Policy Wales Edition 9 (PPW9) is clear that planning applications for retail developments, including redevelopment and extensions in out-of-centre locations should be assessed against the following tests:-
- (i) Compatibility with a Community or up-to-date Development Plan Strategy;
 - (ii) Consideration of need;
 - (iii) The sequential approach to site selection; and
 - (iv) the impact on existing centres.
- 8.4 LDP Policy R6 provides the development plan policy framework. This Policy only allows for retail development outside the Central Shopping Area, District and Local Centres identified on the Proposals Map if the proposal would meet the following criteria:
- (i) There is a need for the proposed floorspace (with precedence accorded to establishing quantitative need);
 - (ii) That need cannot satisfactorily be accommodated within or adjacent to the Central Shopping Area, within a District or Local Centre;
 - (iii) The proposal would not cause unacceptable harm to the vitality, attractiveness or viability of the Central Shopping Area, a District or Local Centre or a proposal or strategy including the Community Strategy, for the protection or enhancement of these centres;
 - (iv) The site is accessible by a choice of means of transport; and
 - (v) The proposal is not on land allocated for other uses. This especially applies to land designated for employment and housing, where retail development can be shown to limit the range and quality of sites for such use.
- 8.5 The agent has submitted a Planning and Retail Statement that provides an assessment of the proposed development in respect of retail planning policy in relation to the need for the proposal, the sequential approach to site selection and the potential retail impact on the vitality and viability of nearby district/local centres. The agent's findings are outlined below.

Need

- 8.5 The agent has undertaken an assessment of need for the additional retail convenience goods floorspace which shows that there is both a quantitative and qualitative need for the additional floorspace. In addition, they demonstrate that the quantitative need for floorspace is significantly above that required to support the proposed development and additional capacity exists to support further provision in both 2017 and in the future.

Sequential Test

- 8.6 In assessing whether there are units or sites suitable in an existing retail centre for the proposed development the applicant has undertaken a broad search focusing on the Central Shopping Area, together with Merthyr Road, Whitchurch District Centre, Birchgrove Local Centre, Rhiwbina Local Centre

and Station Road Llanishen Local Centre. In terms of the Central Shopping Area the applicant concludes that the configuration of the centre does not yield any vacant units nor is there scope to amalgamate any vacant units to accommodate a foodstore of the nature proposed, even when applying an appropriate degree of flexibility. In terms of the District and Local Centres the agent has demonstrated that there are no alternative sequentially preferable sites within these centres and the proposed development is, therefore considered to represent the only site that is suitable, viable and available for the type of development proposed.

Impact

- 8.7 The proposals relate to 1,717 square metres which is below the PPW9 and TAN4 floorspace threshold (2,500 square metres) where a retail impact assessment should be undertaken. However the Council has requested a proportionate assessment be undertaken to ensure the impact of the proposal is fully considered. In this respect, the agent has considered the implications of the retail development being proposed and has demonstrated that impacts associated with the proposal are low and represent no threat to the vitality and viability of the existing centres.

Conclusions

- 8.8 Taking into account the agent's conclusion in relation to need, sequential test and impact the proposal is considered acceptable, notwithstanding the objections received on behalf of the Co-Operative Group Limited.
- 8.9 The application therefore raises no retail policy concerns. However, a condition should be attached to the grant of any planning permission in order to prevent future changes to the scale and nature of the foodstore which could adversely impact on the retail strategy of the development plan.

Local Development Plan Allocation

- 8.10 In terms of the allocation of part of the site as a non-strategic housing site the agent states that the area of the site which will be lost could accommodate 11 of the total 20 units resulting in transfer of half of the housing allocation to retail use.
- 8.11 In response to this the agent states that:
- The shape of the designation does not promote ease of development. The site is a 'zig-zag' shape and is narrow in places (approx.19m wide at its narrowest point) which would limit the type, size, and amenity of residential development.
 - Access to the site would be relatively convoluted given the shape of the designation, and there is only being one potential access point which would be via Waun Ddyfal.
 - The loss of 11 units would not result in a significant reduction in potential residential units in the Cardiff area and the proposed development on the site would encourage residential development on the rear section of the site, and could give rise to a larger residential development area with better access options, and various possibilities for residential development type and size.

- Locating the Aldi foodstore at the front of the site would create a buffer between any potential residential scheme and Caerphilly Road, thus reducing traffic noise and disruption on the residential site.
- 8.12 LDP paragraph 5.2 states that the estimated number of units is indicative only and may be subject to change depending on details of a planning application for the site. Part of the non-strategic housing site will remain available to accommodate housing and the development of the foodstore represents an opportunity to provide an improved and more attractive development parcel making the site more attractive to potential housebuilders and helping the site come forward for development. Given this the proposal raises no land use policy concerns.

Design and Appearance

- 8.13 The amended proposals have been submitted in response to negotiations with officers where it was agreed that the development could be improved with some alterations. The application itself was submitted following a lengthy pre-application enquiry where various aspects of the development were discussed.
- 8.14 An important amendment has been the siting of the building closer towards the back edge of the footway on Caerphilly Road. The building now has an increased presence along this part of Caerphilly Road and the installation of full height glazing along this entire frontage, together with the public realm area, will encourage activity on this part of the street.
- 8.15 The height and scale of the building is considered to be appropriate for the site. Two and three-storey residential buildings adjoin either side of the site and the building will compliment the scale of existing neighbouring development. The site has a wide frontage onto Caerphilly Road (c. 84 metres) which provides ample scope for a well-designed building of a suitable scale.
- 8.16 The building would be finished in a mixture of render, red brick and composite cladding, with render and brick being used on the front elevation and return around the store entrance. The use of these materials to the site frontage is welcomed and will ensure the creation of a good quality well-designed building that compliments the existing built form along Caerphilly Road and is consistent with the aims of LDP Policy KP5 (Good Quality and Sustainable Design). A relevant condition is attached to agree finished materials.
- 8.17 The new area of public realm to the site frontage will allow for ease of movement for pedestrians and will help create a distinctive space that will enhance the building's presence on this section of Caerphilly Road. Good quality hard and soft landscaping is essential for this environment and the initial designs showing 3 no. new trees, together with cycle parking is welcomed. Full landscaping details and the provision of external seating to this area are conditioned.

- 8.18 A pedestrian access into the site from the south has been created via Waun Ddydfal to improve accessibility for existing residents. This route will also be beneficial for future occupiers of the remainder of the housing land allocation to the west, creating safe and convenient access routes for pedestrians.

Access and Parking

- 8.19 A key consideration during the processing of this application has been whether necessary alterations to Caerphilly Road could be accommodated without compromising the Council's recent works to introduce a dedicated bus lane on this key arterial route in the north of the city. Following lengthy discussions, an amended highways arrangement has been agreed and is supported by Council Highways Officers.
- 8.20 This arrangement retains the northbound bus lane on Caerphilly Road along the site frontage, introduces a dedicated right turn southbound, creates a pedestrian crossing linking with an existing footpath to the east, re-positions the existing bus stop to the back edge of the footway and allows for the creation of dedicated left and right turns for vehicles exiting the site. The details would be confirmed through a Section 278 Agreement however a relevant condition is also attached to secure full details.
- 8.21 Concerning the impact upon the junction with Maes-y-Coed Road, north of the application site, the Highways Officer advises:
- (i) The anticipated number of new trips (in and out of the site) on the network would be in the region of 530 per day. The busiest period of activity generated by the site would be during the evening peak (between 5pm and 6pm) when between 40 and 50 new trips would be undertaken. The total number of anticipated trips (to and from) generated by the shop has been established using a national database (TRICS or the Trip Rate Information Computer System) of traffic surveys undertaken at new developments by landuse. The TRICS estimate has been reduced by some 30% (230 trips per day) to account for the number of visits to the shop by people already driving past the site on Caerphilly Road. It is considered to be an appropriate estimate of the "drive-by" visits associates with a new shop.
 - (ii) The new traffic on the road would, on average, equate to less than one additional vehicle per minute using Caerphilly Road. If the additional trips are then allocated to the road there would be a split in the number of vehicles going north and south. The split could be assumed to mirror the existing traffic flows, which indicate that 47% of traffic (equating to some 19 to 24 vehicles) during the evening peak period (5pm to 6pm) would be travelling north and 53% (equating to some 21 to 26 vehicles) travelling south. It is therefore considered that the additional traffic generated would not impact detrimentally upon the operation of the junction.
- 8.22 In respect of the concerns expressed regarding the new access onto Caerphilly Road, he advises:

- (i) There would be an additional traffic impact on the local transport network caused by the new shop and its access. In order to assist the movement of traffic along Caerphilly Road the council required the applicant to amend the access to/from the car park to provide north and south turning lanes leaving the car park to avoid internal queuing which may cause congestion within the car park (which might have delayed vehicles accessing the car park). The council has also required the developer to retain the existing carriageways north and south for general traffic and to retain the existing bus lane.
- (ii) The access to the car park would be free flow so there should be a limited tailback of vehicles attempting the access the car park. For vehicles travelling south a right turn facility has been proposed, so that vehicles would be taken out of the general traffic lane. The right turn facility would accommodate up to three cars. Modelling work provided by the applicant indicates that the queue generated by the proposed junction should not exceed one vehicle at a time. A similar right turn facility is provided for vehicles turning right into Phoenix Way, allowing for the main flow of traffic to continue whilst vehicles make the right turn movement.

8.23 The provision of 123 no. car parking spaces, including 8 no. disabled spaces, is at the upper end of the recommended range for retail development outside the central area in the Access, Circulation and Parking Standards Supplementary Planning Guidance (SPG). This provision is welcomed by officers. It is noted that the applicant is willing to allow the car park to be used out of store opening hours, mindful of the car parking pressures in the vicinity of the site. This would not be subject to a planning condition, rather it would be an informal arrangement by the applicant.

8.24 The provision of 8 no. cycle stands (16 no. spaces) is also welcomed and is in accordance with the guidelines for provision in the SPG.

Residential Amenity

8.25 The neighbouring residential properties closest to the development are those backing onto the site on Fairfax Road. The building at this point would be approximately 5.5 metres to eaves and would be sited approximately 2 metres from the shared boundary. Whilst the building would be sited due south of these neighbours, the resulting relationship is considered to be satisfactory and would not result in an overbearing impact upon these neighbours.

8.26 The proposed site plan also shows that plant and the delivery entrance would be located at the rear (northwest) corner of the site. It is considered that the amenities of neighbouring occupiers could be satisfactorily safeguarded through imposing conditions on any permission to control plant noise levels, delivery times, and external lighting.

8.27 A condition is also recommended to require a Construction Method Statement to be approved before development commences. This would include a

requirement for the developer to monitor and control dust during demolition and construction.

- 8.28 It is noted that the Council's Air and Noise Pollution Officers have no objections to the development, subject to relevant conditions. A relevant condition is attached to control plant noise. Notwithstanding the comments of the Noise Pollution Officer, it is considered that restricting deliveries to during store opening hours will adequately safeguard residential amenity.

Third Party Representations

- 8.29 In respect of other representations received during the consultation process, which have not already been addressed in this report:
- (i) The Council will retain maintenance responsibilities for the bus stop in the southeast corner of the site;
 - (ii) The remaining land at the rear of the site could be accessed via Phoenix Way;
 - (iii) The applicant has no control over land to the rear of the application site;
 - (iv) It is acknowledged that residents may experience some disruption in the event that development proceeds. However, an advisory note reminds any developer of the permitted hours of construction, which are enforced under Environmental Health legislation;
 - (v) The Local Planning Authority has a duty to determine each application on its planning merits, rather than promote alternative uses e.g. a park and playground;
 - (vi) A relevant condition is attached to ensure for satisfactory management of waste;
 - (vii) The Council's Contaminated Land Team are satisfied with the submitted Geo-Environmental Assessment Report and recommend relevant conditions to ensure any contamination on the site is removed appropriately;
 - (viii) The advertisement signs indicated on the plans would require separate advertisement consent under the 1992 Control of Advertisement Regulations.

Other Considerations

- 8.30 *Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 8.31 *Equality Act 2010* – The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due

consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic

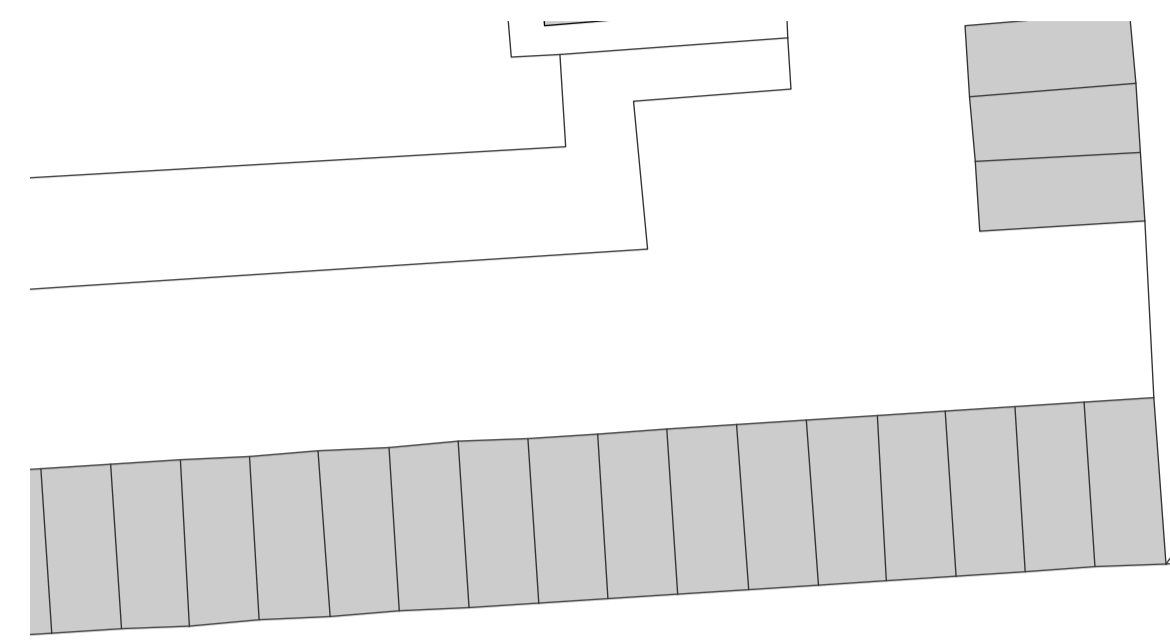
- 8.32 *Well-Being of Future Generations Act 2016* – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

9. **SECTION 106 AGREEMENT**

- 9.1 An obligation of £3,000 has been agreed to amend traffic regulation orders to remove limited waiting parking places and waiting restrictions in order to accommodate the new access arrangements. This contribution is considered to be essential to provide the necessary infrastructure of the proposed development. It therefore meets the requirements of LDP policies KP6 (New Infrastructure) and KP7 (Planning Obligations).
- 9.3 It is considered that the s106 Heads of Terms satisfy the requirements of Circular 13/97 Planning Obligations and the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations.

10. **CONCLUSIONS**

- 10.1 The application seeks to re-use a derelict brownfield site which is well-served by public transport on a key arterial route in the north of the city. The application is accompanied by a retail impact assessment which raises no retail policy concerns. Although allocated for housing development in the LDP, it is possible that a major housing development could still be brought forward on the remainder of the allocation, and adjoining industrial land to the rear.
- 10.2 The development will include necessary highways improvements on Caerphilly Road which will guarantee the retention of the north bound bus lane and the creation of a right filter lane southbound to ensure that the traffic impacts can be managed without having an unacceptable impact upon the highway network. Improvements to pedestrian facilities, including a new crossing are will also be provided.
- 10.3 The amended building design and site layout is of good quality and, together with a landscaped public space at the site frontage, will create a distinctive place on this section of Caerphilly Road, consistent with relevant LDP Policies.
- 10.4 It is therefore recommended that permission be granted, subject to relevant conditions, and the completion of a Section 106 Agreement to secure the financial contribution detailed in Section 9.

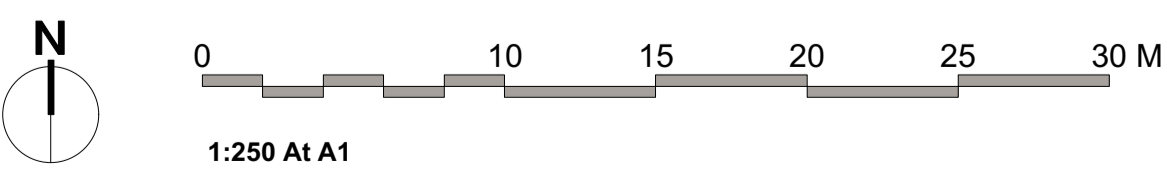


Dashed blue line indicates acoustic enclosure to external plant

Low level soft landscaping Existing wall

126 PARKING SPACES
Typical 2.5m x 5m

Electric Sub Station



- KEY:**
- Application Area
 - TM Tarmac Surfacing to Car Park
 - TM Parking Bays Tarmac Surface
 - ET 200sq ARGELTH FEINSTEINZUG R12 External Tiles under canopy. Colour 'Dark Grey'
 - CS Concrete Slabs
 - SL Surface finish with soft landscaping
 - C/C Concrete Surface
 - Proposed Bus Stop
 - BD Stainless steel bollard
 - HDB Heavy duty bollard
 - LC Lighting Column
 - Proposed/Retained Tree / green
 - Removed Trees
 - TR Trolley Rails
 - CYS Cycle Spaces
 - TM Tarmac
 - CBF Close Boarded Fence (1.8m high)
 - TKR Timber Knee Rail Fence
 - Existing Brick Wall
 - Proposed red brick wall approx 1.8m high
 - Proposed low level red brick wall approx 450mm high
- SERVICES KEY**
- Existing surface water sewer
 - Existing water mains
 - Existing foul water sewer, with 3M easement
 - Existing fire hydrants

- Bus shelter relocated
- New paved public realm area with low-level walls, trees and benching to the store frontage
- Site access and right turn lane
- Fire hydrant location (approximate)
- Existing foul water sewer
- Aldi 6M double pole sign
- Landscaping to street frontage
- Retained sub station
- Existing bus shelter removed
- Blue line indicates water main - Easement required
- Proposed pedestrian footpath
- Proposed pedestrian access

C 22/6/17 BH NR Addition of lighting columns
 B 20/6/17 BH NR Various amendments following Public Consultation:
 Highways amended, soft landscaping amended, site parking amended, notes added.
 A 13/6/17 BH NR Addition of a red brick boundary wall around the eastern boundary. Addition of bollards along the southern boundary. Alterations to the trolley bay and other minor alterations and notes amended.

Rev Date By Ap Note

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 Interior Designers
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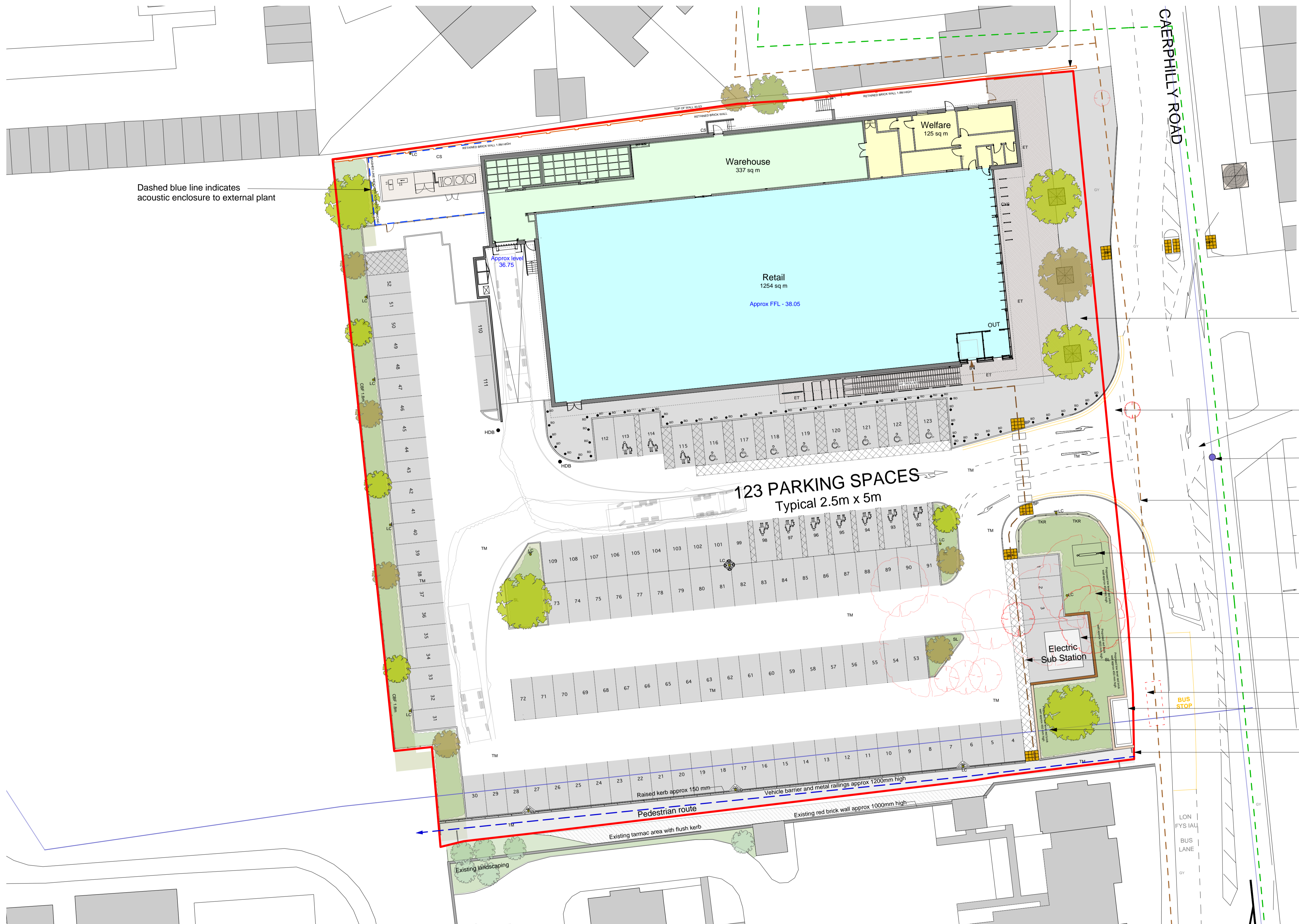
Project: Aldi Stores, Caerphilly Road, Cardiff
 Client: Aldi Stores Ltd
 Glentworth Court, Lime Kiln Close
 Stoke Gifford, Bristol BS34 6SR
 +44 (0)117 931 2062
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Scale: 1:250
 Paper Size: A1
 Filename: 120334 SITE MASTER.vwx
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Project Number: 120334 P(1)103 C
 Drawing Title: Proposed Site Plan
 Date: 11/5/17
 Drawn: HB
 Checked: NR
 Status: PLANNING



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Dashed blue line indicates acoustic enclosure to external plant

Existing wall

CAERPHILLY ROAD

123 PARKING SPACES
Typical 2.5m x 5m

Electric Sub Station

Pedestrian route

BUS STOP

LON
FYS IAL
BUS LANE

- KEY:**
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New paved public realm area

Site access and right turn lane

Fire hydrant location (approximate)

Existing foul water sewer

Aldi 6M double pole sign

Landscaping to street frontage

Retained sub station

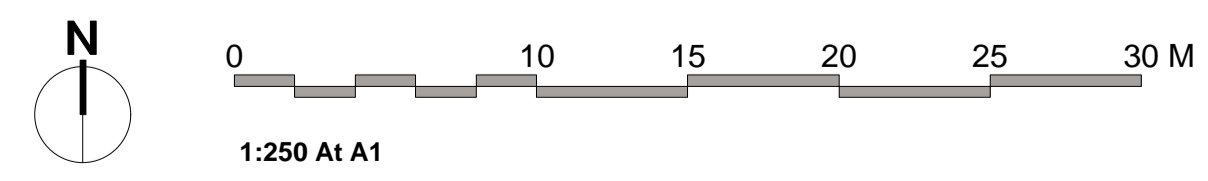
Proposed pedestrian access

Existing bus shelter repositioned

Proposed repositioning of bus shelter

Blue line indicates water main - Easement required

Proposed pedestrian footpath



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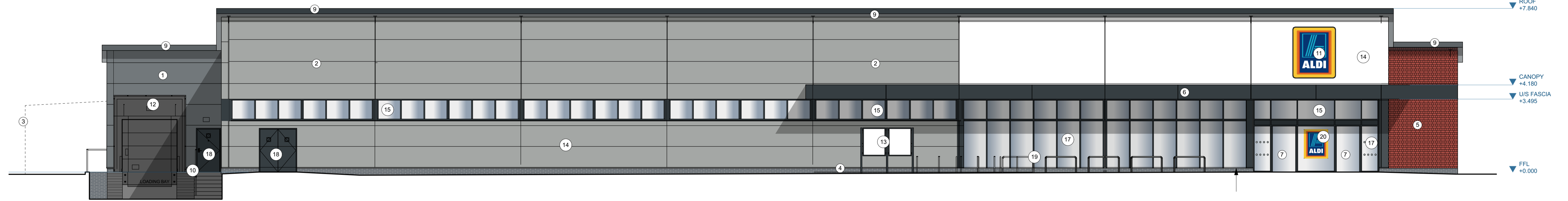
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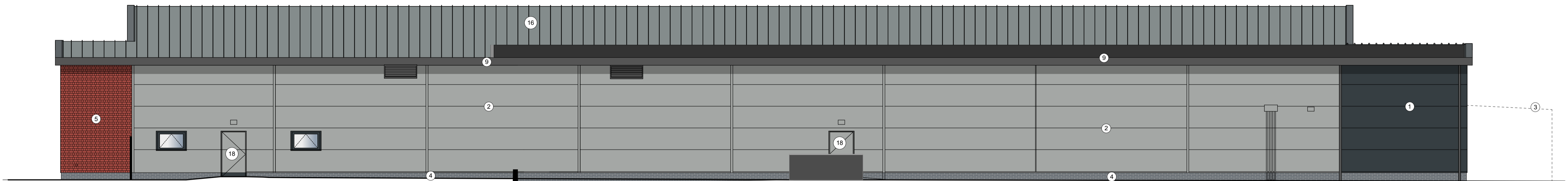
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Scale	1:250	Paper Size	A1
Filename	120334 SITE MASTER.vwx	Date	11/5/17
Drawn	HB	Checked	NR
Status	PLANNING	By	
Note		Ap	

- F 24/8/17 HB NR Pedestrian crossing to site entrances moved further within the site
- E 18/8/17 BH NR Removal of the low brick wall and the low level soft landscaping to the east of the proposed store. Existing bus shelter repositioned to be included within the Aldi demise.
- D 28/7/17 MW BH Revision based on planners comments received 26/07/17. Alterations to the southern boundary to include a metal fence and a crash barrier. The pedestrian footpath to the west of the site has been repositioned to the eastern side of the car park. minor alterat

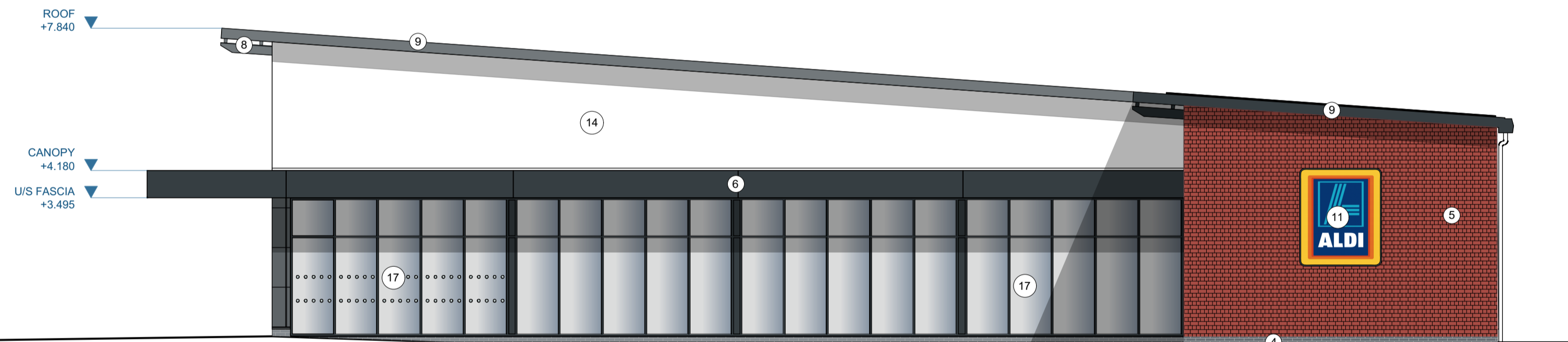
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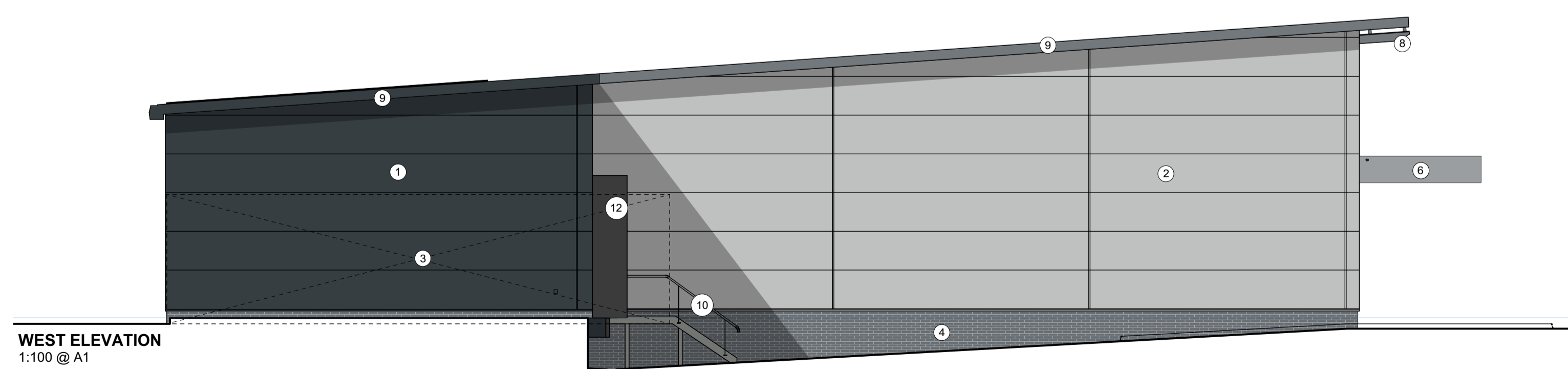
SOUTH ELEVATION
1:100 @ A1



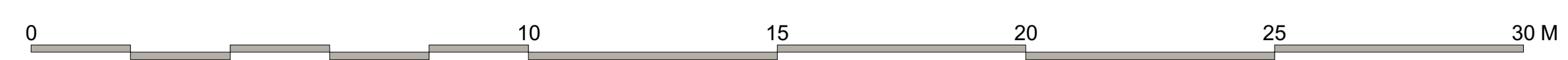
NORTH ELEVATION
1:100 @ A1



EAST ELEVATION
1:100 @ A1



WEST ELEVATION
1:100 @ A1



SCALE 1:100 @ A1

Notes

1. Kingspan ks1000mr anthracite grey cladding RAL 7016
2. Kingspan ks1000mr metallic silver cladding RAL9006
3. Galvanised mesh enclosure to refrigeration plant equipment with a lockable door
4. Low level plinth below DPC - Blockleys Brick Ltd Smooth Black with tarmac Y14 (black) coloured mortar.
5. Red facing brick to welfare, plinth and low level boundary walls
6. Canopy fascia, 3mm thick Aluminium panels with polyester powder coated finish, colour Anthracite RAL 7016
7. Entrance - polyester powder coated aluminium RAL 7016 anthracite
8. All exposed steelwork to be painted Steelguard Z44 finish coat to be gloss finish RAL 7016
9. Fascia. Powder coated aluminium to BS6496, colour anthracite grey RAL7016
10. Handrails - galvanised tubular steel
11. Wall mounted internally illuminated logo sign - subject to separate advertisement consent application
12. Sectional overhead door - pvf coated steel RAL 7016
13. Aldi poster frame RAL 7016 anthracite grey - subject to separate advertisement consent application
14. Walls - Through coloured rendered wall panels, colour 0500N (White)
15. Window - High level fixed lights. Frame colour RAL 7016
16. Roof: Kingspan KS1000 RW 80mm thick trapezoidal composite roof panels on purlins, all to anthracite grey RAL 7016
17. Shopfronts - polyester powder coated aluminium RAL 7016
18. Steel escape doors - polyester powder coated colour grey (RAL 7016) (frame colour RAL 7016)
19. Trolley bay rails - satin finish stainless steel
20. Vinyl Aldi logo sign applied to glazing - subject to separate advertisement consent application

NOTE: ALL FINISHES AND COLOURS ARE SUBJECT TO THE APPROVAL OF THE LPA



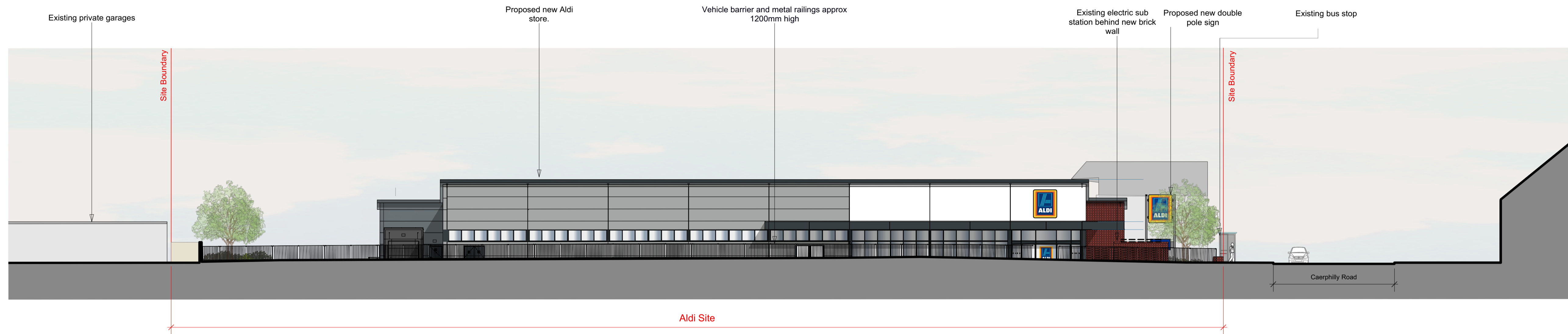
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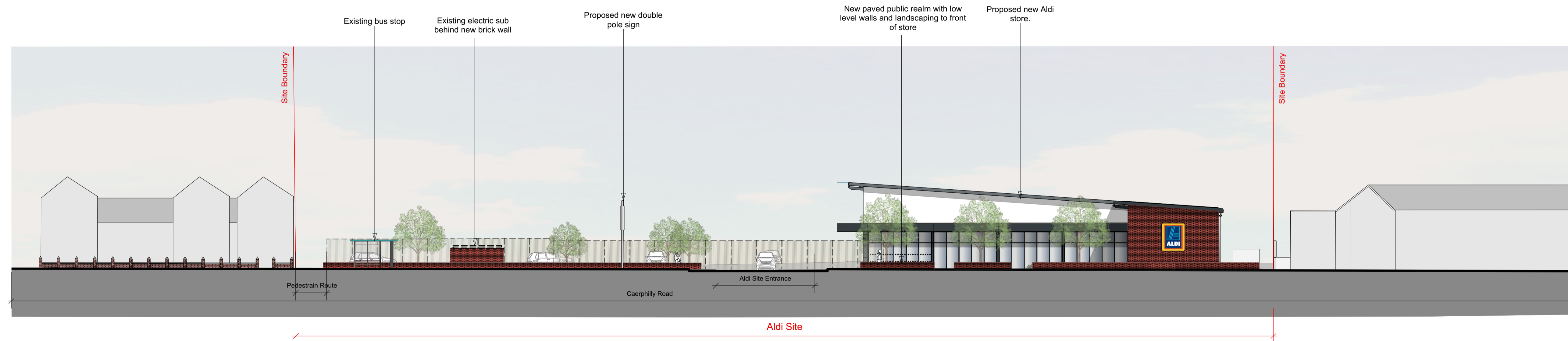
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Project Number			Drawing Number - Revision			
120334			120334 P(1)105 B			
Check all dimensions and levels on site						

B 08/08/17 BH MH Additional render to south elevation, following further comments from the LPA.
A 13/6/17 BH NR Blue brick on welfare block altered to red brick and minor notes amended.
Rev Date By Ap Note

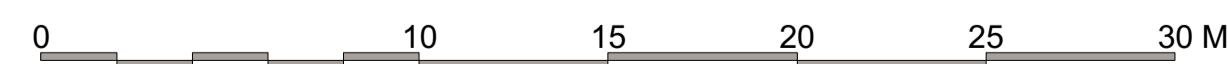
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ELEVATION FROM WAUN DDYFAL
1:200 @ A1



ELEVATION FROM CAERPHILLY ROAD
1:200 @ A1



SCALE 1:200 @ A1



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Project	Aldi Stores, Caerphilly Road, Cardiff	Project Number	120334 P(1)106 B
Client	Aldi Stores Ltd	Date	16/5/17
Scale	1:200	Drawn	BH
Paper Size	A1	Checked	NR
Filename	120334 ELEVATION MASTER	Status	PLANNING
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B 8/8/17 NR BH Addition of metal railings to the Waun Ddyfal elevation, and bus stop retained in existing location.
A 13/6/17 BH NR Addition of red brick boundary wall and updated building elevation.
Rev Date By Ap Note

Drawing Title
Proposed Street Elevations

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