

## OFFICER REPORT

**Application Number:** 18/P/0560/FUL

**Received Date:** 17th August 2018

**Proposal:** Erection of a Class A1 foodstore (approximately 1,804 sq m gross floor area), associated access and car parking, and landscaping, together with a replacement car park for the existing industrial building.

**Site Address:** Former Trico Skewfields Roundabout Pontypool Torfaen

**Ward:** Panteg

**Applicant:** ALDI Stores Ltd

**Agent:** Planning Potential



### **SITE HISTORY:**

App Number	Proposal	Status	Received Date	Decision Date
17/P/0162/FUL	Erection of a Class A1 foodstore (approximately 1,804 sq m gross floor area), associated access and car parking, and landscaping, together with a replacement car park for the existing industrial building.	REFUSE	24.02.2017	20.12.2017

### **BACKGROUND**

Members will recall that this application was due to be considered at the last Planning Committee meeting on 13 November but was deferred to allow officers time to assess and

reconsult on the new flood risk information that was submitted by the applicant shortly before the meeting was due to start. This report has been updated to reflect that additional information.

Members will recall that planning permission for a retail development on this site was refused in December 2017 (ref.17/P/0162/FUL) for the following reasons:

*'1. In the opinion of the Local Planning Authority the proposal, by virtue of its scale, type and location, creates an impact that would undermine the vitality, viability and attractiveness of Pontypool Town Centre and is therefore contrary to Policies S9 and RLT 3(c) of the Adopted Torfaen Local Development Plan.*

*2. In the opinion of the Local Planning Authority it has not been satisfactorily demonstrated that the proposal meets the sequentially preferable approach to site selection and is therefore contrary to Policies S9 and RLT 3(b) of the Adopted Torfaen Local Development Plan.*

*3. In the opinion of the Local Planning Authority it has not been satisfactorily demonstrated that the site has been assessed and realistically marketed as genuinely redundant based on the current and future needs of the employment market and it is considered that a retail use of the land would unacceptably impact upon the requirements of the existing industrial businesses to the detriment of existing and future employment opportunities on a site that is well located for business, industrial and warehousing use. The proposal is therefore contrary to Policies S6 and EET5 of the Adopted Torfaen Local Development Plan.*

*4. In the opinion of the Local Planning Authority the site is poorly located for non-car modes of transport and is an unsuitable location for retail development giving rise to increased risk of accidents for cyclists and pedestrians in particular, contrary to both national and local planning policies designed to promote sustainable development. The proposal is therefore contrary to Policies S2, S4 and BW1 of the Adopted Torfaen Local Development Plan.'*

The current application has been screened in accordance with the Town and Country Planning (EIA) (Wales) Regulations 2017 and no Environmental Statement is required.

## **DESCRIPTION OF SITE**

The site subject to this planning application is located adjacent to a roundabout at the junction of the A472 and A4042 (T). The site currently accommodates a surface level car parking area (96 spaces) and soft landscaping associated with the adjacent industrial premises. The site is immediately surrounded by undeveloped recreation land (rugby pitch) and vegetation/landscaping along the A472 and A4042 (T). On the same highway junction/roundabout there are a number of other commercial uses including offices, industrial, pub/restaurants, hotel and a petrol filling station. The application site lies to the south of Pontypool and immediately to the north east of Griffithstown. The Monmouthshire and Brecon Canal is located to the rear of the existing industrial buildings to the west of the application site. The wider Skewfields site currently contains three industrial businesses. The main warehouse building is divided into 2 units, together with an office annexe and open storage element. The existing uses are configured as follows:

\* Trico (windscreen wipers) 8554sq m warehouse with 728sq m office

\* Vacant ground floor offices 565sq m (currently 'under offer' following a marketing exercise)

- \* Diamond Pak (corrugated packaging) 8556sq m warehouse
- \* Westgate Pallets Ltd open storage compound

## **DESCRIPTION OF DEVELOPMENT**

The submitted application seeks to redevelop the application site to provide a 1,804sq m gross Class A1 foodstore, car parking areas, new access arrangements and landscaping. The customer car park would be provided adjacent to the store and accommodate space for 112 vehicles. There will also be a replacement car park for 79 vehicles to serve the adjacent industrial uses. The proposed Class A1 store will have a net sales area of 1,254sq m, which will be split between 1,003sq m for convenience goods sales (i.e. widely available and frequently purchased items such as food, drinks, tobacco, newspapers, magazines, cleaning materials, toilet articles etc.) and 251sq m for comparison goods sales (i.e. other more expensive goods purchased infrequently such as furniture, televisions, white goods/appliances etc.).

To assist Members' understanding of the scale of the new development proposals, according to the planning records held by the Local Planning Authority, the existing Aldi foodstore in Cwmbran has a floorspace of approximately 1495sq m, having been extended by 292sq m in 2006.

The planning application is accompanied by a number of supporting documents comprising:

- Planning and Retail Statement
- Design and Access Statement
- Pre-application Consultation Report
- Transport Assessment with Addendum
- Draft Staff Travel Plan
- Drainage Strategy and Flood Consequences Assessment
- Landscape Scheme
- Landscape Maintenance and Management Plan
- Preliminary Ecological Appraisal
- External Lighting Plan
- Arboricultural Impact Assessment & Tree Protection Plan
- Renewable and Low Carbon Energy Statement;
- Geo-Environmental Assessment Report; and
- Summary of Aldi Responses to Main Planning Issues [a new document which has been submitted in response to the previous decision of the Council to refuse planning permission for the same development].

The pertinent conclusions of each of these supporting documents is considered in the assessment section of this report.

## **PLANNING POLICY:**

### **Planning Policy Wales (Edition 9, November 2016)**

Particularly:

- Chapter 3 (Making and Enforcing Planning Decisions)
- Chapter 4 (Planning for Sustainability),
- Chapter 7 (Economic Development),

Chapter 8 (Transport), and  
Chapter 10 (Retail and Commercial Development).

3.1.3 In line with the presumption in favour of sustainable development, applications for planning permission or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government. All applications should be considered in relation to up-to-date policies.

3.1.4 Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.

4.7.4 Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car. A broad balance between housing and employment opportunities in both urban and rural areas should be promoted to minimise the need for long distance commuting. Local authorities should adopt policies to locate major generators of travel demand such as housing, employment, retailing, leisure and recreation, and community facilities including libraries, schools and hospitals within existing urban areas or in other locations which are, or can be, reached by walking or cycling, or which are or can be well served by public transport. Preparing accessibility profiles for walking, cycling, public transport and freight may assist local authorities in plan preparation and assessing possible development sites. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development, including residential development, should be encouraged near public transport nodes or near corridors well served by public transport (or with the potential to be so served).

8.1.1 The Welsh Government aims to extend choice in transport and secure accessibility in a way which supports sustainable development and helps to tackle the causes of climate change by: encouraging a more effective and efficient transport system, with greater use of the more sustainable and healthy forms of travel, and minimising the need to travel<sup>1</sup>. This will be achieved through integration:

- within and between different types of transport;
- between transport measures and land use planning;
- between transport measures and policies to protect and improve the environment; and
- between transport measures and policies for education, health, social inclusion and wealth creation.

For example, ensuring that development is accessible by means other than the private car will help to meet the Welsh Government's objectives for social inclusion. Encouraging cycling and walking will contribute to the aim of improving the levels of health in Wales.

10.1.2 The Welsh Government's objectives for retail and commercial centres are to:

- Promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- Sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, especially walking, cycling and public transport.

10.1.4 The Welsh Government adopts the 'town centres first' principle whereby consideration should always be given in the first instance to locating new retail and commercial development within an existing centre. Wherever possible, retail provision should be located in proximity to other commercial businesses, leisure and community facilities, employment and housing. Such co-location of retail and other uses in existing centres, with enhancement of access by walking, cycling and public transport, provides the opportunity to use means of transport other than the car. This mix of uses sustains and enhances the vibrancy, attractiveness and viability of those centres as well as contributing to an increase in linked trips and a reduction of travel demand.

10.2.11 .....Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced.

10.2.13....The sequential approach supports the principle that retail and commercial centres are in the most readily accessible location, and promotes combined trips for shopping, business, leisure and services. The approach reinforces the vibrancy, viability and attractiveness of retail and commercial centres.

10.2.14 Adopting a sequential approach requires the application of a sequential test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres...If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

10.2.16 Some types of retailing, such as stores selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on the edge of retail and commercial centres, where specific sites are defined in the development plan for such uses. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered, subject to application of the needs and impact tests. Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vitality, attractiveness and viability of those retail and commercial centres that would otherwise serve the community well, and should not be allowed if they would be likely to put development plan retail strategy at risk.

10.4.1 When determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, extensions or the

variation of conditions, local planning authorities should take into account:

- compatibility with the development plan;
- quantitative and qualitative need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;
- the sequential approach to site selection;
- impact on existing centres;
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience;
- rate of take-up of allocations in any adopted development plan;
- accessibility by a variety of modes of travel;
- improvements to public transport;
- impact on overall travel patterns; and
- best use of land close to any transport hub, in terms of density and mixed use.

10.4.15 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.

### **Technical Advice Notes**

TAN 4: Retail and Commercial Development (2016) provides advice on:

- \* retail strategies, masterplanning and Place Plans
- \* the tests of retail need and Sequential approach to development
- \* Retail Impact Assessments
- \* primary and secondary retail and commercial frontages in centres
- \* retail planning conditions
- \* Local Development Orders
- \* indicators of vitality and viability in retail and commercial areas.

4.1 In guiding development to the most appropriate location, local planning authorities, in their development plans, should develop a local hierarchy to classify their various retail and commercial centres, and apply appropriate policies to those centres based on their characteristics. This locally-driven approach to defining higher and lower order centres is seen as most appropriate as urban and rural areas will have different scales and characteristics which cannot be defined consistently at the national level.

4.2 Higher order retail and commercial centres need to be accessible to a large number of people, and the scale and diverse range of uses present will reflect the needs of a population that is normally greater than the local community. Higher order centres are typically characterised by combinations of shops, offices, financial & professional services, food and drink establishments, hotels, education facilities, entertainment and leisure, non-residential institutions as well as residential.

4.3 Lower order centres are characterised by smaller scale provision and fewer uses with the intention of primarily serving the needs of a local community. Lower order centres will typically include shops, financial & professional services, food and drink, and non-residential institutions of an appropriate scale, but depending on the centre may include other uses.

6.1 The tests of retail need are the starting point for planning for new retail development in both development plans and development management. The quantitative needs test is based on

forecasting of expenditure on a certain type of retail good (comparison or convenience for example) over a period of time, which is then assessed against the current level of provision. Any shortfall in the provision is then expressed, using expenditure per square metre calculations, as the level of new retail provision required.

6.2 The requirement to consider need for a development is not relevant for retail proposals within a defined retail and commercial centre in a development plan. However it will be required for any application in an edge-of-centre or out-of-centre location which is not in accordance with an adopted development plan.

6.3 The quantitative retail needs tests is a consistent way of calculating future retail provision. However the data used in these needs assessments can be sensitive to small changes, potentially altering the result. The Welsh Government does not prescribe any particular methodology for undertaking assessments and it is up to each local planning authority to be satisfied with quantitative retail need evidence in policy making or the development management process. Local planning authorities and developers should therefore ensure assessments are prepared in a clear logical and transparent way with the use of robust and realistic evidence.

6.5 Planning Policy Wales is clear in the requirement to establish a quantitative retail need before other, qualitative aspects of need are considered.

6.6 Qualitative need is harder to justify and proposals based on this approach should be closely scrutinised to ensure that their development does not have unintended consequences and detrimental impact on existing retail activity within retail and commercial centres.

6.7 Planning Policy Wales highlights cases where qualitative need may be justified. It is unlikely that any of these aspects on their own could justify new retail development; rather a combination of several of these issues could make the case for further provision. These could include proposals which:

- support the objectives and retail strategy of an adopted development plan or the policies in this guidance.

This may be where a retail development is linked to a large area of growth which is not currently served by any form of retail development.

- are highly accessible by walking, cycling or public transport and/or contributes to a substantial reduction in, or alleviation of, car journeys, traffic congestion or over-trading.

Current travel patterns for communities to access existing retail provision may be problematic or result in extended and unreasonable travel times. This may be as a result of the store over-trading which is defined as the expenditure in store significantly exceeding anticipated or market average levels. Proposals which are well-located within existing communities may be able to assist to alleviate some of these issues.

- contribute to the co-location of facilities in retail and commercial centres identified in the retail hierarchy; and/or significantly contributes to the vibrancy, attractiveness and viability of such a centre.

Existing provision in a retail and commercial centre may lack a certain type of development which is impacting on its ability to draw people from its catchment and reach its potential. Proposals for additional types of development could therefore be justified although these would need careful management by conditions to ensure those uses which will strengthen the centre are delivered.

- address locally defined deficiencies and alleviates a lack of convenience provision in a disadvantaged area.

This relates to the ability of all communities and disadvantaged areas in particular to access the goods and services which they need on a day to day basis. Current provision may not meet these requirements resulting in expensive, unnecessary trips further afield. Local provision to meet this need would therefore be a positive step for these communities. Localised deficiencies may also arise when new residential development has recently been constructed.

6.8 Planning Policy Wales also advises that regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application. If there is no quantitative retail need for a proposal the net impact on employment may be negligible as there may be economic impacts on existing stores in the area which would require them to reduce their staff numbers as a result. A local planning authority would need to fully investigate such cases, taking a holistic approach, before considering whether to approve such schemes on this basis.

TAN 12: Design (2016)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007): Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

TAN 23: Economic Development (2014)

Other relevant policy considerations:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations

### **Well Being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act.

### **Adopted Torfaen Local Development Plan (December 2013)**

The development plan for the local area comprises the Torfaen Local Development Plan ('LDP'), which was adopted by TCBC in 2013.

On the proposals map the application site lies within the defined Urban Boundary and is not allocated for any particular land use however its current lawful use is for purposes ancillary to the industrial occupation of the adjacent buildings. It is also outside of the network of defined sub-regional and district shopping centres in the County Borough which comprise Cwmbran, Pontypool and Blaenavon, as identified by Policy S9.

Policy S9 states:

"Major retail and main town centre leisure and culture developments will take place in the identified Town Centre Boundary of the Sub-Regional Centre of Cwmbran. The District Shopping Centres of Pontypool and Blaenavon will be protected and enhanced to improve vitality & viability and to ensure that they meet the needs of local residents and provide a range of facilities. Local Shopping Centres will be protected and enhanced to provide services and facilities for the local community".

Policy RLT3 is the main development management policy for retail proposals out of the defined network of 'town centres' in the County Borough. It notes that:

"Proposals for new retail development (above 235 sq m gross) which are located on edge of centre or located outside of town, district or local centres should satisfy all of the following criteria:

- a) The need for the development is demonstrated, having regard to quantitative and qualitative indicators;
- b) The proposal meets the sequential approach to site selection, with all town centre (or neighbourhood centre if applicable) options thoroughly assessed before edge-of-centre and then out-of-centre locations are considered; and
- c) The proposal is not of a scale, type or location that is likely, either individually or cumulatively with other recently completed developments, extant planning permissions and LDP allocations, to create an impact that would undermine the vitality, viability and attractiveness of the centres identified in the Torfaen Retail Hierarchy".

Paragraph 4.2.51 of the LDP defines the network of local and neighbourhood centres within the retail hierarchy, these being:

"Fairwater, Llanyrafon, Old Cwmbarn, Oakfield, Edlogan Way, Maendy Square, Pontnewydd Village, Thornhill, St Dials, Griffithstown, New Inn, Pontnewynydd, Trevechin, Abersychan and Garndiffaith".

The same paragraph also notes that South Sebastopol, British Strategic Action Area, Mamhilad Strategic Action Area and Llantarnam Strategic Action Area local / neighbourhood centres will also become part of the retail hierarchy.

LDP Policy EET5 states that development for the redevelopment of existing employment sites for uses other than B1, B2 or B8 will only be permitted where they satisfy the following criteria:

- a) It can be demonstrated that the land or premises are not well located for business, industrial or warehousing use; or the use is incompatible with adjoining use(s);
- b) The premises and/or site have been assessed and is genuinely redundant based on the current and future needs of the employment market and has been realistically marketed at market value for the current permitted use(s);
- c) The proposed uses are complimentary to the primary employment use of the surrounding area and will not cause an unacceptable impact on the operating conditions and requirements of existing businesses; and
- d) In the case of factory shops, it can be demonstrated that the operation is strictly ancillary to the main use of the site and that the goods sold have been manufactured on the premises.

LDP Policy S1 - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

LDP Policy S2 - Gives a set of Sustainable Development criterion that should be taken into account in the design of development proposals.

LDP Policy S3 - Provides criterion that should be considered to seek to mitigate the causes of further climate change and adapt to the current and future effects of climate change such as promoting sustainable design.

LDP Policy S4 -seeks that new development must have full regard to the context of the local natural and built environment and its special features including criterion on sustainable design and promoting a mix of uses.

LDP Policy S6 - makes provision for new land for employment and business purposes and for strategic regional employment opportunities across the County Borough.

LDP Policy S8 - outlines the planning obligations will be required on development proposals to address impacts of development and to make the proposal acceptable in land use planning terms; with key priorities being stated.

LDP Policy BW1 - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications will be determined in conjunction with other relevant policies of the Local Development Plan.

LDP Policy RLT1 identifies Town Centre Boundaries for Cwmbran (RLT1/1), Pontypool (RLT1/2) and Blaenavon (RLT1/3) within which proposals for retail development must be in keeping with the role, function, scale and character of the town centre.

### **CONSULTATION RESPONSES:**

Ward Members	No reply received
Community Council	Observations: the Community Council fully supports the application the only observation being that the access to and from the site needs to be improved for both motorists and walkers.
Highways And Transportation	<p>I refer to your memo dated 17 August 2018, regarding the above planning application.</p> <p>Transport Assessment</p> <p>The TA does not consider how Trico would operate at full capacity as it did when it was built. I can recall the queuing within the site that used to occur when the industrial unit was operating at full capacity.</p> <p>Point 2.3.4 states "There are no pedestrian links local to site."</p> <p>Point 2.3.5 states "Whilst it is noted that the site is located close to existing (cycle) routes 49 and 492 of the NCN, there is no direct linkage between the site and these routes and due to land ownerships no ability to deliver linkage."</p> <p>Point 2.3.6 states "In this regard therefore there are no dedicated cycle facilities local to the site."</p>

2.4 Public Transport. 2.4.1 states "There are no public transport facilities local to the site from which access to the site can be achieved."

## 2.6 Road safety/2.7 Conclusion

Point 2.7 states "On review of the accident data, aside from driver error, there appears to be no identifiable trend of accident cause or type. It is not considered therefore that the proposed development will contribute to accident frequency, location or type."

There was a fatal collision (motorcyclist) on the roundabout on 19 May 2012, just before the reporting period in the T.A.

Anecdotal comments indicate that drivers have mis-interpreted other vehicle movements which have led to collisions on the roundabout. This is driver error. With additional traffic generated by the proposed new development and more importantly another set of turning movements/manoeuvres that are substantially different in frequency and spread to the previous industrial user (Trico) it is considered that the proposed development will contribute to accident frequency, location or type due to the likelihood of an increase in driver error incidents.

## Travel Plan

Point 3.2.2 acknowledges that the cycle route runs alongside the Mon & Brecon canal but points 3.3, 3.4 and 3.5 state there are no walking or cycling or public transport links. Point 3.6.1 fails to acknowledge or address the lack of hard surfaced footpaths for access to the proposed store.

This contradicts point 3.6 which states "The site is in a good location to encourage walking, with a range of footpaths and crossing points on all local roads. A site audit confirmed that pedestrians can move around and access local facilities and residential areas in a safe, secure and comfortable manner and do not encounter any obstacles or barriers."

There is no consideration of Active Travel and para 3.6.3 states "However it is fully recognised that at this point in time there is little by way of actions / measures that this development can propose to improve access by non-car modes of travel". My view is that because this is an "island" site there will be no point in time where measures to encourage active travel can be provided.

My view is that this is not a good location for this foodstore which is located adjacent to the Trunk Road at a significant

roundabout with no adequate crossing points where there is a significant accident record. There is no provision for pedestrian access or cycle access to the wider communities or links to public transport facilities. I am very concerned that the location of this store will encourage pedestrians from the hotel on the opposite side of the Trunk Road to walk to the store thereby crossing two arms of the Trunk Road and walking in the Trunk Road due to a lack of footways outside the site. Pedestrians who choose to walk to the site from the wider community will encounter similar detriment to their safety.

Point 5.3.2 Indicates an estimated 80%/20% split between car drivers and others. The 20% bundles car passenger, cycle, walk and bus modes together however the Transport Assessment section 3.6.6 specifies the 20% as passengers only i.e. zero other modes.

Point 6.2.2 mentions "other measures unique to site." What are they?

Point 6.3.2 includes a category "Hard Measures - these are infrastructure provision or improvements" but under 6.4 hard measures are marketing, discussion at staff meetings, personalised travel and ride home in emergency. These hard measures could not be described as infrastructure provision or improvements.

Point 6.3.4 - Table 6.1, 6.2 and 6.3 are missing which shows no plans for walking cycling of public transport use.

The complete lack of any means to provide for walking, cycling or public transport links to this site is unacceptable and I would oppose this application from a highway standpoint.

#### Forward Planning (LDP/Policy)

The proposal should be considered against the requirements of Policy RLT3 Retail Proposals Outside Established Centres on the basis that the application site is classified as an out of centre site (in accordance with TAN4 definitions).

Policy RLT3 requires proposals for retail development (over 235 sq. m) on an edge or out of centre site to satisfy all 3 of the list criteria. The criteria for the policy are:

- The need for the development is demonstrated;
- The proposal meets the sequential test approach to site selection; and
- The proposal would not undermine the vitality and viability and attractiveness of centres in the retail hierarchy.

In terms of need the Council accepts that on the basis of the 2010 Retail Study and Policy S9 of the LDP.

Sequential Test – Paragraph 10.2.14 of Planning Policy Wales (9th Ed 2016) states that *‘Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer’*.

It is clear from the applicant’s agent’s additional submission that they have not contacted the owner of the Old Mill car park to ascertain if the site is available. The applicant has ruled out the site as being suitable based on their interpretation of case law and court cases. It should be noted that other cases have interpreted the sequential test requirement differently. The applicant’s agent has made no attempt to engage with the Council following the refusal of the previous planning application.

#### Vitality & Viability

Impact – the conclusion on impact has not differed since the previous application i.e. the impact of the Aldi store on Pontypool (as identified by the Council’s retained retail advisor) would be 14% on the convenience goods sector and the retail sector as a whole will experience an impact of 11%. This is higher than Aldi’s agent figure of 9% and 7.7%. In terms of Tesco’s overtrading this shows that the store is attracting people to the Town and this offers the significant potential for linked trips. If Tesco’s performance was reduced in line with company benchmark performance, it would unlikely be an issue for Tesco but would be an issue for Pontypool Town Centre, in that less people would be visiting the Town for retail purposes and would be shopping in an out of centre store which would only attract car borne shoppers and not undertaking linked shopping trips.

Town Centre Health – the applicant refers to a review of the vacancy rate undertaken in April 2018 which the applicant’s agent confirmed that the figure was 13%. However, a review of vacancies undertaken in October 2018 (as part of the preparation of the Local Development Plan – Annual Monitoring Report) identified that the vacancy rate was 17% within the Town Centre Boundary (it should also be noted that it was announced in March 2018 that the New Look Store - which is an attractor of shoppers to the Town Centre - in Pontypool is on a list of store closures which are expected to commence in a 12 month period following the

announcement).

The Welsh National average vacancy rate is 13% (Local Data Company 2017) and the 11.2% figure used by the applicant refers to a UK National average.

Therefore in comparison, Pontypool Town Centre is in poor health and the identified impact of the Aldi store on Pontypool would be 14% on the convenience goods sector and 11% on the retail sector as a whole. These 2 issues taken together demonstrate that the impact of the Aldi store on Pontypool would have an unacceptable impact on the Town Centre.

In addition the agent has identified that the Council's investment in Pontypool's Indoor Market has been successful. However, the comments from the Council's Regeneration Section have confirmed that the Market is not fully let and still in a relatively fragile state.

#### Additional issues

Job creation – Paragraph 10.2.11 of Planning Policy Wales (9th Ed 2016) identifies that 'Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms'. However, the paragraph goes on to state that *'they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced'*. Further policy and guidance is provided in Chapter 7 and Technical Advice Note (TAN) 23: Economic Development'.

Accessibility – The information supplied by the agent shows that the site is inaccessible in terms of walking distances from surrounding residential areas. The distances and walking times will undoubtedly mean that shoppers using the site via private motor car. I would find it difficult to believe that a shopper would carry shopping bags for 22 minutes to Pontypool and undertake linked shopping trips. The provision of the taxi drop off point further emphasises the site's car centric location.

On the basis of the above information and the advice provided by GVA Grimley, as the Council's retained retail advisors, it can be identified that the information submitted by the applicant to date, does not demonstrate that all of the above criteria have been met. Therefore, the application should be refused as the proposal does not satisfy all 3 policy criteria and would also not comply with the requirements of paragraph 10.4.1 of Planning Policy Wales.

Ecology Officer

No reply received

Conservation Officer

No reply received

Drainage Officer

(original comments): No problem with the design, all done to the correct current SuDS guidelines, but would take issue with item (l) of the FCA as it does not recognise the risk from the Mon and Brecon canal.

(additional comments):

There are two issues that I would highlight:

1. Under legal precedent (Boxes v British Waterways board 1971), Canals and Rivers Trust are bound by the principle at common law that those responsible for operating a canal have a duty of care to see that it does not become a danger (in this case I would argue a flood risk) to others and, if this can be done through maintenance works, the canal operator must, (unless they can show that it would be unreasonable to carry out the particular works in question) be maintained so as to prevent any foreseeable escape of water from damaging others. This would mean that CRT are responsible to carry out engineering surveys to inform any maintenance works that will minimise the risk of a catastrophic breach of the canal. A lower land owner does not have to carry out flood risk works to indemnify the flood risk responsibility of CRT.
2. The site does lie below the water level of the canal so there is a flood risk associated with the area that would not be there if the canal had not been constructed, and any breach along the Skew Fields embankment would cause flood water to increase the risk at the proposed site.

Due to the proximity of the Afon Llwyd overflow weir to east of the site and stop planks slots available at both Pontymoel and Griffithstown the specific flood risk from the canal at this site is reduced but not eliminated. It is felt that further measures could and should be put in place to reduce the flood risk even further.

(further comments in response to additional flood risk information received 13.11.18):

Have read the FCA, and have some reservations as to its relevance:

The report has not addressed the mechanism of a canal breach and does not quantify the volumes that could flow over the site as a result of a catastrophic breach. Initially any

breach will produce a flood surge across the playing field area and with transport silt from the canal bed, empirical evidence from recent breaches at Talybont and Llanfoist deposited silt up to 1m depth which would affect flow paths and flood depths, this has not been discussed or addressed in the FCA. The report has not given any idea on length of time that a breach could affect the site, or does not recognise that the canal is supplied by the Trostant feeder some 250m to the east of the site.

The report is confused as to the specific legal responsibilities that Canal and Rivers Trust have with regard to the maintenance of the canal bank, and this should be addressed.

The report is also confused on difference between flood mitigation measures and flood risk reduction and without any estimation on flows and duration any specific level information relating to FFL's is meaningless.

I note that the NRW surface water flooding maps have not been used in the flood estimation

Based on the above I would argue that the report does not address the consequences of a flood event and so would require this report to be revisited.

Dwr Cymru/Welsh Water  
Treharris

We have previously completed consultations on the above site through our own pre planning advice applications as well as formal Schedule 1C Article 2D notice, whereby we confirmed we can accept foul water only flows from the proposed development site.

From reviewing the submission package we note the applicant is proposing to discharge surface water into on site soakaways, we are satisfied with the proposed use of sustainable drainage systems. If it is later discovered that soakaways are not suitable we advise the applicant to further investigate the use of sustainable drainage systems for disposing surface water, with reference to "recommended non statutory guidance for sustainable drainage systems (SuDS) Wales", this sets out a surface water removal hierarchy with the most sustainable option at the top, progression down the hierarchy should only begin when the previous level has been exhausted.

Notwithstanding this, we would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

#### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage

network.

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.

#### Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

#### SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

#### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

Welsh Government Transport  
Division

As highway authority for the A4042 the Welsh Government (Network Management Division) maintains its view in line with the supporting Transport Assessment, that the peak hour vehicular generation impacts of the retail store would not be significant at the roundabout junction and does not therefore raise an objection.

The applicant has proposed a visibility screen as mitigation for sight lines in excess of the required DMRB standard that during conditions of freeflow may influence northbound vehicle entry speeds. This is evidenced in the TA Addendum and should be delivered by an appropriate mechanism as agreed by the Welsh Government and the South Wales Trunk Road Agent prior to beneficial use of the store. There is also a current Weltag Stage 1 Welsh Government Options Appraisal taking place at this roundabout junction for which the developer is aware. These items are referenced in the updated Planning Statement as are proposals for pedestrian access via the canal to the west of the store.

The following condition is therefore directed to be applied to any consent your Authority may grant:

1. The proposed visibility screen as indicated in the TA Addendum dated February 2017 shall be installed prior to beneficial use of the retail store to the satisfaction of the Local Planning Authority in consultation with the Welsh Government.

#### Notes

1. Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980 and shall only be commenced with the specific agreement of the Welsh Government.

2. The applicant shall commission and pay for a Safety Audit of the scheme (Stages 1-4) in accordance with the Design Manual for Roads and Bridges HD 19/15. The applicant shall agree the required measures with the Welsh Government before works commence on site and will be responsible for meeting all costs associated with these works. With regard to RSA 1, the proposed fence shall be erected so as not to obscure the existing roundabout chevron signs.

3. The development shall include any necessary adjustment of any public utilities and highway apparatus, street furniture and road markings arising from the works.

Architectural Liaison Officer

No reply received

## Natural Resources Wales

You will be aware we provided a substantive response to a statutory pre-application enquiry (our reference CAS-64907-Y0Q1, dated 18 July 2018). We advised the applicant that we had no objection to the proposed development in its current form but provided advice with regards to Foul Drainage, Land potentially affected by contamination, European Protected Species and Pollution prevention.

We have reviewed the information submitted in support of the formal planning application. We note that no PAC Report has been submitted in support of this application. We have nothing new to add to our response to the statutory pre-application enquiry. We therefore refer you to our previous response as detailed above (please find attached) for which our advice (below) is still valid and applicable.

We have no objection to the proposed development in its current form but provide you with the following advice:

### Foul Drainage

We note that the proposed development site is not within a DCWW Sewerage Catchment.

We have reviewed the following report submitted in support of this application

- Aldi Store and Car Park, Skewfields, Pontypool, Drainage Strategy & Flood Risk Assessment' prepared by Craddys.

The report states that it is proposed to discharge the foul water from the proposed Aldi store development to the existing private drain within the site. That the connection to the existing private foul drainage may be subject to a Section 106 indirect connection agreement with Dwr Cymru Welsh Water. It also states that no part of the site foul drainage will be offered for adoption and the design of the private drainage will be developed in accordance with Building Regulations approved document H.

It is assumed from this information that foul water disposal is to be ultimately disposed of via Welsh Water mains sewer and not discharged into the environment. If this is the case, we would likely have no objection concerning foul water disposal for any future planning application. If this is not the case as part of any future planning application, then we may have significant concerns with regards to foul drainage.

### Land potentially affected by contamination

We have reviewed the following report submitted in support of this application: -

- Aldi Stores Ltd, Skewfields, Pontypool, Geo-Environmental Assessment Report, Ref PD/C2962/1255, dated August

2016, prepared by Brownfield Solutions Ltd.

It is apparent that there could be land contamination issues associated with the site that should be considered and addressed if necessary. Although a desk top study and site investigation has been carried out, it is not entirely representative of the site in question as it covers the northern half of the planning boundary only.

We do not consider this site to be of highest environmental sensitivity as it is located more than 100m from surface water receptors and overlies a Secondary A aquifer which is overlain by undifferentiated superficial deposits which reduces the aquifer sensitivity. We therefore will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed. These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the Local Planning Authority may wish to re-consult Natural Resources Wales.

#### European Protected Species

We have reviewed the following report submitted in support of this application: -

- Aldi Skewfields, Pontypool, Preliminary Ecological Appraisal, Project No: 856801, prepared by RSK, dated November 2016.

We note the contents of the report and the recommendation regarding a lighting plan (4.3.1). We have no comments to make on this aspect of the application.

#### Pollution Prevention

We note that the Design and Access statement states 'procedures will be established to minimise water pollution by following best practice guidance from the Environment Agency's Pollution Prevention Guidance notes on the Prevention of Pollution, works near to watercourses and working at demolition and construction sites. Oil interceptors will be provided for car park and vehicle standing areas. These will be maintained in line with manufacturers recommendations and will be fitted with an alarm which will sound in the store when an interceptor requires servicing.' We welcome these proposals.

(further comments in response to additional flood risk information received 13.11.18):

We note that the additional information submitted is a

Technical Note, Flood Risk to proposed ALDI store at Skewfields, Pontypool from Monmouthshire & Brecon Canal.

We can confirm that the proposed development site is not within the Development Advice Map (DAM) referred to under Technical Advice Note 15. We can also confirm that the proposed development site is not within Flood Zones 2 or 3 according to our flood map information which is updated on a quarterly basis.

Therefore we have no comment to make on the additional information submitted and refer you to our previous responses.

Tree (Arboricultural) Officer

In order to facilitate the building and car park trees will have to be removed. There are a total of 54 trees to be removed made up of category C1 and B2 which equates to loss of approx. 50% of the trees cover. With only 7 new trees to be replanted to mitigate their loss. On this basis I would object to the proposal.

PROW Officer

No public footpaths affect this site. The re-issued proposed site plan 130234 P (1)10 A indicates a pedestrian route that will link to the wider area (NCN 49). This link should be upgraded to accommodate cyclists. Under current Active Travel Design Guidance the advised minimum width for a new cycle pedestrian route should be 3m.

Streetscene

No reply received

Asset Management

No reply received

Monmouthshire County Council

No reply received

Caerphilly County Borough Council

I have spoken with Paul Wheeldon in your Highways dept, who has stated that they have no objections to the additional traffic generated from this development. As the site was previously used as Trico Ltd, the counts were fairly high when operating so this replacement is unlikely to cause adverse impacts on the existing road network. This is mirrored in the conclusions of the traffic assessment submitted with the application.

Therefore, Caerphilly County Borough Council are satisfied that this development is unlikely to cause adverse impacts to

the existing Hafodyrynys AQMA.

#### Health And Safety Executive

HSE is a statutory consultee on relevant developments within the consultation distance of a hazardous installation or a major accident hazard pipeline [in this case a Major High Pressure Gas Pipeline]. Planning Authorities should use HSE's Planning Advice Web App to consult HSE on such applications and produce a letter confirming HSE's advice. This service replaces PADHI+ HSE's on-line software decision support tool.

The Web App can be found here:  
<http://www.hsl.gov.uk/planningadvice>

All planning authorities were contacted prior to the launch of the Web App with log in details to set up an administrator. This administrator will be able to set up other users within the organisation. If you require details of the administrator for your organisation please contact us.

Planning Authorities should use the Web App to consult HSE on certain developments including any which meet the following criteria, and which lie within the consultation distance (CD) of a major hazard site or major hazard pipeline.

- o residential accommodation;
- o more than 250m<sup>2</sup> of retail floor space;
- o more than 500m<sup>2</sup> of office floor space;
- o more than 750m<sup>2</sup> of floor space to be used for an industrial process;
- o transport links;
- o or which is otherwise likely to result in a material increase in the number of persons working within or visiting the notified area.

There are additional areas where HSE is a statutory consultee. For full details, please refer to annex 2 of HSE's Land Use Planning Methodology: [www.hse.gov.uk/landuseplanning/methodology.htm](http://www.hse.gov.uk/landuseplanning/methodology.htm)

There is also further information on HSE's land use planning here: [www.hse.gov.uk/landuseplanning/](http://www.hse.gov.uk/landuseplanning/)

#### Environmental Health (noise/contam/housing)

Documents accompanying the application are sufficient to satisfy part of the standard contaminated land conditions which would normally be imposed on the development. There is further site investigation required in relation to assessment of ground gases. If soils are imported they will require testing and there will be the potential for unforeseen contamination during the development.

Public Health would therefore recommend that the standard conditions be applied although it is acknowledged that these have already been partially discharged.

Contaminated Land.

All work should comply with the latest guidance which includes;

BS 10175:2011

Welsh Government Document WG 15450, Contaminated Land Welsh Statutory Guidance.

Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses.

Contamination

(1) No part of the development hereby permitted shall commence until:

a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.

b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011 containing the results of any intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.

c) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:

d) Following remediation a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to, and approved in writing by, the Local Planning Authority.

Contamination Unforeseen

(2) Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local

Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

#### Contamination Imported Material

(3) Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority and must comply with the Welsh Local Government Association Document, Requirements for the Chemical Testing of Imported Materials for Various End Uses 2011. No other fill material shall be imported onto the site.

Reason: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

Waste Manager

No reply received

Landscape Officer

The TRICO site has been attractively landscaped in the past and has developed into a mature parkland setting for business. This application will cause the loss of much of the amenity grassland and mature ornamental tree and shrub planting.

The proposed superstore is sited largely on an existing hard surfaced car park but construction of both the extended Aldi car park and the compensatory car park to the frontage of the neighbouring industrial building involves considerable loss of mature attractively landscaped amenity greenspace including the felling of at least 22 trees. No new trees are being proposed within the compensatory car park area as mitigation.

The new parking area for Aldi involves the removal of a considerable mound of 1.5m high and felling of approximately 23 mature/ semi mature trees including a mature Black Poplar. These provide some screening of the development from the roundabout. Removal of this mound and planting will give glimpsed views into the site cause a slight reduction in visual amenity.

Pedestrian link to canal is welcomed as a sustainable

walking and cycling route to the site from surrounding residential areas. Ensure adequate provision of secure covered cycle storage on site. Care should be taken over design of this link as it will give access to the canal towpath which is within the Canal Conservation Area and may involve construction through a woodland which is subject to a Tree Preservation Order.

The view of the site from the adjacent playing fields and Mon & Brecon Canal corridor, which is a designated Conservation Area, will be of the service yard and the blank building façade. Increased screening of large species native trees and native hedgerow would help to break up the view of this façade.

Access onto playing fields has been retained though there may be a potential clash with people parking for supermarket and recreation purposes.

Full planting plan has been produced with details of maintenance and 5 year ongoing management of soft landscaping which is commended. The planting is durable and largely evergreen but would benefit from the introduction of more native species with increased pollinator potential.

51 trees are proposed to be removed according to the tree survey information provided by the applicant which are of fair to good condition with only 7 trees proposed. An area of equivalent canopy cover to that which is being removed should be included as mitigation for this loss. Strengthening the boundary to the existing playing field with tree and hedge planting can contribute to this mitigation as well as new tree planting with the compensatory planting area.

The treed buffer to the north of the site, which is outside the site boundary, is proposed to be crown lifted by 5m to allow for construction of parking bays. These bays would appear to be within tree protection zone of this large group of trees. The accurate tree protection zone for these trees in should be plotted accordance with BS 5837 to show how these proposed bays relate to the existing tree line. The thinning of this buffer at this height may allow views through from the roundabout and dual carriageway onto site from which it is currently screened.

I would prefer the three trees positioned as you enter the site on the right, currently earmarked to be removed, to be replaced to retain the screen to the brick TRICO building. Suggest these 5 bays are moved back to allow for the planting of trees on the verge but this may impact on turning circle for larger vehicles.

Have any options been explored as to using the existing hard surfaced parking area to south of the site as compensatory car park to avoid losing the mature landscaping to the building frontage?

Wales And West Utilities

Major Accident Hazard Pipeline in vicinity. No objections however our apparatus may be at risk and the developer is required to contact us directly to discuss our requirements in detail. Diversion works if required will be fully chargeable.

Canal And River Trust

Glandwr Cymru, the Canal & River Trust in Wales, cares for Wales' historic canals which perform many different functions and are a haven for people and wildlife and a national treasure. We are a statutory consultee in the development management process.

Based on the information now available we are concerned that the site may be at risk of flooding from the Monmouthshire & Brecon Canal.

Our advice is that the applicants discuss this matter further with Glandwr Cymru in order to determine the implications for flood risk within the site in the event of a failure of the canal and by providing additional information regarding any necessary mitigation.

Following recent inspection works on the canal embankment to the rear of the site we have concerns regarding the implications of flood risk to the site following a possible failure of the canal embankment. Despite its distance from the canal, the site is in a location which could be affected by a breach.

If the application is going to be recommended for consent we ask the Council, in line with the precautionary approach advocated in TAN 15: Development & Flood Risk, whether the application can be determined as submitted without further consideration of the impact of a breach.

Depending on the outcome of any further investigation, if the risk is deemed acceptable, it may be necessary to introduce mitigation measures such as landscaping or bunding which may have an impact on the layout of the site. Therefore if the application is supported this matter should be considered prior to determination to allow any necessary revisions to be incorporated.

The site is located on land below the canal embankment. Since the Gilwern breach in 2007 we have invested a lot of time and effort understanding and managing the risks associated with this canal. Since 2007 we have carried out work to model flood inundation below high consequence embankments.

Whilst there is no evidence that this embankment is likely to

collapse imminently, our Principal Engineer has recently confirmed that the section of embankment near the proposed development gives him cause for concern due to its height, composition, history of breaches nearby, the clay lining and the possible need for scour protection.

We therefore consider that there is a risk of flooding at this site and therefore the guidance given in TAN 15 may be appropriate. The TAN suggests, at paragraph 3.1, that the general approach of PPW, supported by the TAN, is to advise caution in respect of new development in areas of high risk of flooding by setting out a precautionary framework to guide planning decision.

Paragraph 3.4 of the TAN suggests that the LPA needs to be satisfied that a proposal is justified and that the consequences of flooding are acceptable. Where the risks of, and consequences of, flooding cannot be managed to an acceptable level then developing in these areas shall be avoided irrespective of justification under Section 6. Developers will need to provide information to demonstrate that their proposal satisfies the tests contained in the TAN.

A precautionary approach should be adopted at vulnerable locations and the precautionary methodology applied in consultation with the canal operator Glandwr Cymru. This advice is in line with Torfaen's own Strategic Objective 3 which seeks to ensure that the location of development does not result in unacceptable risk from flooding.

The applicant has provided a flood risk study and Consequences of Risk document however this does not include a study of the implications of the site as a result of flooding from the canal. As well as the impact of the water itself, the silt and debris in breach water can also have a powerful scouring action. We would therefore recommend that a more detailed investigation is carried out into canal breach risk, consequences and mitigation at this location, prior to the granting of permission for this development, in order that the risk can be properly assessed and, if the risk is deemed acceptable, any necessary mitigation included.

#### Other Matters

It is noted that there appears to be thought of providing a new access point onto the canal towpath to use it as a sustainable access route to the shop. If this idea is pursued the applicants should contact Glandwr Cymru to determine if permission is required for this access and to discuss whether there is a resultant need for a contribution to be made towards improvement or maintenance of the towpath if it is likely that significant additional use will occur as a result of

this proposal.

(further comments in response to additional flood risk information received 13.11.18):

Based on the information available the Trust still has concerns relating to the flood modelling issues.

We note that the applicant has provided a more detailed technical note with regard to potential flooding from the canal. However the applicants have prepared this information without discussion with Glandwr Cymru. We have hydraulically modelled this site as part of our national studies and it appears that our forecasted flood route does not agree with that submitted. We therefore wish to discuss this matter in more detail with the applicants' advisors before providing a substantive response.

Our usual approach would involve modelling the flood consequences of a breach at the canal using specialist software (The Trust uses Flood Modeller 2d by Ch2M). This will yield depths and velocities through the site. Mitigation (e.g. bunding or slab lift) can then also be appraised. We can provide guidance on estimating the flow from canals and we do have estimates that we could compare to any that the applicants derive. Therefore we suggest that the applicant contacts Glandwr Cymru to arrange a meeting to discuss the modelling further and agree a suitable way forward.

If the applicant does not wish to discuss this matter further with the Trust please advise and we will provide a substantive response based on the information currently available. Please note that other comments raised in relation to the access to the canal in our earlier response are still applicable.

Disability Advice Project

No reply received

Economic Development  
(Business, Retail & Markets)

1 TCBC Team Leader Business, Retail & Markets – response to Aldi summary of issues document:

*Para. 1.9 'Recent investment has been successful' -* Investment into Pontypool Indoor market has brought occupancy up to the current level of 74.4%. We still have vacant units (25.6%) totalling 223.4 sq metres. The market is not '*close to full occupancy*' as stated in the application. The Indoor market still requires support from the Council to undertake activities to attract footfall. A new store outside of the town would pose a threat to us achieving 100%

occupancy.

TCBC has continued to invest into the development of the town and in particular, Pontypool Indoor Market. Strong partnership working has been established with the traders, and a series of events and activities to increase footfall into the market has been developed over the past few years. TCBC are providing staff resource and investment to continue to develop the market as a key component of the town centre, to continue to attract traders to achieve 100% occupancy, and to continue to provide reasons for customers to shop in the market.

As a result of this activity to increase footfall, the indoor market has attracted some niche producers who attend events, such as Vin Sullivan (fish) and CaribSwede (a vegan bakery).

Footfall in the indoor market since TCBC investment has increased as follows:

2015	581,086	
2016	631,386	8.65% increase
2017	772,146	22.29% increase
2018	679,003*	-12.83% decrease

\*Figure is using averages for Aug-Dec, based on 15/16/17 footfall figures

A large number of the indoor market traders and a number of town traders will have their trade affected if shoppers are taken out of the main town area. These traders include:

Pontypool Town Centre

- o Iceland
- o Poundstretcher
- o Farmfoods
- o Cost Less European Food
- o Wilko

Pontypool Outdoor Market

- o Butcher
- o Fruit 'n' Veg
- o Sweets, cakes, biscuits, chocolates etc.

Pontypool Indoor Market

- o Butcher
- o Baker
- o Delicatessen
- o Wholefoods, nuts, spices etc.
- o Fruit 'n' Veg
- o Biscuits, cakes, crisps
- o Household goods
- o Sweets

*Para. 1.9 'ALDI would generate Spin-Off trade to Pontypool' -*

Cwmbran Shopping has a much more diverse offer to the consumer than Pontypool, with a larger range of key attractors such as M&S, Primark, WHSmiths and House of Fraser (taken from Experian Goad Key Attractors List). Aldi Cwmbran shoppers are more likely to visit Cwmbran Shopping in addition to Aldi because of the wider and larger consumer offer. Therefore spin off trade in the towns of Cwmbran and Pontypool cannot be compared 'like for like'.

Para. 1.9 states '*other non-food stores are popular*' stating that there is minimal trade overlap between ALDI and these stores, meaning that they are likely to maintain similar visitor levels post-ALDI. But what about the food stores? See list above. There is a definite trade overlap with these stores, and they will potential lose footfall/customer levels post ALDI.

Businesses in Pontypool are reliant on achieving a 'critical mass'. If we lose a butcher or a greengrocer, footfall will drop which will impact directly on other businesses.

Survey. A total of only 18 people said that they would 'VERY LIKELY' visit town centre stores if they were shopping in ALDI in Pontypool. It should be noted that the survey undertaken by ALDI only questioned 43 people in total.

*Para. 1.9 'Town Centre Vacancies have reduced'* - In the indoor market, 25.6% retail units are currently vacant.

In the town there are currently 33 vacant retail units, which represents 18.4% (7.2% over the national average). This is based on a boundary which extends from Snow White Laundries in Clarence Road along Clarence Street including Troisant Street; through the town, George Street and Osbourne Road as far as AC Puddle. Crane Street, Market Street and Town Bridge as far as the Museum. Which is considerably more than the 17 vacant units in the town (13%) as stated in item 1.9 in the application.

Footfall in the town over the past three full years has been as follows:

2015 - 799,518

2016 - 717,809

2017 - 693,314

2018 - 739,449\*

\*(based on 2015/16/17 full year averages for Sept/Oct/Nov/Dec)

Between 2015 and 2016, footfall in the town decreased by - 10.21%

Between 2016 and 2017, footfall in the town decreased by -

3.41%

Between 2017 and 2018, footfall in the town increased by 6.44% (based on averages).

TCBC are currently working to bring the footfall into the town through activities and events. 2018 is the first increase we have shown for two years, but it is still a long way off the figure for 2015.

The implications of this haven't fully worked their way through yet. Businesses may stay because they are tied into their leases, but this does not mean that they can sustain a decrease in footfall.

Locating an ALDI outside of the main town will pose a serious threat to these levels and will potentially halt any increase, and potentially fuel a decrease.

[NB. Footfall figures were not collected prior to 2015.]

The Outdoor market has not been addressed in the application.

In October 2017 the NatWest and Barclays banks closed in the town. The impact of this hasn't been fully felt, and will potentially have an impact on footfall, as well as the effect on businesses depositing daily takings.

New Look Pontypool has been identified as one of 60 stores in the UK to potentially close. If they were to leave this would leave a large empty unit.

*Para. 1.9 'ALDI would re-balance retail provision across Torfaen'* - cites £26m pa in 2013 being spent by Pontypool residents in Cwmbran. No reference as to where this figure has come from. We would like clarity on where this figure comes from and the methodology behind gathering the data.

Economic Development  
(Business Development)

2 LDP Policy EET5 - Protection of Employment Land and Premises

A) Location of site

The location of the site is at the heart of Torfaen with the major road link roads, this is essential to commuting of staff and transporting of goods.

Both Cardiff and Bristol Airport are within an hours drive with Heathrow is only 2hrs 15 minutes away.

With the £22 million investment by Welsh Government on the Heads of the Valleys this will allow faster and safer access to

South West Wales which will benefit existing and the relocation of business in Torfaen especially Trico Site.

With the abolition of the Severn Bridge Toll this will only increase the demand for industrial sites in Torfaen so the change of usage on existing industrial sites would be detrimental.

To allow the change of usage on part of the site would increase traffic on an already difficult roundabout plus the store would be built at the forefront of the site with daily Lorries supplying the existing companies mixing commercial and domestic vehicles which could cause disruption to the companies running of their business.

Allowing the partial change of usage to the site will impact of existing companies and be incompatible.

#### B) Proof of premises or site being redundant

Over the years we have built a strong network of inward investment through Welsh Government, International Trade, Business Wales & Development Bank and have we receive on average 15 to 20 enquiries per month related to property which we are unable to satisfy due to lack of industrial sites.

We have worked with an industrial estate within a few miles of this site which at present are full to capacity and has a number of enquires which they cannot fulfil.

The application site is a purpose built factory, offices and yards with over 200,000 sq. ft which currently has 3 main tenants - Diamondpak, Trico & Westgate Pallets plus a new tenant moving into 6,000 sq. ft. offices. These companies employ over 150 plus staff with the potential of 80 plus over the next few years.

Currently TEE have a number of companies already within Torfaen who need to grow from their existing site and we are at present unable to find a suitable factory or even land to develop so by losing another potential site would be harmful to Torfaen.

This site is certainly not redundant and we have made enquires to the agent for details for the small vacant area which we have not forthcoming.

#### C) Employment & enquiries

By allowing permission it will put under threat the existing businesses future as the landlord could look to not renew their leases and look to apply for change of use to enable further retail outlets this will reduce industrial sites and further draw consumers from Pontypool Town which like most high

streets nationally are suffering.

The existing companies both use and supply local companies in Torfaen with services and supplies which would impact if they were to move out of the area.

Aldi has put forward the employment of 40 staff, this will be made up of both part-time and full-time workers, and the majority of jobs with the existing companies on the site are full-time manufacturing positions. Welsh Government are actively encouraging the creation and growth of Manufacturing within Wales with investment, support and trade missions.

## **PUBLICITY**

The application was advertised by site notice and in the press as major development and affecting the setting of a listed building (canal bridge). The application was also subject to a statutory pre-application consultation ('PAC'), the form and content of which has been submitted by the developer as part of the planning application. Their submitted PAC report states that ALDI distributed a bi-lingual leaflet to over 8000 local addresses as well as advertising by site notices and via the company's website. The PAC states that this generated a response rate of 16% (1280 responses) the vast majority (1094 responses) said they supported the development. Representatives of the company presented to Pontypool Community Council on 8 February 2017.

## **REPRESENTATIONS RECEIVED**

46 letters of representation have been received to the Council's publicity - 40 letters of support (from local residents, the adjoining rugby club leaseholder and an existing industrial business – Trico - that currently operates from the site) and 8 letters of objection (from a mixture of local residents, commercial competitors of the applicant, **a local business with an interest in relocating to the site** and an existing industrial business – Diamond Pak - that currently operates from the site).

The comments received can be summarised as follows:

*- "the application is a resubmission of a previous proposal for a supermarket at this site in 2017. That application was refused by the Council. The documentation accompanying the current application seeks to demonstrate that the concerns raised previously by the Council over the proposal have been satisfactorily overcome and therefore their previous reasons for refusal can no longer be substantiated. Having examined the additional information submitted to support the current proposal, we are of the view that this does not overcome the Council's concerns and there is no material change in circumstances adequate to overturn the previous reasons for refusal. Specifically:*

### *1. Retail Impact*

*With regard to the effect of the proposal on the town centre, the applicants suggest that main impact will be on the existing Tesco supermarket and there will be minimal effect of other existing local retail stores. This assertion is not supported by any evidence from the applicants and the opposite is more likely with the price competition between the stores and the wider*

*range of goods of the two stores likely to have a detrimental effect on the viability of existing small retail units.*

*In the absence of any new material evidence, the Councils previous view that 'the proposal would undermine the vitality, viability and attractiveness of Pontypool Town Centre and be contrary to Policies S9 and RLT 3(c) of the Adopted Torfaen Local Development Plan', is still valid.*

### *2. Loss of employment land*

*The applicants advise that there has been no interest in the site for employment use since the previous application, but have not demonstrated any sustained attempts by the owners to market the site. The Councils previous view on this issue is still valid therefore in that 'the applicants have not satisfactorily demonstrated that the site has been assessed and realistically marketed as genuinely redundant based on the current and future needs of the employment market and it is considered that a retail use of the land would unacceptably impact upon the requirements of the existing industrial businesses to the detriment of existing and future employment opportunities on a site that is well located for business, industrial and warehousing use. The proposal is therefore contrary to Policies S6 and EET5 of the Adopted Torfaen Local Development Plan.'*

### *3. Accessibility*

*The applicants offer to provide new pedestrian/cycle infrastructure and community public transport service serves to reinforce the conclusion that the site is remote from existing population and public transport centres with resulting increased likelihood of car-borne customer demand should the proposal be implemented. The circumstances have not changed in this respect and the Council's previous view in this respect is still valid in that 'the site is poorly located for non-car modes of transport and is an unsuitable location for retail development giving rise to increased risk of accidents for cyclists and pedestrians in particular, contrary to both national and local planning policies designed to promote sustainable development. The proposal is therefore contrary to Policies S2, S4 and BW1 of the Adopted Torfaen Local Development Plan.'"*

- The supermarket will make the site open to the public. This is totally impracticable for an existing business that makes regular investments in large machinery that weigh as much as 80 tonnes- which needs to be commissioned on site. Logistics like this do not fit with a retail site that is open to the public. The security of the site will also be severely compromised. The significant movement of large HGV's is not remotely compatible with a retail operation like the one proposed.

- The plans also call for a new car park to accommodate moving Trico's car park in front of the area where our exit road and customer parking area is located. This represents a very significant inconvenience to the logistics of the existing Diamond Pak business. Our presence is also likely to inconvenience Aldi shoppers, significantly. The presence of a supermarket on site will have a very significant disruptive effect on the business.

- The Skewfields site is a relatively well established Industrial site, employing around 150 people. It supports many other local businesses and is earmarked in the LDP for Industrial use. There are other area's nearby that are more accessible and make for a more suitable retail supermarket.

- Long term we don't believe the site will be compatible with mixed Industrial and retail use, especially when the former involves significant movement of large articulated lorries throughout the day. Such movements, combined with the dangers associated with entering and leaving the Skewfields entrance will inevitably discourage shoppers from heavy use of the supermarket,

unless /until Trico & Diamondpak vacate the site. We view this as very realistic option for our business. Should this occur, the likelihood would be for us to leave the broader locality and ,move outside Torfaen (the majority of staff working on the site live within Torfaen).

- am committed to moving into the Skewfields office however acceptance of the ALDI development may make us consider our longer term future at the site.

- This would be very damaging to Pontypool town and the likes of small independent shops in Griffithstown and New Inn. Pontypool town is already struggling and there is many vacant properties within the town. Independent traders are suffering massively being unable to keep up with the prices of supermarkets. Windsor stores in Griffithstown is the latest in a long line of shops closing. This is extremely sad and a supermarket giant like Aldi isn't going to help.

-30 years ago Pontypool was a viable valleys town and traders were forced to pay for legal representation to stop Tesco building on Skewfields. Building out of town was seen then and should be seen now as a detriment.

-Torfaen Council are keen to reinvigorate the town, clearly evident in the money spent on organising events, but allowing this development to go ahead will prove that money wasted.

-The McDonald's roundabout is busy enough without a supermarket with many accidents happening every year.

- Pontypool does not need an Aldi. There is plenty enough choice from Pontypool town and surrounding areas. Please consider this application very carefully.

- object to this application. Pontypool will suffer, only need to see the impact that Tesco had moving out of town.

- the road and roundabout see enough accidents and congestion it is only accessible by car and there is another store not 3 mile away.

- worry about the effects it will have on the canal and cycle tracks directly behind it. It will ruin the beauty of the countryside with trolleys being dumped on the canal and a great deal of littering of the canal. This would be inevitable and ruin a beautiful area on my doorstep.

- also the issue of the dangers of excess traffic on what is already a busy road and roundabout plus excess traffic and noise pollution so I strongly object

- main concern regarding is the location (locally called the McDonald's roundabout) is a very busy, dangerous roundabout with no speed restrictions i.e. no signage indicating a speed reduction on approaching the roundabout from national speed limit/50mph. An increase in traffic entering & exiting the ALDI site would make this worse. The current layout of entries onto the roundabout means that the one proposed for ALDI's use is very close to the one coming up from Cwmbran direction on the A4042.

- genuinely believe there will be an increase in traffic incidents on this route should this location be used as suggested.

- there is also no provision for pedestrians to make safe passage to ALDI from either of the hotels or offices located at this roundabout.

-we are aware the estate's other tenant objected to the last application. We do not share their concerns. Not only do we welcome the new parking area which is intended for our use (resulting in better quality parking provision) we consider having an ALDI on our doorstep will bring benefits by allowing our staff access to food shopping close by.

- from a retail point of view, the proposal will represent a fantastic addition to the shopping options for the people of New Inn and Griffithstown and indeed the surrounding areas. The fact that the plan have made provision for customers to walk to the supermarket is a welcome addition.

- do not believe that the plan will have any detrimental effect on the town centre of Pontypool and will present some wonderful employment opportunities for local people.

- pleased to see that Aldi has included a gate through the boundary fence which will allow access to the playing fields. Also pleased to see the provision for hard standing.

- aware that several rugby teams play at the rugby pitch adjacent to the proposed site, operating without any changing facilities in the immediate area. It would be great if Aldi could provide such a facility as part of its development which would be of huge benefit to the 2 senior mens, the youth teams and the ladies side that use the pitch on a regular basis, together with the wider community in Torfaen.

-the ALDI proposal provides an access to the recreational area which in turn will provide an opportunity for the club to build changing rooms which ALDI has indicated it is prepared to support.

- Increase in local job opportunities, with a potential to reduce an unemployment rate in an area that is currently above the UK average.

- Development of land not currently used. Development of site would have limited visual impact to area.

- Provides 2nd larger supermarket within Pontypool area, which can also be accessible to pedestrians.

- Could relieve traffic congestion and pollution, whilst improving availability of parking in Pontypool town centre.

-We want competition in the food market that will curb the rapidly increases in the prices of a basic need.

- It will help alleviate the strain on Cwmbran. However the roundabout is an accident hotspot and needs to be addressed at the same time. I can see exiting the property is going to be difficult.

-for ordinary working local people this would make such an improvement in our daily lives , only one supermarket now is Tesco you can hardly ever park in there because so many shoppers and no other choice of stores,

- Fantastic for the local community allowing residents the opportunity to shop without the need

to drive into Cwmbran. This will not only reduce the occasional congestion into Cwmbran at peak times but will reduce through flow on the main roads towards Newport with easy access for shopping for commuters outside Cwmbran. Why this was rejected in the first place is a wonder. Perhaps the same people who designed the initial Rechem roundabout design were involved, the ones that should now be visiting the job centre.

-as a local family we would like choice rather than having no option but to travel to Cwmbran to shop at either Lidl or Aldi

- As much as I have no problem with Aldi going there I feel the roundabout entrance would hold serious traffic congestion to the surrounding area. If there was another entrance onto site this would be a lot better As a resident to New Inn and the problem with the Rechem roundabout and it's brilliant design which has been altered making no difference to traffic congestion. This would create a bottle neck Also with more developments being planned further up the roads will not be able to take this traffic. They are struggling as it is now.

- We can't keep building everywhere without these companies and housebuilders seriously paying to change the road network instead of changing something slightly like the Rechem roundabout and just making do. Come on Torfaen use some common sense here.

- believe that Aldi is very good value for money and that I do believe in the advert as stated on the TV Aldi was voted the best cheapest supermarket going for years compared to others. It is my opinion that the proposal for Aldi at Pontypool is such a great idea and I and my family are happy to shop there, especially as the nearest Aldi to me is Cwmbran and it costs more than £10 for a taxi from Aldi in Cwmbran to Pontypool, so I am limited to how much to buy as I do not have a car and rely on public transport of a bus.

- I support the application for the benefit of customers choice because the nearest Aldi to residents of Pontypool to Blaenavon is either Cwmbran or Abergavenny. In between Sebastopol and Cwmbran there are plans to build 1200 houses, this would be even worse to get to from Pontypool area thus a new store nearer Pontypool would be ideal. As for traffic on the roundabout, as long as there is no hold up for vehicles after entering the gates, there should not be a queue forming back onto the roundabout. New signage would help on the approaching roads of the new store.

-I would welcome a new ALDI supermarket at the proposed site as it would be very convenient for me to visit. At the moment I use ASDA online grocery shopping which comes from Brynmawr or Blackwood so does not support my local economy as the local store would.

## **ASSESSMENT AND CONCLUSION**

The primary issues in the determination of this application are considered to be:

1. whether this second application satisfactorily overcomes the reasons for refusal of the first application particularly in light of the fact that the relevant development plan policies have not materially changed since that decision was made by the Council in December 2017;
2. the principle of providing a new retail development on this site with particular reference to the loss of industrial land, retail need, sequential test and retail impact assessment;
3. the quality of the design of the building;
4. the impact on the visual amenities of the area, the amenity of neighbouring properties, adjoining commercial units and the impact on the setting of the Monmouthshire and

Brecon Canal;

5. access, sustainability and wider highway safety considerations;
6. risk (water, contamination and underground services);
7. ecology and impact upon existing trees; and
8. any other material considerations.

### **Principle of new retail store in this location**

#### **Changes since previous application was refused**

The applicants have submitted a new document entitled 'Summary of ALDI responses to Main Planning Issues (August 2018)'. In it they describe the background to the proposal (i.e. the previous refusal and the reasons given by the Council for this refusal) and details the additional information that has been prepared since, including empirical evidence and a shopper survey undertaken in 2018. They also state that significant weight should be given to:

- the job creation and economic development argument, *'providing a net increase of up to 40 new permanent jobs in the town, together with employment generated in the construction phase'*; and
- the need for a new supermarket in Pontypool, with this proposal *'likely to represent the sole opportunity for a store of this scale to be delivered in the town for the foreseeable future'*.

Members are advised to note that the 2018 shopper survey undertaken by ALDI contained a sample of 43 people. The Economic Development and Planning Policy Officers' comments on the new submission are summarised above. In addition, your Officers have again engaged the services of a specialist retail planning consultant to scrutinise the applicant's resubmission, particularly with regard to the 3 retail tests (need, sequential and impact) that are required to be met if planning permission is to be granted for new retail development in an out-of-centre location such as this. These are considered in the relevant sections of the rest of this report.

#### **Loss of industrial land**

Torfaen's Strategic LDP Objective 1 (paragraph 3.3.1) is to ensure the provision of an appropriate quantity and range of employment sites and retail opportunities to support high and stable levels of employment and deliver a competitive, modern and sustainable economy and thriving town centres. This objective is enshrined in LDP Policy S6 which seeks to protect existing functioning employment land to ensure employment opportunities can be realised on existing sites. The policy states that proposals which would undermine the retail function of the town centres will be resisted (paragraph 5.6.4). Therefore the provision of new retail development needs to be considered in parallel with the consideration of the need for employment land and the protection of existing town and neighbourhood centres.

The strategic objective is further explained in LDP Policy EET5 which states that development for the redevelopment of existing employment sites for uses other than B1, B2 or B8 will only be permitted where they satisfy the following criteria:

- a) It can be demonstrated that the land or premises are not well located for business, industrial or warehousing use; or the use is incompatible with adjoining use(s);
- b) The premises and/or site have been assessed and is genuinely redundant based on the current and future needs of the employment market and has been realistically marketed at market value for the current permitted use(s);

- c) The proposed uses are complimentary to the primary employment use of the surrounding area and will not cause an unacceptable impact on the operating conditions and requirements of existing businesses; and
- d) In the case of factory shops, it can be demonstrated that the operation is strictly ancillary to the main use of the site and that the goods sold have been manufactured on the premises.

In the new summary responses document, the applicant's indicate that a marketing board has been at the application site [referred to as site B] since mid-March 2018 and listed on the Linnells website but that no enquiries have been received to date. The document also refers to other premises, owned and managed by the same landowner (an industrial fund - FTSE investment – company) elsewhere on this roundabout, one of which has been marketed for over 5 years [referred to as site A], the other for approximately 2 years [referred to as site C]. No details of the level of interest in site A is indicated and for site C the document states that 'limited interest has been received'. The document argues that this is satisfactory evidence of marketing revealing there is a lack of interest. However site C is now advertised as 'under offer' and your Officers believe that the application site has not been actively marketed for a sufficient period of time to conclude that there is no demand for the site for industrial purposes.

The document concludes that this assessment of the industrial demand, together with a lack of allocated sites for retail, proposed roundabout speed reduction measures and support from an existing occupier (TRICO) who are getting a new car park as part of the development, means that the requirements of LDP Policies S6 and EET5 have been complied with. Your Officers strongly disagree with this position.

Whilst the site is not specifically allocated as an employment site in the LDP its authorised use is for purposes ancillary to the industrial occupation of the wider Skewfields site, which currently contains three B2/B8 businesses. Whilst it is accepted that retail developments do offer employment opportunities it is clear that the strategic LDP objective is to deliver sites for B1/B2/B8 uses with existing land used for such purposes only being considered for other uses if the criteria contained in EET5 can be satisfied. Additionally, national policy set out in TAN 23 recognises the importance of maintaining existing local employment sites "where there is strong evidence of likely future need for B1-B8" and that "the loss of such areas may cause harm to local economies and should be avoided." (Para 4.6.8)

In this regard, your officers are not satisfied that the applicant has demonstrated compliance with all the criteria of LDP Policy EET5.

For employment land to be developed for uses other than B1/B2/B8 requires the existing land or premises to be incompatible with adjoining uses which, given the existence of the other industry/businesses located on Skewfields, is clearly not the case. The site is considered to be part of a wider important employment area located on a key strategic junction and it has not been demonstrated that the existing use is not well located or incompatible with adjoining uses (criteria a and c). One of the existing businesses has decided to remain and reinvest at the site, stating in a newspaper article (Wales Online, March 2013) that "the facility at Pontypool is well suited for [their business] requirements and is one of the few large, modern units available within the size range required.....as part of our brief we examined a range of options including relocation but ultimately the decision was taken to stay in Pontypool, which is a big vote of confidence in the local labour market. The site is also very well located being accessible from Newport, the Heads of the Valleys and Monmouthshire".

An existing business on the site (Diamond Pak) has stated that the introduction of a retail development on the site risks the long term retention of their existing business and associated

jobs (150 at present) in the longer term.

Furthermore, a local (Torfaen based) company has given a commitment to relocating to the Skewfields offices to facilitate an expansion to their growing business but have indicated that the ALDI development may make them consider their medium to long term future at the site.

The current application contains no detailed information which sets out why the site is unsuitable for employment use or why the retail use is compatible with the adjoining employment uses (EET5 criteria a and c). The absence of such evidence, the comments received from Diamond Pak and the local business looking to relocate to the Skewfields offices, the take up of allocated employment sites particularly in recent years and the growth of employment uses on existing employment areas all lead to the proposal being contrary to the aims of the LDP in protecting quality employment land and in particular policy EET5 (a-c).

Due to the 2007 global financial crisis conditions have been challenging for the employment sector. However in recent years both enquiries and employment developments have recovered with vacancy rates at employment estates showing decline. Therefore it is not accepted that the limited marketing that has been carried out is sufficient to demonstrate that the application site is genuinely redundant to meet the current and future needs of the employment market (criteria b) and the initial enquiries generated by the marketing of the application since March 2018 together with 'under offer' status of the vacant offices are encouraging developments in this regard.

Given the traditionally long lead-in time for industrial users to invest and expand it is considered strategically important that well-located industrial sites such as this, with good communication links to Newport/M4 to the south and the A4042/Abergavenny/M50 north, are retained so that future investment can be secured. The current industrial use is under capacity but not vacant and it has not been satisfactorily demonstrated that the site is not of interest to latent demand for traditional B1/B2/B8 industries rather than a retailer. Having regard to the presence of the existing industrial occupiers it cannot be demonstrated that the land is not well located for business, industrial or warehousing use (criteria a). The principle of allowing a retail development on this site therefore has to be considered both on the basis of the land not being made available for an industrial occupier and on the impact this would have on the established retail centres within the County Borough. The absence of evidence to the contrary and with the take up of allocated employment sites and the growth of employment uses on existing employment areas, all leads to the conclusion that the proposal is contrary to the strategic aim of the LDP in protecting quality employment land and in particular policy EET5.

Whilst your officers accept that new retail operations can be accepted within a broader consideration and definition of economic development, it is considered that new retail developments can be located in town centre sites close to public transport and population centres whereas industrial uses require purpose-built locations close to good communication links in order to access wider markets for the distribution of goods, particularly a strategic road network. For this reason Policy EET5 seeks to protect existing employment land for B1-B8 uses and, being a car park to an existing industrial user, the application site falls inside the definition of employment land for the purposes of LDP strategy whereas a retail development does not.

### **Creation of new retail development**

Since the last application was refused in December 2017 the national and local planning policy context in relation to retail and town centre issues has not materially changed. As a consequence the same tests of need, the sequential test and impact are required to be met if planning permission is to be given for new retail development of this scale in this location.

Welsh Government planning policy, at paragraph 10.1.4 of PPW, adopts a 'town centres first' principle whereby consideration is given in the first instance to locating new retail and commercial development within existing town centres. Wherever possible, retail provision should be located in close proximity to other commercial businesses, leisure and community facilities, employment and housing. Planning applications, including out-of-centre developments, which do not accord with this approach should demonstrate why they have departed from it. If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should then be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The sequential approach requires the application of a sequential test whereby first preference should be for a site allocation or development proposal located in a retail and commercial centre defined in the development plan hierarchy of centres. The onus of proof that central sites have been thoroughly assessed rests with the developer.

The application includes a retail assessment which concludes that there is a need for retail floorspace in the area, that there are no sequentially preferable (i.e. town centre or edge of centre) sites available in the catchment area of the proposed development and that there would be no threat to the vitality and viability of existing centres. The applicant's conclusions correlate to the 3 'tests' of retail need, sequential test and retail impact assessment, which are principally derived from Welsh Government national planning policy and enshrined locally in Adopted LDP Policy RLT3 which states that proposals for new retail development which are located on edge of centre or located outside of town, district or local centres must satisfy all of the following criteria:

- a) The need for the development is demonstrated, having regard to quantitative and qualitative indicators;
- b) The proposal meets the sequential approach to site selection, with all town centre (or neighbourhood centre if applicable) options thoroughly assessed before edge-of-centre and then out-of-centre locations are considered; and
- c) The proposal is not of a scale, type or location that is likely, either individually or cumulatively with other recently completed developments, extant planning permissions and LDP allocations, to create an impact that would undermine the vitality, viability and attractiveness of the centres identified in the Torfaen Retail Hierarchy.

Officers have engaged the services of a specialist retail planning consultant to scrutinise the applicant's submission with regard to the tests that are required to be met if planning permission is to be granted for new retail development in an out of centre location. These can be summarised as follows:

### **Need**

As was the case with the previous application, and as no new information has been submitted with regard to the need test, it is still considered that there are a small number of areas of concern regarding the approach taken to the assessment of quantitative need and the use of retail expenditure data which is at the top end of expectations. This includes the assessment of benchmark turnover levels and the decision to assess quantitative need across the combined area of Pontypool and Cwmbran. It should also be noted that the applicant's assessment relies upon retail expenditure data and forecasts from Pitney Bowes which are materially higher than the other main expenditure data provider (Experian) used by the Council's recent Retail Study

Update. The applicant's assessment may therefore be considered to be based on an optimistic economic expectation rather than that typically experienced previously.

As a consequence the Council's consultant has undertaken an alternative analysis which adopts alternative economic forecasts and also provides a number of scenarios which concentrates upon quantitative needs in Pontypool rather than the wider area including Cwmbran. The result of this analysis is that there is not a quantitative need across the combined area of Pontypool and Cwmbran but there is likely to be sufficient expenditure to cover the convenience goods turnover of the proposed store. However, it is concluded that the level of surplus convenience goods expenditure is limited and is just enough to cover the turnover of the proposed store and relies on an increase in Pontypool's convenience goods market share. It is also considered that there is a qualitative case for improvement in convenience goods retail floorspace in Pontypool and this proposal has the potential to provide such an improvement.

Whilst the quantitative case relies upon favourable economic conditions going forward, given the Council's independent analysis results and a qualitative case for improvement in convenience goods retail floorspace within the catchment area, **it is considered that there is sufficient available information at the present time to give the Council confidence that the proposal complies with part (a) of Policy RLT3** of the LDP. This, along with economic benefit that is associated with new retail development is considered to be a positive factor in support of the current proposal, although this does need to be balanced against the other conclusions on the sequential and impact tests given below.

The developer has provided a response to a number of technical issues associated with the Council consultant's re-assessment of the level of convenience goods expenditure capacity. The outcome is that they do not agree on a number of the data inputs and assumptions made in the expenditure capacity assessment although they both reach the same conclusion that there is sufficient 'surplus' convenience goods expenditure capacity to accommodate the proposed store. The main area of difference between them is the use of the 2010 household survey, a subject which is discussed further in relation to the assessment of impact later on in this report.

### **Sequential Test**

At the time of the previous application it was concluded that, having regard to the applicant's alternative site assessment and analysis, and with one exception, the applicant had demonstrated that several identified sites within Pontypool and Blaenavon are neither suitable nor available sequentially preferable alternatives to the application site which is an out-of-centre location. The one exception to this was the planned new neighbourhood centre within the Mamhilad strategic action Area (LDP Policy SAA4). In addition, a further site on the edge of Pontypool town centre – the job centre/former court site – had some potential which required further investigation before it could be accepted that the current out-of-centre location is the only available site.

Section 5 of the revised Planning & Retail Statement submitted with this application notes that the former court building has now been purchased by the NHS, with available evidence to suggest that they intend to occupy it for, in part, clinical use. As a consequence, whilst it would appear that no investigations have been made in relation to the availability of the job centre element of this site, it is now too small to act as a suitable alternative for the proposed foodstore use.

In relation to Mamhilad, it was previously concluded that the applicant had dismissed this location too easily and it was recommend that further investigation of its potential be explored.

In response, Section 5 of the revised Planning & Retail Statement records the events that have taken place since June 2017 in relation to the current outline planning application for Mamhilad (ref.17/P/0468/OUT). In particular revised supporting documentation for the outline application indicates that there is likely to be a maximum of 750sqm of retail floorspace provided, split between 325sqm for a convenience store and 325sqm for other separate retail units. The revised Planning & Retail Statement also argues that a foodstore of the scale proposed by ALDI is inconsistent with the aspiration for a neighbourhood centre within this strategic site that the area planned for the neighbourhood centre will not be available for some time, and a store at Mamhilad will not address the qualitative deficiency in Pontypool.

Whilst your Officers do not necessarily agree with the points regarding availability and scale, if it is to be the case that only a maximum of 750sqm of retail floorspace is to be provided in the new neighbourhood centre at Mamhilad then it is unlikely to comprise a suitable alternative for the proposed ALDI foodstore. If the Mamhilad development is unable or unwilling to accept a larger retail floorspace then this site can also be dismissed from the sequential test and **the current proposal can be considered to comply with part (b) of Policy RLT3** insofar as the sequential test is concerned. Members are advised however that the applicants have not made contact with the Council as landowner to investigate the possibility of the Old Mill Car Park nor submitted any evidence as to why this could not provide an alternative town centre location for the ALDI development.

### **Impact**

In light of the out-of-centre location of the application site, the Council must consider the impact of the proposed store with a particular emphasis on the vitality, viability and attractiveness of Pontypool town centre, which is the closest retail centre in the LDP hierarchy of retail importance. The impact on the nearest neighbourhood centre, Griffithstown, is also a material consideration.

At the time of the previous application the Council's consultant concluded that the applicant's financial impact assessment under-estimates the level of impact on existing stores in Pontypool and the consultant estimates that the town centre's convenience goods sector will lose around 14% of turnover and the retail sector as a whole will experience an impact of 11%. It is considered that this has the potential to be a reasonably large financial impact on Pontypool town centre although the observations over the robustness of the evidence base data should also be taken into account.

In response the revised Planning & Retail Statement and summary responses document submitted with this application provide the following new information and analysis:

- an updated survey of vacant units in Pontypool Town Centre which took place in April 2018 and recorded 17% vacancies which is equivalent to 13% of all retail property in the town centre; the submitted report records that vacancies have dropped since 2010 when there were 22 vacant units;
- the results of a survey undertaken in April 2018 which asked questions relating to usage of existing supermarkets (including first choice store), views surrounding the likely usage of the proposed ALDI store, potential for linkages between the new store and stores in Pontypool town centre, linkages between existing supermarket trips and shops in Pontypool town centre, and identity of shops and services visited in Pontypool.

The applicant has not updated its financial impact assessment and not responded to the specific

concern regarding the robustness of using a shopping patterns survey from 2010 to underpin a current assessment of impact and town centre health. The Council is now starting the preparation of a new LDP and intends to commission a new town centres and retail study. If the Council considered the 2010 survey to be robust for the assessment of current shopping patterns and town centre health issues there would be no need to commission a new study. The lack of an up-to-date household survey remains a significant concern in terms of the ability to properly assess the current health of Pontypool town centre, including its catchment, its trading performance and how these might have changed since 2010 (due to on-going changes in shopping habits and/or due to new stores openings). An up-to-date survey is also an important part of any assessment of trade draw and trade diversion. The Council's retail consultant therefore cautions against approving this application without a body of robust information which creates certainty and confidence over the scale of impacts and the likely consequence of these impacts.

Your Officers do not consider that ALDI's 2018 shopping survey of only 43 people is sufficiently robust in this regard. However the survey does present some interesting information regarding the usage of existing foodstores/supermarkets, linked trips associated with supermarkets and the potential usage of the proposed new ALDI store. The Council's retail consultant made the following comments about the survey:

- it does not provide a replacement for the market share data on shopping patterns from the 2010 retail study due to its small sample size and lack of information on the home postcode sector of each of the 43 respondents;
- it provides useful information on the likely popularity of the proposed ALDI store and how the survey respondents would divert some or all of their expenditure from existing stores;
- the survey attempts to gain information on linked trips with 'town centre' stores but the wording of the question could have been more specific in this regard;
- there is a similar lack of precision on other questions within the survey.

When examining the wider impacts of the proposal on the health of Pontypool town centre, it is considered that the centre remains in a reasonably fragile state of health despite recent reductions in the level of vacancies. The three main foodstores in the town centre (Tesco, Farmfoods and Iceland) are considered to underpin the health of the town centre and there is a good possibility that direct impacts on these stores will also have a knock-on indirect impact upon vitality levels across the centre. It is considered that these impacts are unlikely to be mitigated by the location of the proposed store, which, due to its siting some 1.5km from the town centre, is unlikely to provide any significant levels of linked trips. It is considered that the proposed store has poor accessibility in terms of public transport, walking and cycling and the sustainability paragraphs in both PPW and the LDP require public facilities for the community to be readily accessible by a choice and means of transport. The proposed site is not readily accessible other than by private vehicles, making it a convenient destination for a single car-borne trip rather than linked multi-purpose trips to other businesses and facilities in Pontypool Town Centre.

In order to support its differing conclusion that there will not be a significant impact upon the health of Pontypool town centre, the applicants rely on the % impact on the retail sector and the future of the Tesco supermarket's viability, role and function. Their revised analysis indicates a 9% negative impact upon the town centre's convenience goods sector and a 7.7% impact on the wider Class A1 retail sector. In contrast, the Council's consultant assessment of the likely impacts are 13.8% and 11.3% respectively.

The developers suggest that their own (revised) levels of proportionate (%) trade loss “are within commonly accepted limits”. Your officers are not aware that there are such standardised limits/thresholds for ‘acceptable’ retail impacts and the Council’s retail expert advises that experience suggests that each case should be considered on its own merits and with particular regard to the health of the ‘town centre’ in question - for example, a 7% impact upon a well performing centre is likely to have materially different consequences than a 7% impact upon a poorly performing centre.

Therefore, it is considered that further evidence regarding the centre in question needs to be examined, including the health of the centre, the trading performance of existing stores and the contribution that foodstores make to the health of the centre. The available evidence suggests that whilst vacancies in Pontypool have fallen in recent years, the health of the centre has been fragile. The Council’s consultant suggests that the foodstore sector is likely to underpin the health of the town centre and that they provide linked trips with other parts of the centre. However, there is a lack of up to date and detailed available evidence on the actual performance of the town centre and the usage of foodstores and how they interact with other parts of the centre.

Whilst assessments of impact are forecasts of future likely events/situations, the robustness of the forecasts is influenced by the quality of the available data and evidence. In this instance it is considered that better data and evidence can be provided in terms of up to date shopping patterns and information regarding the usage of Pontypool town centre and this in turn would allow the Council to have more confidence in reaching a conclusion one way or the other in terms of Policy RLT3. The response from the developer does not provide the additional information that the Council requires to make an informed conclusion on the compliance of the proposal with development plan policy. It is for this reason that it is concluded that there is insufficient available information at the present time to give the Council confidence and a precautionary approach is therefore applied.

In response to this concern, the developer’s agent argues that their impact assessment is methodologically robust and that the Council’s published evidence base demonstrates that a significant level of Pontypool residents’ expenditure is being drawn away to Cwmbran (c. £26m pa in 2013). Many of the third party representations received in support of this planning application appear to support this viewpoint.

Your officers accept that a more up-to-date retail study is required and that Tesco is ‘over-trading’ so that the current application will not necessarily have a detrimental effect on this key town centre retailer. What is of concern is the wider impact if this retail need is not met within the town centre itself, particularly having regard to the opportunities for linked trips which is not the case with the application site which is in an out-of-centre location.

Despite the additional data provided in the new survey the Council’s retail consultant has stated that it does not change the advice given at the time of the previous application with regard to:

- the health and fragility of Pontypool town centre;
- the need for a new up-to-date survey of household shopping patterns; and
- the concerns expressed over the implications of the impact of the proposed store.

The retail consultant therefore concludes, and your Economic Development and Planning Officers concur, that there remains sufficient concern over the health and fragility of Pontypool town centre to recommend that the Council **should not conclude that part (c) of Policy RLT3**

**of the LDP can be complied with at the present time.**

The impact on the nearest neighbourhood centres of Griffithstown and New Inn have not been assessed by either the applicants or the Council, however Members are advised that the potential impact on these centres may need to be taken into consideration having regard to the applicants proposed highway infrastructure improvements as detailed below.

### **Design of building**

The application is accompanied by a Design and Access Statement which sets out the local context and site appraisal.

The proposed building is a contemporary single storey design, largely derived from its function as a supermarket. It is proposed to be sited to the north-east of the existing industrial buildings, largely screened by mature trees along the A4042(T) and A4072 link road, and with full-height glazing to the main entrance facades to the south and east elevations and white rendered walls on a dark brick plinth to the north and west elevations. The building is 5.5m in height, which is lower than the adjacent industrial buildings. The development includes low and zero carbon technologies comprising photovoltaic panels (for an approximate area of 400sqm) on the building's roof and the use of an arctic circle plant which reuses waste heat generated by the building's refrigeration unit to heat the building.

Given the site's immediate context, no objection is raised to the development as proposed on design grounds.

### **Impact on visual amenity, neighbouring residential and commercial properties and the setting of the Monmouthshire and Brecon Canal**

Following on from this, the context for the site is a mix of industrial and commercial buildings, with no immediate residential neighbours, and therefore the development is not considered to be detrimental to visual amenity or the amenities of any neighbouring residential or commercial occupiers. Given the distance to it, the development is not considered to have any adverse impact on the setting of the nearby Monmouthshire and Brecon Canal (a Conservation Area – statutory consideration under Section 72) or its bridge (a listed structure – statutory consideration under Section 66) although the potential flood risk and consequences from this water source are separately considered below.

### **Highway safety**

The application is accompanied by a transport statement and travel plan. Owing to the site's location at the junction of the A4042 (T) with the A472, planning consultations were sent to both Welsh Government (which is the highway authority for the A4042 trunk road) and the Council's Highways Officer (which is the highway authority for the A472).

At the time of the previous application Welsh Government had expressed some concern with regard to the traffic modelling undertaken by the developer and directed that consent not be given until further modelling work is undertaken. Since that time the applicants have presented proposals that include a 42m long, 2m high visibility screen on the northbound approach to the roundabout. In response Welsh Government has now lifted their holding objection and directed that any consent include for this speed-reducing solution to be implemented prior to the store being opened. Crucially, they do not disagree with the developer's assertion that approximately

60% of the traffic that would use the new retail development would already be using the trunk road network, e.g. travelling to/from other destinations.

Whilst it is acknowledged there are some difficulties with the existing roundabout (and these difficulties are evidenced in both the accident record and concerns previously expressed by Gwent Police Traffic Division at the time of the previous application), subject to improvements being made to slow traffic speeds on approach to the roundabout as well as a traffic management plan and mitigation measures as submitted by the applicants, it is considered that the trunk road network is capable of accommodating the additional vehicle movements generated by the proposed retail development.

The Council's Highways Officer is concerned that the site is poorly located in terms of lack of provision and accessibility to non-car modes of travel. There have been incidences of pedestrians traversing the trunk road to utilise the fast-food outlet on the other side of the roundabout and there is concern that a foodstore may encourage similar movements in the other direction from users of the nearby hotel. Whilst the site is close to the canal towpath and the applicant is now proposing a new pedestrian link to this towpath, the remoteness of the site from existing residential areas, particularly the existing neighbourhood centres at Griffithstown and New Inn as well as Pontypool Town Centre, means that linked trips are unlikely and the majority of customers are expected to arrive by car thus undermining both national and local planning policy sustainability objectives. In their own submission the applicants clearly state that *"while ALDI are keen to facilitate pedestrian accessibility to store, in practice, the majority of customers undertake food shopping trips by car"*.

For those without access to a car, the applicants have indicated they will provide and fund delivery of a new footpath along the southern boundary of the playing field to join the existing network of public routes such as the canal towpath and National Cycle Route. They conclude that such a link would cost £37,000 and would facilitate:

- a 400m journey to Stafford Road Bus Stop (c. 5 mins walking time)
- a 1900m journey to Pontypool Town Centre (c. 22 mins walking time)
- a 1000, journey to Windsor Road, Griffithstown (c. 12 mins)
- a 1600m journey to The Highway, New Inn (c. 19 mins)
- a 1600m journey to Pontypool and New Inn Train Station (c. 19 mins)

They state that these routes will utilise existing underpasses and bridges so that no main roads will need to be crossed. In addition the applicant is prepared to make a financial contribution of £25,000 to Torfaen Community Transport who provide subsidised vehicle transport for elderly and disabled residents and the revised proposals include a taxi bay at the front of the store with customers being given access to a free in-store taxi-phone.

It is in the context of the applicants alleging that this new footpath link will bring both the neighbourhood centres of Griffithstown and New Inn to within a 20 minute walking distance of the application site that the current lack of impact assessment on these areas should be taken into consideration for the purposes of LDP Policy RLT3(c).

The Council's Highways Officer concludes that this is not a good location for a foodstore which is located adjacent to the Trunk Road at a significant roundabout with no adequate crossing points where there is a significant accident record. Apart from a link to the canal towpath there is no provision for pedestrian access or cycle access to the wider communities or links to public transport facilities. The Highways Officer remains very concerned that the location of this store

will encourage pedestrians from the hotel on the opposite side of the Trunk Road to walk to the store thereby crossing two arms of the Trunk Road and walking in the Trunk Road due to a lack of footways outside the site. Pedestrians who choose to walk to the site from the wider community will encounter similar detriment to their safety.

Therefore whilst the developer's offer to provide this new pedestrian/cycle infrastructure and community public transport service is acknowledged, it also serves to reinforce the conclusion that the site is remote from existing population and public transport centres with a resulting increased likelihood of car-borne customer demand, contrary to national planning policy as enshrined in PPW, should the proposal be implemented.

### **Risk (flooding/drainage/contamination/underground services)**

The application is accompanied by a full drainage strategy and flood consequences statement. The site is located within the TAN 15 Flood Risk Zone A, which describes areas considered to be at little or no risk of fluvial or coastal/tidal flooding. The site is however close to another potential source of flooding not originally identified in the submitted FCA, namely the Monmouthshire and Brecon Canal, which needs to be considered in the event that the embankment is breached in this location. Following consultation with the Council's Drainage Officer, Natural Resources Wales and the Canal and River Trust, it is considered that, despite its distance from the canal the site application site is in a location which could be affected by a breach and therefore the submitted flood consequences information is deficient in this regard.

The Canal and River Trust have confirmed that, whilst there is no evidence that the canal embankment is likely to collapse imminently, a section of embankment does give cause for concern that requires further, more detailed investigation of the risk and, if necessary, mitigation. Given the 'in principle' objections to the development on other grounds, and in order to avoid unnecessary costs, this information has not been requested from the developer however they have been made aware of the issue which, adopting the precautionary approach in vulnerable locations in accordance with TAN 15, will need to be satisfied before a favourable determination can be made.

The applicants have now submitted an addendum to their submitted FCA to deal with the potential flood risk from the canal. This has been sent to the Canal and River Trust, Natural Resources Wales and the Council's Drainage Officer for comments and these are reported above. The Canal and River Trust remain concerned that the development is at risk of flooding from the canal and have stated that the modelling information held by them would suggest a different impact to the one suggested by the applicants. The provision of the new access to the playing fields and the proposed pedestrian link to the towpath may also impact on the flood defence available to the site, which is currently protected by a large bund. The applicants have yet to make contact with the Canal and River Trust to discuss these issues although they have indicated to your officers that they believe a technical solution does exist to overcome this flood risk issue. The proposed new pedestrian link to the canal towpath also requires consent from, and a possible maintenance contribution to, the Canal and River Trust who are still awaiting contact from the developer to discuss and progress their on-going concern in these regards. Given the lack of progress on this issue since the previous application was refused it is therefore recommended that the precautionary principle be adopted, in line with TAN 15, and permission withheld unless and until such time as this matter has been satisfactorily resolved.

The application is accompanied by a Geo-environmental Assessment Report which identifies a risk of land contamination at the site. Based on the findings of the investigation the risk to end-

users and controlled waters is considered to be low however as the site lies within a radon affected area, full radon protection measures will be required. Following consultation with the Council's Environmental Health Officer and Natural Resources Wales, no objection is raised to the development on land contamination grounds subject to further conditions pertaining to more intrusive site investigative work, reporting and remedial works as necessary prior to construction work on the development commencing.

A major high pressure gas main is located along the north-west site boundary. The HSE has been consulted and PADHI methodology applied to the site layout to allow for the required 15m easement zone either side of the pipeline. No objection is raised to the development subject to conditions to safeguard the integrity of the apparatus at all times.

### **Ecology**

The application is accompanied by a Preliminary Ecological Appraisal. The trees to be lost would need to be removed outside of the bird breeding season. Owing to the site's proximity to the Monmouthshire and Brecon Canal and its bat foraging habitat and flight line an external lighting plan has been developed that avoids unnecessary illumination of the adjacent woodland areas during the night. Following consultation with both the Council's Ecologist and Natural Resources Wales there are no ecological constraints that would restrict the grant of planning permission in this case as any concerns could be adequately addressed with the imposition of suitable worded conditions.

### **Trees/Landscape**

The application is accompanied by an Arboricultural Impact Assessment (with trees categorised from Category A -High quality down to C – Low quality) and a Tree Protection Plan. Since the time of the previous application even more trees are proposed to be removed and, unlike previously, the Council's tree and landscape officers now object to the extent of tree removal and the inadequacy of the proposed replacement landscaping/mitigation in this regard. Your Officers consider it to be important that the substantial tree belt that screens the application site from the main highways to the north and east are retained. However further landscaping/tree planting can be secured through the imposition of a suitably worded planning condition if the proposals were otherwise acceptable in all other respects.

### **Other material considerations**

The site layout includes a new vehicular access point to serve the adjacent playing fields. Users of the fields currently have to park at PILCs in New Inn, where changing facilities are available, and walk the canal towpath to the site. The new means of access, subject to formal agreement between the landowners, affords an opportunity to enhance the existing facility for users and is broadly welcomed however this improvement is not considered to be sufficient to outweigh the objections to the principle of the development for the reasons outlined above, nor is it necessary for the development to proceed so cannot be used as a reason for granting planning permission as there is no SPG/planning policy reason for doing so.

The opportunity to create 40 new jobs afforded by the new development is also welcomed in principle, particularly having regard to the economic development objectives at both national and local policy level, although this also has to be balanced against the 150+ manufacturing jobs at Diamond Pak which are stated as being under threat in the longer term if ALDI goes ahead on this site. Furthermore, the adverse impact on the vitality and viability (and the

associated job opportunities that are reliant upon this) on Pontypool town centre in particular means that this job creation (which equates to 28 FTE jobs when you take account of seasonal and/or part-time roles at ALDI) is not considered to be sufficient to outweigh the 'in principle' objections to a retail development on this site.

### **Conclusion**

It is considered that the revised application has still not proven that the site is no longer required for B1/B2/B8 industrial development, the loss of which could threaten the longevity of one of the existing operational businesses on the site and, as advised by the Council's Economic Development Officers, undermine the Council's strategy for having available a range and mix of employment accommodation in good locations.

The site is still not accessible to non-car modes of transport even if sequentially (assuming Mamhilad accepts only a maximum 750sqm of retail development), there are no more favourable sites currently available to accommodate the retail development.

The siting of a major retail store in this unsustainable out-of-centre location would, as advised by both Council Economic Development Officers and independent retail expert, have a detrimental impact on the vitality and viability of Pontypool Town Centre and, as advised by the Council's Highways Officer, be harmful to highway safety, particularly in terms of pedestrians and cyclists.

There are positive aspects to the development including the creation of 40 jobs, improving access to and use of the adjoining community facility, contributions to community transport and the use of renewables to cut carbon emissions however these benefits are not considered sufficient to outweigh the principal land use concerns outlined above.

The application is therefore recommended for refusal.

**RECOMMENDATION:** Refuse

### REASONS

1. In the opinion of the Local Planning Authority the proposal, by virtue of its scale, type and location, creates an impact that would undermine the vitality, viability and attractiveness of Pontypool Town Centre and is therefore contrary to Policies S9 and RLT 3(c) of the Adopted Torfaen Local Development Plan.
2. In the opinion of the Local Planning Authority it has not been satisfactorily demonstrated that the site has been assessed and realistically marketed as genuinely redundant based on the current and future needs of the employment market and it is considered that a retail use of the land would unacceptably impact upon the requirements of the existing industrial businesses to the detriment of existing and future employment opportunities on a site that is well located for business, industrial and warehousing use. The proposal is therefore contrary to Policies S6 and EET5 of the Adopted Torfaen Local Development Plan.
3. In the opinion of the Local Planning Authority the site is poorly located for non-car modes of transport and is an unsuitable location for retail development giving rise to increased risk of accidents for cyclists and pedestrians in particular, contrary to both national and

local planning policies designed to promote sustainable development. The proposal is therefore contrary to Policies S2, S4 and BW1 of the Adopted Torfaen Local Development Plan.

4. The application proposes development in an area of risk of flooding from the nearby canal and contains insufficient flood risk and consequence information for the Local Planning Authority to be satisfied that the development can be carried out without detriment to the natural environment and public health considerations. The Local Planning Authority therefore adopts a precautionary approach and considers the proposed development to be contrary to Policies S7 and BW1 of the Adopted Torfaen Local Development Plan and the advice contained within Technical Advice Note 15.

#### INFORMATIVE

The applicant is advised that refusal reason 4 could be overcome with further investigative work and a revised Flood Consequences Assessment and mitigation in consultation with Glandwr Cymru (Canal & River Trust in Wales).

Mrs Claire Hall

<b>Appendices</b>	None
<b>Background Papers</b>	<b>Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.</b>  Planning Application File: 18/P/0560/FUL

**For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Development Management (Tel. 01633 647628)**