LOCAL MEMBER SUPPORT & PETITIONS

COMMITTEE DATE: 11/11/2015

APPLICATION No. 14/01338/DCO APPLICATION DATE: 04/06/2014

ED: **LLANDAFF NORTH**

APP: TYPE: Full Planning Permission

Lidl UK GmbH APPLICANT:

LOCATION: JAMES & JENKINS GARAGES LTD, 27-37 STATION ROAD,

LLANDAFF NORTH, CARDIFF, CF14 2FB

PROPOSAL: OF **EXISTING** BUILDINGS DEMOLITION (INCLUDING

SKITTLE ALLEY TO THE REAR OF THE PINEAPPLE INN) AND CONSTRUCTION OF LIDL FOOD STORE WITH ASSOCIATED CAR PARKING, ACCESS AND SERVICING

RECOMMENDATION: That 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:
 - Site Location Plan 5062PL11 Rev A (i)
 - Proposed Site Plan Ground Floor Plan 010101 Rev F (ii)
 - Proposed Site Plan First Floor Plan 010102 Rev F (iii)
 - Proposed Store Plan Ground Floor 010103 Rev 1 (iv)
 - Proposed Store Plan First Floor 010104 Rev 1 (v)
 - Proposed Roof Plan 010110 (vi)
 - Proposed Elevations Option B North-East & South-East 010203 (i) Rev E
 - Proposed Elevations Option B North-West & South-West (ii) 010204 Rev F
 - Proposed Street Elevation 010205 Rev 4 (iii)
- 3. No part of the demolition hereby approved shall take place until a demolition management plan (DMP) has been submitted to and approved in writing by the Local Planning Authority. The DMP shall include, but not be limited to, details of dust control measures, noise management, proposed temporary means of site enclosure, and the future arrangements for the cleared site. The management plan shall take account of the 'worst case' scenario for demolition activities and the Cardiff Council Pollution Control's "Construction site handbook". The demolition shall proceed in accordance with the approved plan. Reason: To protect the amenities of neighbouring occupiers and the

visual amenities of the surrounding area.

4. No development shall take place until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason: To ensure an orderly form of development.

5. The retail floorspace hereby approved shall only be occupied by a Limited Assortment Discounter and shall not exceed 1,345 square metres net, either by internal or external alteration and shall only be used for the sale of convenience goods, except that up to 20% of the net sales area may be used for the sale of comparison 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.

Reason: To prevent other retail uses or changes to the format of retail sales which would need to be considered separately by the Local Planning Authority.

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 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 in perpetuity.

Reason: To secure an orderly form of development and to protect the amenities of 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 in perpetuity.
 - Reason: To secure an orderly form of development and to protect the amenities of the area.
- 9. 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.

10. 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 on drawing no. 010101 Revision F 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.

11. Doors and ground floor windows adjacent to the footway shall be constructed and installed to prevent their opening outward onto the footway.

Reason: To ensure that the use of the door does not interfere with the safety and convenience of pedestrians and vehicles on the adjoining highway.

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

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

13. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to Station Road footway and parking bays along the full extent of the site frontage and The Pineapple Public House 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, closure and reconstruction as footway of all redundant crossovers, alterations to the on-street parking bays, reconstruction of the remaining areas of footway and tabling of the uncontrolled pedestrian crossing at the Chamberlain Road junction including street lighting, drainage, signing lining, and Traffic Orders, renewal of kerbs, channels and edging as may be required. The agreed scheme shall be implemented to the

satisfaction of the Local Planning Authority prior to beneficial use of the development hereby approved.

Reason: To ensure the reinstatement of the adjacent public footway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

14. Prior to the beneficial use of the approved development an employee Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The employee Travel Plan shall set out proposals and targets, together with a time table to limit or reduce the number of single occupancy car journeys to the site, and to promote travel by sustainable modes. The employee Travel Plan 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.

15. Prior to development commencing on site a Bat Mitigation Strategy (EMS) shall be submitted to and approved in writing by the Local Planning Authority. The EMS shall be based upon the precautionary measures set out in Section 6.2 of the Acer Ecology Report (March 2015). The approved EMS shall be implemented and carried out strictly in accordance with the approved programme for implementation of the works unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure for the protection of European Protected Species.

If the development hereby approved does not commence (or, having 16. commenced, is suspended for more than 12 months) within 2 years from the date of the most recent bat surveys, (i.e. by September 2016), the approved ecological measures secured through Condition 15 shall be reviewed and, where necessary, amended and updated. The review shall be informed by further bat surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats and ii) identify any likely new ecological impacts that might arise from any changes. These surveys shall be carried out between mid-May and mid-August. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new or amended measures, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Works shall then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure for the protection of European Protected Species.

17. 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.

- 18. D4X Tree Protection Complex Sites with On
- 19. No development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - (i) A landscaping implementation programme.
 - (ii) Scaled planting plans prepared by a qualified landscape architect.
 - (iii) Proposed finished levels.
 - (iv) Earthworks.
 - (v) Hard surfacing materials.
 - (vi) Existing and proposed services and drainage above and below ground level.

The planting plans shall be supplemented by:

- (i) Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- (ii) Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- (iii) Topsoil and subsoil specification for all planted areas.
- (iv) Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect.

The submitted details shall be consistent with the plans hereby approved 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 and environmental value of the area, and to monitor compliance.

20. C4R Landscaping Implementation

21. 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 16:00 on Sundays.

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

22. Deliveries shall only be taken at or dispatched from the site between the hours of 07:30 and 23:00 Monday to Saturday and 09:00 and 1800 on Sundays.

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

- 23. H7G Plant Noise
- 24. A scheme of lighting shall be submitted to and approved in writing by the Local Planning Authority before its installation on site. All lighting shall be designed to avoid light spill into neighbouring residential properties.

Reason: In the interests of residential amenity.

- 25. The approved lighting scheme submitted to discharge Condition 24 shall only be illuminated between the hours of 08:00 and 08:00 Monday to Saturday and 10:00 to 16:00 on Sundays.

 Reason: To ensure that the use of the premises does not prejudice the amenities of the area
- 26. 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 to be agreed 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.

- 27. No development shall take place until a scheme detailing the following measures has been submitted to and approved in writing by the Local Planning Authority:
 - (i) Investigation, assessment and decommissioning of all structures and infrastructure and materials associated previous site uses including the provision of petroleum fuel within the site.
 - (ii) Remediation necessary to protect future occupiers/users of the land from chemical and other contaminants and to ensure that the land is suitable for the proposed development.

(iii) Where any remediation works are required a verification report to demonstrate that such works have been undertaken shall be submitted to and approved by the Local Planning Authority.

All measures in the approved scheme shall be undertaken in accordance with a timetable which shall be agreed in writing with the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with Policy 2.63 of the Cardiff Unitary Development Plan

- 28. C7Zd CLM UNFORESEEN CONTAMINATION
- 29. D7Z Contaminated materials
- 30. E7Z Imported Aggregates
- 31. Any site won recycled aggregate material 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 shall verify that the recycled material is free from contamination shall be undertaken in accordance with a scheme and timescale which shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

32. Details submitted in pursuance of Condition 4 include for the installation of oil and petrol separators and trapped gullies.

Reason: The River Taff is a failing European Water Framework Directive water body and it is imperative to encourage restoration and enhancement of the water body to prevent any further deterioration.

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: That the applicant be advised to contact Glamorgan Gwent Archaeological Trust if any archaeological remains are disturbed during the course of the development.

RECOMMENDATION 4: That the applicant be advised that any works within the adopted public highway are to be subject to an agreement under Section 278 Highways Act 1980 between the applicant and Local Highway Authority.

RECOMMENDATION 5: The contamination assessments and the affects 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.

1. DESCRIPTION OF PROPOSED DEVELOPMENT

1.1 Full planning permission is sought for the demolition of existing buildings (including skittle alley to the rear of The Pineapple Inn) and construction of Lidl food store with associated parking, access and servicing, at James & Jenkins Garages Ltd, 27-37 Station Road, Llandaff North.

- 1.2 The application has been subject to a series of amendments since the original submission of the application. The key characteristics of the amended proposals are now summarised as follows:
- 1.3 The proposed food store comprises a two-storey building with undercroft parking with access to the shop floor at first floor level. The gross internal area amounts to approximately 2,053 square metres. The net sales area at first floor level comprises 1,345 square metres plus a bakery and associated freezer and warehouse areas.
- 1.4 The building measures approximately 67.5 metres long, approximately 37.5 metres wide at its widest point, and a height ranging between 7.9 metres at the rear and approximately 10 metres at its highest point (due to a mono-pitch roof). The building would be set back a minimum of 1.5 metres from the footway.
- 1.5 A range of external finishes would be used including cedar cladding, local stone and cladding panels with full height glazing around the southeast corner.
- 1.6 A new vehicular access would be created adjacent to The Pineapple Public House for both customer parking and service vehicles. A total of 96 no. parking spaces would be provided within the site, including 5 no. disabled spaces. 5 no. cycle stands are also provided adjacent to the main shop entrance.
- 1.7 The following documents accompanied the original submission:
 - (i) Design and Access Statement;
 - (ii) Topographical Survey;
 - (iii) BREEAM Pre-Assessment:
 - (iv) Statement of Community Involvement;
 - (v) Retail Statement;
 - (vi) Flood Consequences Assessment:
 - (vii) The Impact of Lidl Supermarkets on Defined Retail Centres A Case Study Update;
 - (viii) Interim Travel Plan;
 - (ix) Transport Assessment;
 - (x) Geo-Environmental Investigation Report
- 1.8 The following additional information has been received during the processing of the application:
 - (i) Design and Assess Statement;
 - (ii) Acoustic Survey;
 - (iii) Flood Consequences Assessment;
 - (iv) Amended Planning Application Form;
 - (v) Transport Technical Note;
 - (vi) Updated Retail Statement;
 - (vii) Tree Constraints Plan;

- (viii) Tree Location Plan:
- (ix) Tree Protection Plan:
- (x) Updated Tree Report;
- (xi) Updated Bat Survey.

2. **DESCRIPTION OF SITE**

- 2.1 The application site extends to 0.49 hectares and is currently occupied by James and Jenkins Garages Ltd, who also occupy premises opposite the southern end of the site. The existing buildings include a range of height, scale and design, with frontage onto Station Road. The site tapers to the south.
- 2.2 The site is within an existing residential area as identified on the City of Cardiff Local Plan Proposals Map (January 1996). Two-storey residential properties are immediately opposite, comprising a range of styles, with further residential properties to the east, north and west. The immediate north boundary adjoins the Pineapple Public House, which would be retained, although the skittle alley to the rear would be demolished and is included within the application site.
- 2.3 The west site boundary adjoins the existing footpath access to Hailey Park, which is lined by a number of mature trees. The site tapers to the south where it adjoins a small grassed area surrounded by advertising hoardings.
- 2.4 Further to the west on Andrews Road, the Old Vaughan's Laundry Site has recently been demolished and re-developed to provide 28 no. residential units (ref: 13/00273/WDCO).
- 2.5 The site lies partially within a C2 Flood Zone, as defined on the Development Advice Maps in Technical Advice Note 15 'Development and Flood Risk' (2004).
- 2.6 The Station Road Local Centre is approximately 240 metres to the north.

3. **SITE HISTORY**

3.1 Various permissions granted for minor alterations, extensions and other works in association with the existing and previous uses on the site.

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 7 (July 2014).
- 4.2 Technical Advice Notes (TANs):
 - 4 Retailing and Town Centres (1996)
 - 5 Nature Conservation and Planning (2009)
 - 11 Noise (1997)
 - 12 Design (2014)

- 15 Development and Flood Risk (2004)
- 18 Transport (2007)
- 4.3 South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011 (April 1997):

EV1 Towards Sustainable Development MV1 Location of New Developments

MV11 Parking

MV13 Equality of Access

R4 Out-of-Centre Retail Development

CL2 Flooding Risk

- 4.4 City of Cardiff Local Plan (January 1996):
 - 9 Development in Areas at Risk of Flooding
 - 11 Design and Aesthetic Quality
 - 12 Energy Efficient Design
 - 17 Parking and Servicing Facilities
 - 18 Provision for Cyclists
 - 19 Provision for Pedestrians
 - 20 Provision for Special Needs Groups
 - 50 Retail Development
- 4.5 Deposit Unitary Development Plan (October 2003):
 - 1A General Principles for the Location of Development
 - 1B Achieving Good Design
 - 1E The Economy and Employment
 - 1N Car Parking
 - 2.20 Good Design
 - 2.24 Residential Amenity
 - 2.34 Retail Development
 - 2.45 Trees, Woodlands and Hedgerows
 - 2.48 Biodiversity
 - 2.57 Access, Circulation and Parking Requirements
 - 2.62 Flood Risk
 - 2.63 Contaminated and Unstable Land
 - 2.64 Air, Noise and Light Pollution
 - 2.74 Provision for Waste Management Facilities in Development
- 4.3 Relevant Supplementary Planning Guidance:

Access, Circulation and Parking Standards (2010)

Trees and Development (2007)

Waste Collection and Storage Facilities (2007)

Biodiversity (2011)

5. INTERNAL CONSULTEES RESPONSES

- 5.1 The **Operational Manager, Transportation,** advises that the Access, Circulation and Parking Standards Supplementary Planning Guidance identifies a car parking requirement of up to 1 space per 14 sqm of floor area for retail use outside the Central area, amounting to a maximum of circa 147 spaces in relation to a revised floor area of some 2,053sqm and as such the proposal is considered to be policy compliant in respect of parking provision.
- 5.2 He also notes that the former/existing mixed garage/car sales use attracts a number and frequency of vans and other commercial vehicles, along with cars, whereas the proposed use will predominantly attract private cars; notwithstanding that the peak parking demand is likely to occur at a different time of the day. It may therefore be the case, as described in the submitted TA, that the local daily impact of visits to the site could be reduced and will generally be of a less intrusive nature, more in keeping with the domestic nature of the surrounding dwellings.
- 5.3 As identified in the application supporting documents, he also notes that the site is within easy walking distance of residential properties and bus public transport services, as well as Cardiff's cycle network. The site is therefore considered to be in a very sustainable location in transport terms, reducing the reliance on the private car for shopping trips.
- 5.4 He considers that conditions would be required, in the event that permission is granted, to manage the impact of the development and reinstate the adjacent footway following construction.
- 5.5 He notes that Croft Transport Solutions, on behalf of Co-operative Group Estates, has submitted representations highlighting the following three areas of concern:
 - (i) the proposed trip type proportions overestimates the likely level of bypass traffic during PM peaks, particularly on Saturday, resulting in greater impact on the highway than shown in the submitted TA;
 - (ii) the trip generation applied to the existing use overestimates the likely level of traffic generation, resulting in an underestimate of the impact of the proposed development;
 - (iii) the proposed site access does not fully take account of servicing and requires further analysis.

5.6 He would respond as follows:

(i) The methodology and calculated traffic impact applied to the AM peak periods in the submitted TA is accepted. Concern appears to primarily apply to the PM peak, particularly highlighting Saturday. Croft calculate circa 9% Saturday PM peak bypass trips, whereas the submitted TA assumes 25%, consistent with the weekday PM peaks, resulting in a greater impact than shown in the submission. In which respect background traffic levels are assumed to be lower during weekend

- peaks, in addition to those peaks being spread/less well defined, and therefore greater resilience should exist in the network to accommodate any under-estimated impact included in the submitted TA. The difference between the Croft identified weekday PM peak and that used in the submitted TA is less marked and as such does not itself generate sufficient concern to sustain a transport objection;
- (ii) Inspection of the application site confirms that the various buildings currently occupying the site had more uses than the single Car Showroom use tested in the TA; it is evident that the site has at some time also accommodated a petrol station, an MOT station, a car repair garage (possibly rapid fit operation), vehicle hire and car parts sales, as well as the tested car sales. He would therefore conclude that the actual potential impact of the range of uses identified would exceed that of the single car sales use assumed, compensating for any overestimate that might exist in the submitted TA. As with point 1 above, he does not consider Croft's concerns in this respect are sufficient to sustain a transport reason for refusal;
- (iii) Croft identify that the submitted tracking drawings do not test articulated vehicles turning out of or into the site from the north. In which respect it is noted that there is a railway bridge north of the site that is subject to a 7.5t weight limit, and as such this route is currently inaccessible to larger vehicles. It is nonetheless acknowledged this situation could change and the route be reopened to heavy vehicles in the future. Croft also identify that the submitted track runs impact on areas of on-street parking adjacent to the proposed new entrance; in which respect (both matters) he would confirm that the requested Highway Works condition requires the submission of a scheme which will include revisions to the on-street parking and Traffic Orders adjacent to the site. He is therefore content that sufficient safeguards are in place (in the form of the Highway Works condition) to ensure that the proposed entrance will be fit for purpose.
- 5.7 In conclusion, he considers that the development accords with parking policy and will not result in any overspill parking. The site is also considered to be well located to appeal to a walk-in/combined trip catchment that will generate minimal new trips in its own right, along with a reduced number of intrusive commercial vehicle trips than the former garage uses. He would therefore conclude that any objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge.
- 5.8 The Operational Manager, Environment (Contaminated Land), identifies that the site has previously occupied a range of commercial/industrial uses including a foundry, vehicle service, MOT, respray, and retail garage. Activities associated with these uses may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. In addition, a former landfill site the infilled former Glamorganshire Canal has been identified adjacent the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate

- to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.
- 5.9 He notes that a geo-environmental investigation report has been submitted with the application which confirms that a ground gas assessment has been undertaken, concluding that gas protection measures are not required for the proposed development of the site. Based on the findings of the investigation. the consultants conclude that there is no requirement for remedial action to be undertaken as part of the proposed development of the site with respect to human health. However, the consultant also identified evidence suggesting the presence of at least two in-filled underground storage tanks, in the northeast area of the site, once operated as a fuel filling station. They acknowledge that formal decommission and removal of the underground storage tanks and associated infrastructure is likely to be required during the demolition phase of the development. Any remaining fuel storage tank and associated infrastructure underlying the site presents a potential risks to human health for the proposed residential end use. Further geo-environmental assessment will therefore be required in the area of the tanks, to investigate and assess this issue during the demolition phase of the development. He therefore recommends relevant conditions and an informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced.
- 5.10 The Council's **Tree Officer** notes that, whereas the current above ground growth of 2 no. lime trees (Nos. 3 & 4) in Hailey Park came into conflict with the proposed building line under the superseded proposal, the amended proposal now only conflicts with 1 no. lime tree (No. 4). The superseded plans showed the future growth of limes 2 and 5 was likely to come into conflict with the proposed building line whereas under the current submission the future growth of limes 5 and 6 is likely to conflict. Thus the amended scheme represents a slight improvement on the original plans in that it conflicts directly with the current growth of just one rather than two trees. However, the demolition required for both schemes will necessitate 'facilitation pruning' of trees 1-6 in any event.
- 5.11 He reiterates his original observations seeking amendments to the footprint that *increase* the above ground growing space of the limes to an extent that maximises their capacity for unconstrained future growth. Limes are large, long-lived trees but in the case of trees 4-6 the development constrains their capacity for lateral spread to the east and will force them to grow offset over the park. Repeated pruning will be required to maintain reasonable clearance between these trees and the building line.
- 5.12 Provision for new soft landscaping including tree planting is very disappointing and no detailed landscaping scheme has been submitted. A narrow soft verge is provided adjoining the northern side of the access. It cannot reasonably contain tree planting given the need to accommodate high-sided vehicle access and the proximity of the adjoining property. A triangular bed on the northern boundary could accommodate a single medium sized tree he suggests x1 Sorbus torminalis. The soft verges adjoining Hailey Park cannot

- accommodate tree planting and the only other space available is in the southeastern corner where a second medium sized tree such as *S. torminalis* could be accommodated.
- 5.13 If the application is to be recommended for approval he recommends attaching conditions regarding tree protection, together landscaping and landscaping implementation.
- 5.14 The **Operational Manager, Waste Management,** advises that plans referencing the storage and collection of waste and recycling are acceptable. Refuse storage must thereafter be retained for future use. They request that the agent/applicant be advised that a commercial contract is required for the collection and disposal of all commercial waste (refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance).
- 5.15 The Council's **Ecologist** has considered the amended application including the additional bat survey dated April 2015. He considers that the report places too much emphasis on the absence of signs of bats in the roof voids and the absence of signs of bats at the potential entry points, whereas crevice-dwelling bats may not leave signs of their presence in roof voids, and there are not always signs of bat useage around entry points. However, taking into account the design and construction of the buildings on site, he is satisfied that the potential for bats in these buildings is low, and that the precautionary measures set out are appropriate, without the need for the initial surveys to be repeated.
- 5.16 Therefore the precautionary measures set out in section 6.2 of the April 2015 Bat Survey Report should be secured by planning condition. This includes repeat surveys of bats if demolition hasn't taken place within 2 years of the initial September 2014 survey.
- 5.17 In relation to nesting birds he supports the recommendation given in section 6.2 that demolition should take place outside the bird nesting season.
- 5.18 These comments contribute to the Authority's discharge of its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, wherein: (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.
- 5.19 The **Operational Manager, Environment (Noise & Air),** has been consulted on the application and additional information and any comments received will be reported to Planning Committee.
- 5.20 The Council's **Access Officer** has been consulted and any comments received will be reported to Planning Committee.

- 5.21 The **Operational Manager**, **Parks and Sport**, commenting on the original plans, considers that the design could be improved by enhancing the relationship with the access to Hailey Park to the southwest. Introducing active overlooking will help reduce anti-social behaviour. He considers that the blank nature of the façade and enclosed boundary will also make the store more vulnerable to anti-social behaviour from the park. Whilst he accepts that the existing James and Jenkins building does little to enhance the park in this respect he considers that new development should aim to improve the quality of environment.
- 5.22 An avenue of lime trees forms a backdrop to Hailey Park in this location, and he agrees that a tree assessment should be carried out to establish any impact of the development on these trees.
- 5.23 Commenting on the original plans. he agrees that the soft landscape elements could be improved, and the incorporation of tree planting within the site along the Station Road frontage would soften the impact of the building. In general Station Road has little highway tree planting, with much of it located in side streets, but some strategically placed trees in adequate sized pits, particularly in the car park and at the southern end of the development would be beneficial.
- 5.24 He has been re-consulted on the amended plans and any comments received will be reported to Planning Committee.

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Welsh Water** recommends conditions be attached to any permission to prevent hydraulic overloading of the public sewerage system and that effective drainage are provided.
- 6.2 The **Glamorgan Gwent Archaeological Trust** identifies that the project area lies immediately adjacent to the route of the late eighteenth century Glamorganshire Canal. In addition, historical Ordnance Survey maps indicate that it is the site of a former nineteenth century iron and brass foundry. However, later development seems likely to have destroyed the remains of these structures. Therefore, it is their opinion that the works are unlikely to cause an adverse impact to the historic environment because they do not expect that significant archaeological remains will be discovered during the development. However, it should be noted that their current knowledge of the archaeological resource in this area is incomplete and significant remains may still be disturbed during the course of the work. If this should occur, they request that the developer contacts the Trust for further guidance. They have no objection to the positive determination of this application.
- 6.3 **Natural Resources Wales** do not object to the application, provided that suitable conditions are attached to any permission that is granted including the provision of and petrol interceptors, trapped gullies, and unsuspected contamination.

- 6.4 They advise that the site lies within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2001). Their Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of a tributary of the River Taff, a designated main river. The planning application proposes a development on previously developed land within a flood risk area. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. They refer to the justification tests in section 6.2 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014. They therefore advise, prior to the determination of the application, a Flood Consequences Assessment is undertaken that meets the criteria contained in section 5 and 7 and Appendix 1 of TAN15. The purpose of the FCA is to ensure all parties. including your Authority, are aware of the risks to and from the development, and ensure that if practicable, appropriate controls can be incorporated in a planning permission to manage risks and consequences of flooding. The updated FCA (April 2015) confirms:
 - (i) The site is not located within the 1 in 100 year (+ 20% for Climate Change) flood event, meaning the development is compliant with A1.14 of TAN 15:
 - (ii) Based on a proposed site level of 20.10m AOD, the site is predicted to flood to be flood free during the 1 in 1000 year event, meaning the development is compliant with A1.15 of TAN 15.
- 6.5 They therefore have no objection to the proposed development. They advise future occupants to sign up to their free Flood Warnings Direct service. As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, they recommend that the Local Planning Authority considers consulting other professional advisors on the acceptability of the developer's proposals, on matters that they cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding. They refer to the above information and the FCA to aid these considerations. They do not normally comment on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as they do not carry out these roles during a flood. Their involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.
- 6.6 The South Wales Police Crime Prevention Design Advisor advises that over a period between the beginning of August 2014 and August 2015 there were 180 incidents reported to South Wales Police in the vicinity of Station Road. These included 50 thefts, 8 burglaries, 18 violent incidents, 17 incidents of anti-social behaviour, 3 criminal damage and 2 robberies. He has conferred with the Local Neighbourhood Policing team who have stated they foresee no major problems with crime and anti-social behaviour in the area if the application is granted. He has no objection in principle to the development, although he makes recommendations regarding the creation of a safe and secure environment, including boundary enclosure heights, use of bollards,

lighting design, landscaping, security barriers, trolley security, security doors and shutters, alarm systems, CCTV, access controls,

7. **REPRESENTATIONS**

- 7.1 **Councillor Ali** supports the proposal as he considers that the application will benefit the community.
- 7.2 **Councillor White** gives her support to the application.
- 7.3 The proposals were advertised in the press and by site notice on 3rd July 2014 as a major development, in accordance with Article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- 7.4 A **petition** of approximately 800 signatures in support of the application has been received.
- 7.5 A **petition** of approximately 327 signatures has been received which, whilst supporting the application, opposes the removal of the Pineapple Public House skittle alley and beer garden as the pub is a community facility and the only pub with a beer garden with a children's play area. They consider the development would make the Pineapple financially unviable resulting in the loss of a vibrant community facility.
- 7.6 24 no. representations have been received in **support** of the application from the occupiers of 39 Corwen Crescent, 9 Blosse Road, 24 Hilton Place, 7 Fox Russell Close, 5 and 27 Radyr Road, 17 Bridge Road, 18 Chamberlain Road, 2 Tealham Drive (St. Mellons), 1 Ffordd Gwern (St. Fagans), Andrews Road, 19 Cefn Onn Meadows (Llanishen), 59 Aberdulais Road (Gabalfa), 1 Rushbrook Close (Whitchurch), 42 Cae Ty Mawr (Whitchurch), 'Manderley', Broadway Green (St. Nicholas) and 8 no. unaddressed emails. They consider that the development will improve competition by providing better shopping facilities, provide jobs, improve the appearance of the area and benefit the community. They consider that the parking provision seems a good compromise and the previous garage use caused congestion. They consider that the application is taking too long and query the reason for the delay. The loss of the skittle alley is of no loss to the community. The development would improve the appearance of the area.
- 7.7 1 no. representation of **conditional support** from the occupiers of 15 Bridge Road, subject to preservation orders being placed on all trees surrounding the site as they are concerned that, whilst they are not proposed to be removed, there is nothing to prevent their removal. They consider that the trees provide an effective screen.
- 7.8 1 no. unaddressed email and 3 no. representations from the occupiers of 6 Corwen Crescent, 4 West Road and 27 Woodland Road (Whitchurch) who do not oppose the principle of development, although they do express **concern** regarding:

- (i) the increase in traffic, congestion, and resulting noise pollution that would occur:
- (ii) The amended plans create a superstore in a residential setting;
- (iii) Lighting will impact the residences opposite;
- (iv) They oppose the demolition of the skittle alley and beer garden and would be opposed to the loss of the access lane to the side of the Pineapple Pub;
- (v) Impact upon school safety at Glantaf;
- (vi) New building is of a poor design quality.
- 7.9 1 no. unaddressed email and 12 no. representations from the occupiers of 7 Maplewood Avenue, 35 Blosse Road, 64 Colwinstone Street, 9 Cradoc Road, 40 Chamberlain Road, 18, 20 and 53 Station Road, 20 Whitefield Road (also the owner of 28 Station Road), 31 Radyr Road, 78 Caldy Road and 23 Llandinam Crescent (Gabalfa) objecting to the application for the following reasons:
 - (i) Size and scale the amended store is approximately 1.5 times larger than the original proposal and the parking spaces have increased from 65 no. to 101 no. The new store would be 3 storeys rather than singlestorey as originally proposed. Size and scale is inappropriate, obtrusive and out of keeping for this residential area;
 - (ii) Loss of privacy from overlooking for houses opposite, adjacent to the Pineapple Pub, and Andrews Road;
 - (iii) Light pollution;
 - (iv) Increased traffic congestion and parking problems on Station Road and local network;
 - (v) Concerns regarding safety for school children from increase traffic and large vehicles:
 - (vi) Loss of Pineapple Pub skittle alley and beer garden which is an important community amenity;
 - (vii) New building would be very close to Hailey Park and the Taff Trail and will stand out like a sore thumb it will not respect local character
 - (viii) No guarantee patrons will use the 100 parking spaces;
 - (ix) Insufficient evidence provided to demonstrate economic case for the development;
 - (x) Air pollution. Congestion on Station Road already impacts on local air quality. Increased pollution from increased traffic congestion and HGVs, resulting in an impact on the wider area;
 - (xi) Noise Pollution will increase from plant and HGV traffic;
 - (xii) Depreciation in property values:
 - (xiii) Graffiti wall to the rear of the pub should be safeguarded;
 - (xiv) Plans should reflect some vernacular architecture of the area;
 - (xv) Weak bridge at the north end of Station Road;
 - (xvi) The application does not contain any existing elevations or any existing or proposed levels;
 - (xvii) Design conflicts with TAN12 paragraph 2.6;
 - (xviii) No consideration has been given to the context of the surrounding area;

- (xix) The travel plan proposals are meaningless and similar approaches have not been implemented in other stores operated by the applicant;
- (xx) No tree survey has been submitted;
- (xxi) A bat survey is required;
- (xxii) Concerns regarding noses from deliveries (stated to be outside of busy traffic times) and air conditioning units;
- (xxiii) The commitment to sustainable travel is unlikely;
- (xxiv) A contribution to the creation of a cycle lane on Station Road should be required;
 - No boundary treatment details are provided;
- (xxv) Too many car parking spaces are proposed;
- (xxvi) Crossovers should be conditioned to be removed;
- (xxvii) Signage should be shown to be indicative as this is subject to a separate application;
- (xxviii) The unsightly advertising hoardings to the south of the site should be removed.
- 7.10 **Croft Transport Solutions** make the following comments on behalf of the Co-operative Group Estates:
 - (i) The proposed trip type proportions are likely to underestimate the resulting levels of traffic on the local highway network;
 - (ii) The forecast traffic flows for the consented land use provide an overestimation of the level of trips that it could generate in the weekday period, which in turn underestimate the impact of the proposed development;
 - (iii) The proposed servicing arrangements are deemed to be unacceptable and further analysis is required to demonstrate that the site can be serviced in a safe and efficient manner:
 - (iv) Having reviewed the amended proposals and additional information they consider that the April 2015 Technical Note does not offer any materially new information which might support a positive determination of the application;
 - (v) The traffic impact analysis contained within the Technical Note is based upon the previous methodology which underestimates levels of traffic on the local highway network whilst overestimating the levels of traffic that could be generated;
 - (vi) The revised swept path analysis has been undertaken for a 16.5m articulated HGV, although it only includes vehicles travelling to and from the west and does not include any assessment of vehicles turning right into the site and turning left out of the site;
 - (vii) The revised swept path analysis also fails to consider the impact on existing parking bays on the northern and southern side of the carriageway;
 - (viii) They consider that there is sufficient information to refuse the application on highway safety grounds.
- 7.11 One letter from the occupiers of 3 Pomergelli Road who neither support nor oppose the development but recommend the footpath adjacent to the Pineapple Pub to be designated as a public right of way or create a new

public right of way within the site. They also consider cycle parking provision should be increased, that this part of Station Road becomes a 20mph zone, and the legal 'graffiti wall' alongside the former Glamorganshire canal be maintained.

- 7.12 Following the re-consultation on amended plans in October 2015, 7 no. additional representations in support of the application were received from the occupiers of 9 St. Margaret's Road, 32 Heol Don, 7 Elm Street (Roath), 26 Drury Close (Thornhill), 22 Blanche Street (Adamsdown), 1 Ffordd Gwern (St. Fagans) and 2 Tealham Drive (St. Mellons). Their reasons for supporting the application are as follows:
 - (i) Development will lift the area;
 - (ii) Existing site is unattractive;
 - (iii) Job creation;
 - (iv) Express frustration at the lengthy application process;
 - (v) Will help small businesses in the area to thrive;
 - (vi) Conveniently located supermarket;
 - (vii) The applicant does their own charity fundraising;
 - (viii) Will reduce on-street parking;
- 7.6 Following the re-consultation on amended plans in October 2015, 2 no. additional representations objecting to the application were received from the occupiers of 7 Maplewood Avenue and 23 Llandinam Crescent (Gabalfa). Their reasons for maintaining their objection are as follows:
 - (i) Reduction of parking spaces from 101 to 96 is an excessive amount for a store supposedly aimed at pedestrians and cyclists. No mention is made of how traffic concerns have been addressed.
 - (ii) Traffic congestion problems and turning of HGV delivery vehicles has not been addressed.
 - (iii) The application is not an amendment it is much larger than previously proposed; increased floorspace and parking provision with an increased fee and new consultation should result in a new application:
 - (iv) Materials should be conditioned if permission is granted;
 - (v) Cycle parking should be under cover
 - (vi) Signage on plans should be for illustrative purposes only;
 - (vii) A Section 106 Agreement should be used to tidy up unsightly land to the south of the site and secure the removal of advertising hoardings.

8. ANALYSIS

8.1 The key issues for the consideration of this application are the land use policy issues, design and appearance of the building, access and parking arrangements and wider highway considerations, ecology and tree matters, the resulting impact upon neighbouring occupiers, and issues arising from the public consultation.

Land Use Policy

8.2 The key land use policy issue in respect of this application is the consistency of the proposal with policies for the location of new retail development.

Retail Development

- 8.3 The application site is in an out-of-centre location in terms of retail policy. Planning Policy Wales Edition 6 (February 2014) is clear that planning applications for retail developments 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 Local Plan Policy 50 and Structure Plan Policy R4 provide the development plan policy framework. The former only allows for retail development in areas other than the inner harbour principal business area, the city centre principal business area, or district an local centres if the proposal would meet the following criteria:
 - (i) The proposal cannot be satisfactorily accommodated within or adjoining an existing or planned centre; and
 - (ii) There is no need to preserve the site for its existing or allocated use, assessed against the relevant policies of the plan; and
 - (iii) The proposal is not within the countryside or urban fringe; and
 - (iv) The proposal would not cause or contribute unacceptable harm to the vitality or viability of existing or planned centres, or strategies aimed at sustaining or enhancing such centres; and
 - (v) The proposal would not cause or contribute harm to approved regeneration schemes; and
 - (vi) Resultant traffic flows, travel patterns, energy use and other emissions would be minimised; and
 - (vii) The proposal would be well located by reference to public transport and for those wishing to travel other than by car; and
 - (viii) Car parking provision and servicing facilities are adequate; and
 - (ix) The proposal is acceptable in terms of scale, design and amenity considerations.
- 8.5 It is noted that the retail statement supporting the application outlines the Lidl business model, addresses the need for the store, the sequential approach to site selection and assesses the store's impact on existing centres. The findings are summarised below.

Lidl Business Model

- 8.5 The applicant is a discount food store (defined as a Limited Assortment Discounter or LAD) which offers a limited range of products, i.e. no more than 1,600 product lines (stores of a similar size operated by a large grocery retailer generally carry about 5,000 products). 80% of their product range is its own brand and it does not stock convenience goods such as tobacco or individual confectionary items and only stocks a limited range of pre-packed meat and individual fruit and vegetable products which places the applicant in a different market to most independent retailers. It is also noted that the applicant's stores do not offer separate concession/counters such as butchers, post offices or pharmacies that are frequently found in larger out of centre stores and in specialist shops in town centres.
- 8.6 The applicant's stores offer a limited range of non-food comparison goods which typically occupy about 20% of the sales area. These items tend to be one-off specials offered while stocks last. There is no standard or constant comparison goods range offered in store from week to week and the products are wide-ranging, including specialist sports equipment and/or electrical items. On this basis, there is stated to be no competition with comparison goods retailers in centres.

Quantitative Need

- 8.7 The quantitative assessment is based on convenience goods expenditure as the proposed store will devote a large majority of its retail sales to these types of goods.
- 8.8 The turnover of the store is expected to be £3.3 million in the design year (2019). The Council's Retail Capacity Study (March 2011) has been used as the basis for the quantitative needs assessment. The application site falls within Zone 3 as defined in the capacity study and is close to the boundary with Zone 2. Whilst Zones 2 and 3 are too large to represent the catchment area for the proposed Lidl store, they represent the most appropriate geographic area to adopt based on the data in the 2011 Retail Capacity Study.
- 8.9 In order to assess whether there is sufficient convenience goods expenditure within Zones 2 and 3 to accommodate the proposed store, in addition to existing facilities, the applicant's retail statement lists all the existing foodstores within these zones together with their floorspace and benchmark turnover levels. This gives an indication of the proportion of turnover which these stores and centres will derive from Zones 2 and 3. The turnover of existing food and convenience floorspace is then compared with the amount of convenience goods expenditure which could be available to support floorspace within Zones 2 and 3.
- 8.10 Zones 2 and 3 currently only retain 51% of the convenience goods expenditure generated by residents of these zones. Zone 3 retains around 75% of locally generated expenditure, whilst Zone 2 retains only 38% of the

- convenience goods expenditure that is generated within it because of expenditure leakage mainly to Culverhouse Cross.
- 8.11 However, the agents have assumed that since the development of the Asda at Capital Retail Park, which falls within Zone 2, together with the comprehensive comparison goods retail floorspace that has also developed, it is reasonable to expect that Zones 2 and 3 combined could retain a greater proportion of available convenience goods expenditure to support the turnover of existing and proposed stores, and assume that 65% of the available expenditure in Zones 2 and 3 could be retained to support existing convenience goods floorspace and the proposed store. This assumes a more sustainable pattern of shopping behaviour than at present, resulting in fewer lengthy trips to existing stores further afield.
- 8.12 A 65% market share in Zones 2 and 3 is equivalent to £213.9m of convenience goods expenditure and compared with the 2011 Retail Study derived benchmark turnover of existing stores (£184m), this indicates that there will be a surplus level of expenditure of £29.3m in Zones 2 and 3 at the design year (2019), which is significantly higher than the turnover of the Lidl store (£2.3m), indicating a quantitative need for the proposed Lidl store. This includes an allowance for the committed Lidl store at Leckwith Road.

<u>Impact</u>

- 8.13 The Retail Statement lists a number of reasons why the proposed store is unlikely to cause harmful impact on designated centres, including:
 - (i) Technical Advice Note 4 sets a floorspace threshold of 2,500 sqm (gross) above which it will always be necessary for proposals for new out of centre retail floorspace to be supported by an assessment of the potential impact on centres. This threshold provides a reasonable indication of the scale of development above which the Welsh Government thinks that impact on centres of new development might be significant and adverse. The net sales area of the proposed store is half that amount of floorspace and falls well within that parameter;
 - (ii) The turnover per sq. m that the applicant achieves is significantly below that achieved by the 'Big 4' and other retailers so that the potential for harmful impact from Lidl is lower than those other retailers, assuming the same amount of floorspace;
 - (iii) The lack of direct competition between the applicant and independent greengrocers, butchers and convenience stores because of the lack of product overlap. It therefore follows that if the food and convenience goods offer of nearby centres is based on small, independent retailers, specialist retailers and convenience stores, the potential for competition and harmful impact is low.
- 8.14 To inform the quantitative impact assessment the retail statement looks at the health and performance of nearby designated centres that are most likely to be affected by the proposed development including Station Road local centre, Gabalfa Avenue local centre, Llandaff local centre and Merthyr Road district

centre and concludes that each of the centres surveyed contain an adequate level of provision for food shopping. The local centres provide 'top up' convenience goods floorspace serving local catchments, while Merthyr Road district centre includes Co-op and Iceland stores that together provide a wider range of convenience goods. In all cases, the applicant concludes that the centres are healthy, vital and viable. Based on the characteristics of the Lidl business model, the composition of the centres and the nature of the convenience goods retailers within them, the retail statement concludes that the proposed Lidl food store will have no harmful impact upon the level of provision for food shopping within centres.

- 8.15 In estimating the potential trade diversion to the proposed store, the retail statement adheres to the principle that limited assortment discount (LAD) food stores compete with the value lines sold by large food stores although, due to the limited range of products sold, trade in a complementary fashion to most existing convenience and independent stores and the effect upon competing stores and centres will be proportionate to their distance from the application site and the quality and range of products offered.
- 8.16 The proposed store will compete with the nearby Asda, Morrison's and Sainsbury stores and will draw some trade from the applicant's existing store on Caerphilly Road. Given the range of products that the proposed store will sell it is considered to have much less of an effect on nearby local centres which sell differentiated products and provide a more specialist role.
- 8.17 The turnover of the proposed store is projected to be £2.8m per annum. In relation to convenience goods, the majority of the turnover to the proposed store will be drawn from other out-of-centre stores, including Asda at Coryton (£1.12m), Tesco Extra, Western Avenue (£0.8m), Lidl, Caerphilly Road (£0.14m), Aldi, Cowbridge Road (£0.01m), and Lidl, Cowbridge Road (£0.03m), Morrison's, Llanishen (£0.66m), Sainsbury's, Thornhill ((£0.3m), Coop, Merthyr Road (£0.1m) and other local stores (£0.07m).
- 8.18 Overall the analysis demonstrates that the proposed store will compete for trade primarily with other out of centre foodstores in the north western part of Cardiff. The expenditure which is diverted from defined centres is small and spread across a number of centres and therefore will not be detrimental to the vitality and viability of any one designated centre.
- 8.19 In terms of comparison trade draw, it is estimated that the proposed store will have a turnover of £0.8m. This is a small annual turnover and reflects the applicant's limited and ever changing comparison goods offer. The retail statement considers that the diversion of comparison goods trade to the store is likely to come from other out of centre supermarkets and retail warehouses and higher order centres such as the city centre. When the £0.8m diversion is spread across these facilities, the actual impact is considered to be imperceptible.

Sequential Test

- 8.20 The sequential approach to site selection as contained in national guidance requires that if need is demonstrated for additional retail facilities, wherever possible they should be located in or adjacent to existing shopping centres with development plan status. Planning Policy Wales places the onus on developers and retailers to be flexible and innovative about the format, design and scale of the proposed development and the amount of car parking, tailoring these to fit local circumstances. Rather than proposing developments with a mixture of large scale retailing and a large amount of parking which can only be accommodated at a single centre, developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites in a more central location.
- 8.21 The sequential assessment has also taken into account the established characteristics of the applicant's business model which have been assessed and ratified in the determination of various appeals. Appeal precedent has recognised the inherent characteristics of the Lidl business model which limits the scope for flexibility and subsequent decisions have reinforced these principles, recognising that for the applicant to operate its business model it requires a minimum size site of 0.46 hectares; a minimum net floorspace of 1,063 sqm on a single level and; approximately 70 adjacent surface level parking spaces.
- 8.22 The applicant has undertaken a sequential search for sites in the closest designated centres including, Llandaff North district centre, Gabalfa Avenue local centre, Llandaff local centre and Merthyr Road district centre. A number of vacant units were identified in these centres, however all were very small and the applicant concludes that none of the units are capable of accommodating the proposed development either individually or cumulatively. In relation to edge of centre locations, the applicant observed no vacant or available sites, other than the application site which is within approximately 300 metres of the centre so that it is possible to walk from the site to the centre. The retail statement concludes that the application site and Llandaff North local centre are well related and that there are no better connected sites on the edge of Llandaff North that could accommodate the identified need or the proposed development.

Conclusions

- 8.23 Having considered the application against the standard retail tests of need, sequential test and impact, the proposal is not considered to raise any significant retail policy concerns:
 - (i) Quantitative Need The retail statement demonstrates that there is a quantitative need for the proposed store as there will be a surplus of expenditure of £29.3m by the design year (2019), indicating there is expenditure capacity to support the proposed store which will generate a turnover of £3.3m:

- (ii) Sequential Test Based on the information contained in the retail assessment, it is accepted that the proposal passes the sequential test as set out in national guidance, with no sequentially preferable site being available;
- Impact It is inevitable a new out-of-centre store will have some impact (iii) on existing turnover. However, the supporting retail statement demonstrates that the proposed store will compete for trade mainly with other out-of-centre foodstores and supermarkets in the north western part of Cardiff. The expenditure which is diverted from designated centres, such as Llandaff North and Whitchurch will be small in comparison and spread across a number of centres and therefore is unlikely to be detrimental to the vitality and viability of any one designated centre. There is no clear evidence of such significant impact on turnover that the proposed store is likely to undermine the vitality and viability of any designated centre. This is due to the fact that the applicant operates as a 'deep discounter' characterised by small store size, limited product range which does not provide the full retail offer, limited comparison goods and limited trading hours, as demonstrated in the supporting case study evidence.
- 8.24 It is therefore concluded that the proposed store is likely to pose no adverse impact upon the vitality and viability of designated centres due to the nature (LAD) and scale (limited comparison goods floorspace) of the proposed retail operation and the absence of any directly comparable retail offer/store within the designated centres. It is likely that shoppers that wish to visit a shop of the nature proposed (Limited Assortment Discounter) are already using shops in out-of-centre locations. For this to be maintained, it is considered that relevant conditions should be attached to the grant of any planning permission which only permit the store to be occupied by a Limited Assortment Discounter and limit the amount of comparison goods retailing.

Design and Appearance

- 8.25 The application has been subject to a number of amendments during the life of the application, arising from discussions between Council officers and the applicant to enhance the design quality of the proposal in what will be a visually prominent location. The chronology of amended plans is appended to this report for Member's convenience.
- 8.26 Concerns have been previously expressed by officers with regard to the scale, form, massing and general design of the proposed supermarket building. It is recognised that the application site contains numerous commercial buildings which have little architectural value and their configuration and arrangement varies in scale, form and detailing. Throughout negotiations during the course of progressing the application, it has been recognised that the relationship of the store with the street scene is important in order to successfully integrate the building with the surrounding area.

- 8.27 Discussions surrounding the height of the building have resulted in the submission of amendments where the height has been reduced to approximately 10 metres, which is the minimum height required by the applicant to accommodate the mono-pitch roof at the rear of the building. Although this inevitably results in a consistent roof height along the street frontage, and a building that is of a scale, height and massing larger than the existing buildings on the site it is noted that the applicant has taken steps to accommodate officer's concerns.
- 8.28 It is accepted that the form and massing results in a large building on the site which enjoys a long frontage on Station Road, and is larger than buildings in the vicinity of the site which are pre-dominantly two-storey and three-storey residential properties. However, it is acknowledged that the amendments have progressed significantly to include substantial design improvements, including the use of glazing and high quality materials including cedar cladding and natural stone, as well as a reduction in the massing of the building from the original submission.
- 8.29 Furthermore, the introduction of the glazed corner entrance over two floors, and a widened secondary entrance in the centre of the front elevation is considered to result in an improved relationship with the street scene and allows for increased levels of natural surveillance.

Highways and Transportation

- 8.30 It is noted that the amended proposals are policy compliant in respect of parking provision.
- 8.31 Whilst the representations of third parties in respect of access, highway safety and congestion, together with comments by Croft Transport Solutions questioning the adequacy of the Transport Assessment are noted, the Operational Manager, Transportation, having considered the information, does not consider that an objection on Transportation grounds could be sustained (see paragraphs 5.1 5.7). It is considered that the local daily impact of visits to the site are likely to be less intrusive than the former use as a garage, sales and mot/service centre.
- 8.32 It is also noted that the site is located in a highly sustainable location in transport terms, being within walking distance of neighbouring residential areas, located on a bus route, within approximately 500 metres of Llandaf train station, and in close proximity to the Taff Trail. These are considered to be viable transport modes that can help reduce reliance on the private car.
- 8.33 Subject to relevant conditions, which include a scheme of highway improvement works on Station Road, it is not considered that a refusal on transportation grounds could be sustained.

Residential Amenity

- 8.34 It is noted that no residential properties adjoin the site, although there are residential properties immediately opposite facing towards the site, and further to the southwest beyond the existing access to Hailey Park. The properties immediately opposite and facing towards the site are likely to be the most affected by the proposals.
- 8.35 Notwithstanding this, it is considered that issues relating to plant noise and lighting can be adequately safeguarded through relevant conditions.
- 8.36 Concerns expressed in respect of noise and air pollution arising from traffic accessing and egressing the site, mindful of the site's location on a busy suburban road, are not considered to be sustainable.
- 8.37 It is considered that satisfactory distances would be retained between the proposed building frontage and the residential properties opposite (approximately 20 metres), such that there would be no detrimental impact upon the enjoyment of these dwelling houses by their occupants.

Ecology

8.38 It is noted that the Council's Ecologist, having considered the amended application, including the bat survey dated April 2015, is satisfied that the existing buildings are unlikely to contain bats. As requested, conditions are recommended to ensure that the precautionary measures contained in the report are implemented in the event that development proceeds, and also to protect nesting birds by ensuring that demolition occurs outside of the nesting season.

Trees

- 8.39 It is noted that the Tree Officer acknowledges that improvements have been made through the amended proposals to limit the impact upon existing trees adjoining the southwest boundary of the site. Whilst he remains concerned at the impact of the scheme on one lime tree (No. 4), it is acknowledged that a balance must be struck between the need to protect trees on and facilitating otherwise acceptable forms of development. To this end, the Tree Officer recommends a condition to protect these trees during construction.
- 8.40 The Tree Officer's comments on landscaping were based on a superseded plan. The most recent amendments have increased the scope for landscaping within the site and, through reducing parking provision by 5 no. spaces and reconfiguring their arrangement, an increased landscaping strip is now achievable to the south east frontage of the site. Relevant conditions are attached to ensure for an acceptable landscape strategy across the whole site.

Flood Risk

- 8.41 It is noted that Natural Resources Wales has no objection to the positive determination of this application, having considered the updated Flood Consequences Assessment (April 2015) which confirms that the site is not located within the 1 in 1000 year flood event and, based on a proposed site level of 20.1m AOD, the site would be flood free during the 1 in 1000 year event. The development is therefore compliant with Technical Advice Note 15 (TAN 15).
- 8.42 Subject to a relevant condition confirming the finished level of the development, and noting that the development has two floors which provide added protection in the unlikely event of a flood, it is considered that the risks and consequences of flooding can be managed in accordance with TAN 15.

Third Party Representations

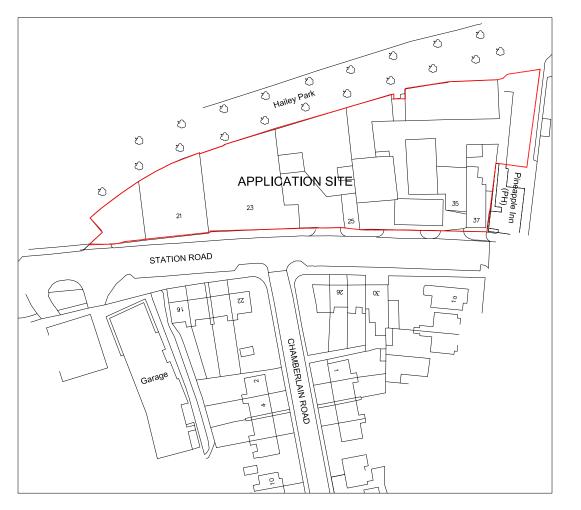
- 8.43 In response to the outstanding issues raised during the public consultation process which have not already been addressed in this analysis:
 - (i) Whilst the skittle alley and beer garden are recognised to be positive attributes of the Pineapple Public House, the public house would remain and would continue to trade therefore a refusal on the loss of a community facility is not considered to be sustainable;
 - (ii) It is not considered that the proposals would have an unacceptable adverse impact upon Glantaf School;
 - (iii) Aside from retail policy considerations, the economic case for the development is not a relevant planning consideration;
 - (iv) Depreciation in property values is not a material planning consideration:
 - (v) Means of enclosure to the development will be secured via condition;
 - (vi) The railway bridge at the north end of Station Road can support existing traffic;
 - (vii) The amended plans have included a cross section and a scaled street scene:
 - (viii) A travel plan will be secured via condition;
 - (ix) A scheme of highway works, including the removal of redundant crossovers will be secured via condition;
 - (x) The amended plans clearly state that signage is indicative only;
 - (xi) The amended proposals have been subject to a full 21 day consultation process and it is reasonable to treat the amended scheme under the existing application;
 - (xii) It is not considered that a legal agreement to secure the provision of a cycle lane along Station Road and the removal of the advertising hoardings at the southern end of the site meet the necessary tests for Section 106 Agreements.

Equalities Impact Assessment

- 8.44 This assessment recognises the public sector equality duty (section 149 Equality Act 2010) and aims to demonstrate that, from an equality perspective, due regard has been given to any actual or potential differential impact of the planning application on the needs of those with protected characteristics.
- 8.45 In addition to the consultation set out above, notice of the application via the weekly list was sent to the Cardiff & Vale Coalition of Disabled People, now Diverse Cymru, and the Council's Access Officer was consulted.
- 8.46 There will be no apparent abnormal differential impact on relevant equality strands.

Conclusions

- 8.47 The amended proposals, through a period of lengthy negotiation with the applicant, has resulted in what is considered to be a significantly improved design that is now, on balance, acceptable in respect of its scale, massing and external appearance.
- 8.48 The development has been demonstrated to be compliant with retail policy.
- 8.49 Subject to various highway improvement works which will be secured via condition, the proposals are considered to be acceptable.
- 8.50 It is recommended that permission be granted, subject to relevant conditions.



SITE LOCATION PLAN SCALE: 1:1250 @ A4



Α	03.06.14	RED BOUNDARY LINE AMENDED	ww	
REV	DATE	DESCRIPTION	BY	

IN CASE OF DOUBT OR DISCREPANCIES PLEASE REFER TO ARCHITECT

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01. DESIGN	04. PRODUCTION INFORMATION	07. CONSTRUCTION
02. DESIGN CONCLUSION	05. BUILDING REGULATIONS	08. FINAL CONSTRUCTION
03. PLANNING	06. TENDER	09. SPARE

DRAWING STATUS:

03. PLANNING

01. PRELIMINARY 02. FOR COMMENT 03. FOR APPROVAL

OTHER:

03. FOR APPROVAL

PROJECT:

PROPOSED LIDL STORE AT LLANDAFF NORTH CARDIFF

DRAWING TITLE:

SITE LOCATION PLAN



4th Floor, Greyfriars House Greyfriars Road, CardIff CF10 3AL

Tel: 029 2055 8900 Fax: 029 2039 9592 www.boyesrees.co.uk

Registered office. As above Reg No. 295 1683 (England & Wales)

DATE: 02.06.14 SCALE: 1:1250 @A4

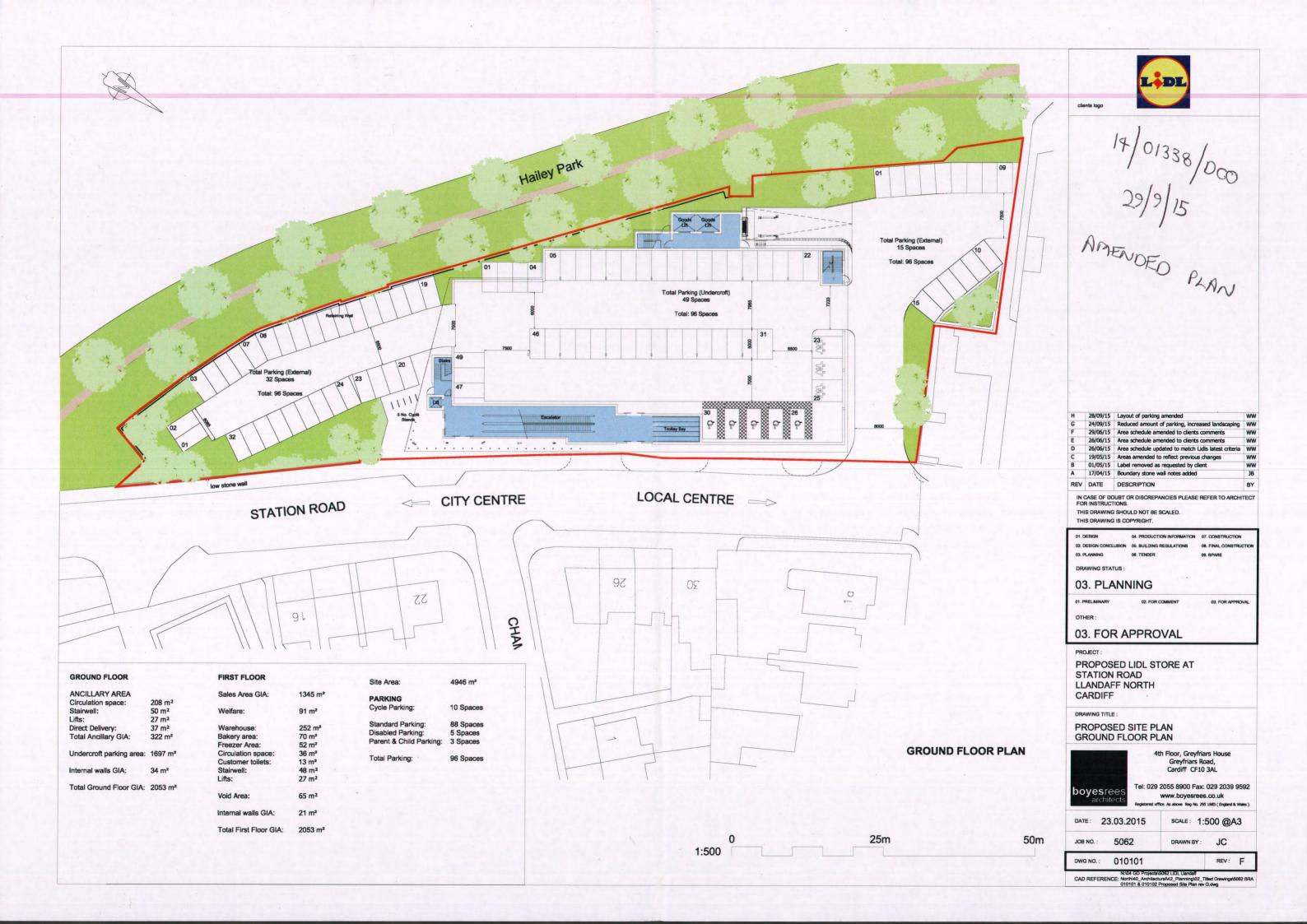
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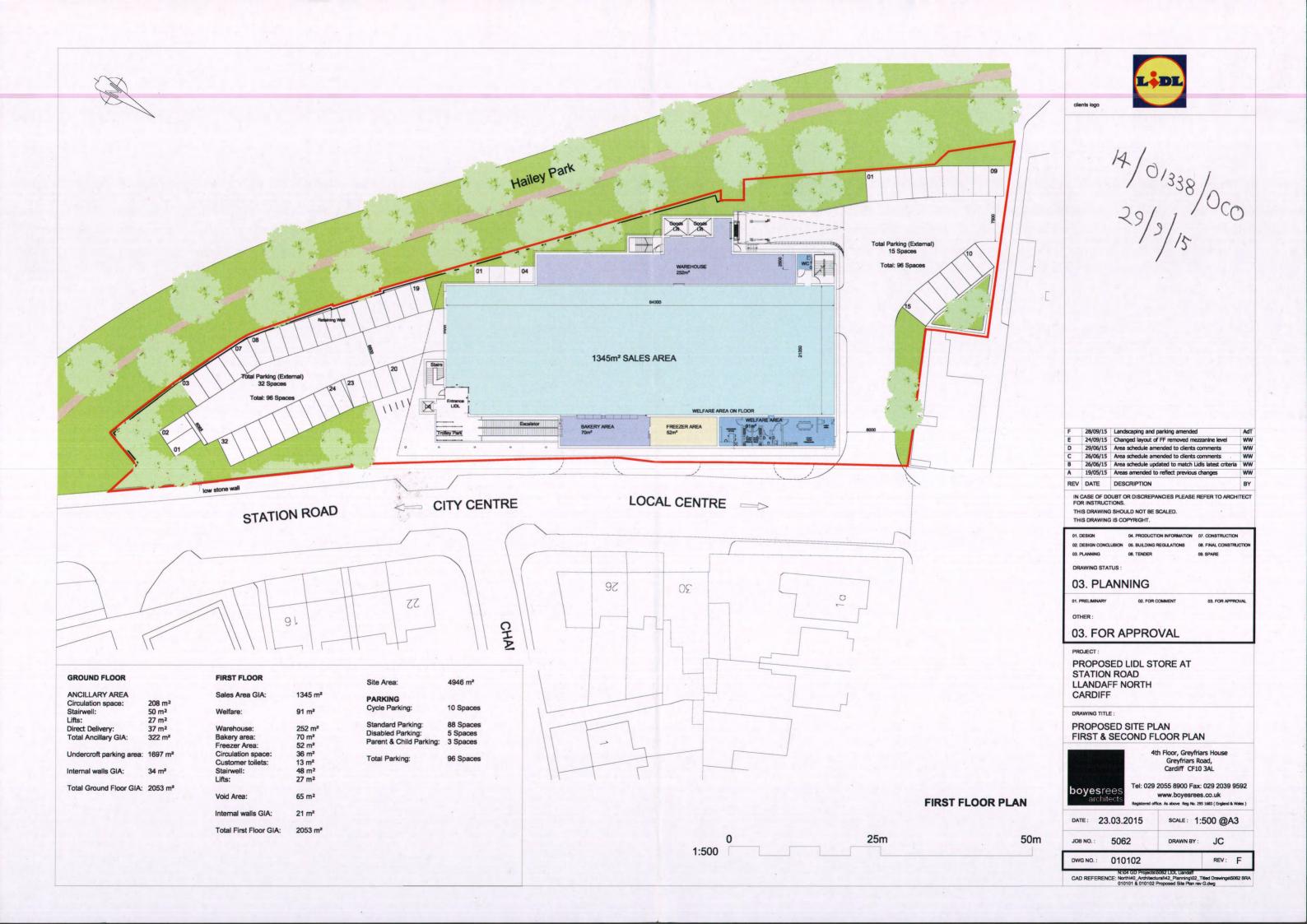
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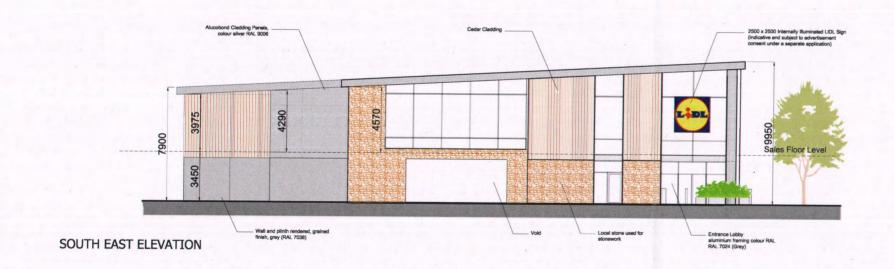
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CAD REFERENCE: North/40_Architectural/41_Design/104_Sketch/Site Location Plan
REV A.dwg









REV DATE DESCRIPTION D 22/04/15 Wall render revert back to RAL 7038 E 09/10/15 North east elevation amended and notes updated JC IN CASE OF DOUBT OR DISCREPANCIES PLEASE REFER TO ARCHITECT FOR INSTRUCTIONS.

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04. PRODUCTION INFORMATION 07. CONSTRUCTION 02. DESIGN CONCLUSION 05. BUILDING REGULATIONS 08. FINAL CONSTRUCTION 03. PLANNING

DRAWING STATUS:

03. PLANNING

03. FOR APPROVAL

03. FOR APPROVAL

PROJECT:

PROPOSED LIDL STORE AT STATION ROAD LLANDAFF NORTH CARDIFF

DRAWING TITLE :

PROPOSED ELEVATIONS OPTION B NORTH-EAST & SOUTH-EAST



4th Floor, Greyfriars House Greyfriars Road, Cardiff CF10 3AL

Tel: 029 2055 8900 Fax: 029 2039 9592 www.boyesrees.co.uk

DATE: 25.03.15 SCALE: 1:250 @A3 JOB NO. : 5062 DRAWN BY: JC

DWG NO.: 010203 REV: E

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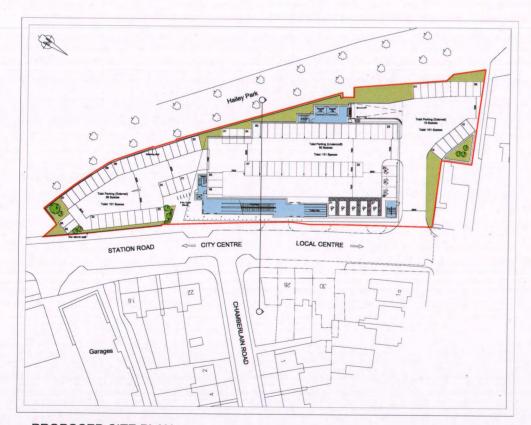
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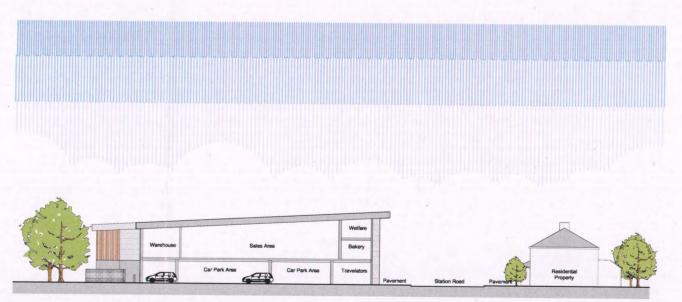




PROPOSED STREET ELEVATION Scale: 1:500



PROPOSED SITE PLAN Scale: 1:1250



PROPOSED SECTION Scale: 1:500

4	09.10.15	North ea	st elevation	updated	_		T	
3	24.09.15	Welfare level shown on section				١		
2	.26.06.15	Cut line omitted from travelators in section drawing					V	
1	25.06.15	Existing	buildings col		red up as requested by client			
REV	DATE			DESCRIPT				
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