

Prepared for:
Lidl Great Britain Limited

Planning Statement

Briton Ferry Road, Neath, SA11 1AS

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1.0 Introduction

1.1 Background

1.1.1 This Planning Statement has been prepared in support of an application for full planning permission by Lidl Great Britain Ltd (Lidl) for development comprising the demolition of the two existing buildings and the replacement of a Class A1 limited assortment discount foodstore, car parking, landscaping and associated engineering and drainage works, at Briton Ferry Road, Neath. A site location plan is attached at [Appendix A](#).

1.1.2 The description of the Proposed Development is as follows:

“Demolition of existing buildings and replacement with a Class A1 foodstore with associated carparking, landscaping, engineering and drainage works.”

1.1.3 Lidl currently trades on the Application Site alongside Poundstretcher and Vital Health & Fitness. As part of this proposal, the latter occupiers will vacate the site. A replacement, larger fit-for-purpose building is proposed which meets Lidl’s current operational requirements. The total floorspace of the replacement building will be 2,298 sqm (GIA), which will be a reduction of 186 sqm (GIA) from the totality of the current commercial floorspace on site. There will also be a reduction in the number of car parking spaces from 183 spaces to 151 spaces (a decrease of 32 spaces) and enhanced landscaping. The access will remain as existing from School Road.

1.1.4 The application proposals have been subject to consultation under the Pre-Application Consultation requirements as set out in the 2016 amendment to the Development Management Procedure Order. A summary of the consultation is provided in the PAC Report, accompanying this application.

1.1.5 This Planning Statement sets out all the relevant planning policy considerations relating to the proposal but should be read alongside the other documents and drawings submitted in support of this application.



1.2 The Application

1.2.1 The planning application package comprises the following documents:

- Planning Application Form and Certificate
- Architectural Drawings (Schedule enclosed at Appendix B)
- Planning Supporting Statement
- Pre Application Consultation (PAC) Report
- Design and Access Statement
- Transport Statement
- Preliminary Ecological Assessment.
- Flood Consequence Assessment and Drainage Strategy
- Tree Survey/Arboricultural Report
- Landscaping Management Plan and associated drawings
- Ground Investigation Reports
- Coal Mining Risk Assessment

1.3 Structure of this Statement

1.3.1 This Planning Statement is set out as follows:

- **Chapter 2: The Site and Surroundings** – This section provides a detailed description of the existing site and the surrounding area.
- **Chapter 3: The Proposed Development** – A detailed description of the development proposals is provided in this chapter.
- **Chapter 4: Planning History and Policy Context** – The planning policy context on which the application will be determined is provided in this section, along with an explanation of Lidl's business model.
- **Chapter 5: Planning Considerations** – This section assesses the key planning issues relating to the Proposed Development.
- **Chapter 6: Summary and Conclusions** – A summary of the report together with the conclusions is provided.



2.0 Site and Surroundings

2.1 The Site

2.1.1 The site extends to approximately 1.1 hectares and is bound by Briton Ferry Road to the south, School Road to the east and a railway line to the north west. The site has one access from School Road, close to the junction with Briton Ferry Road. The entrance is used for both customers and servicing access.

2.1.2 The Site is currently occupied by a standalone Lidl food store and a separate building occupied by Vitality Health & Fitness and Poundstretcher. The floorspace of each unit is set out below:

| | |
|-----------------------------|-----------------|
| • Lidl Store | 1095 sqm |
| • Poundstretcher | 933 sqm |
| • Vitality Health & Fitness | 456 sqm |
| Total | 2484 sqm |

2.1.3 The site accommodates 183 car parking spaces included 13 disabled spaces and 4 parent and child spaces. There are no Electric Vehicle Charging spaces (EVC) and no cycle parking provision. Servicing is carried out to the rear of the units, adjacent to the railway line, accessed through the centre of the site.

2.1.4 The Site itself is predominantly covered by the footprint of the retail units and associated car parking hardstanding. A number of young trees are located along the boundary of Briton Ferry Road. There is minimal additional soft landscaping on the site. The overall appearance of the retail park is tired and out-dated. There is minimal fenestration to the commercial units and the hard standing is worn and requires maintenance.

2.2 The Surrounding Area

2.2.1 The site is approximately 1 km south-west of Neath Town Centre. Briton Ferry Road leads directly into the centre of Neath.

2.2.2 The immediate context of the site has a range of uses. To the south west of the site there is a Petrol Filling Station. Castle Bingo Neath is located to the North East. To the south east is a school fronting Briton Ferry Road which forms part of a wider, predominantly residential area. To the north west, on the opposite site side of the railway line, is a large industrial unit.



2.2.3 The nearest watercourse is Crythan Brook which is located immediately north of the site. Crythan Brook flows north-west in this location and joins the Neath Canal approximately 350m north of the site. Neath Canal is located 115m west of the site at its nearest point.

2.3 Other Supermarket Provision

2.3.1 The site is located within close proximity to the following out-of-town centre supermarkets:

- 0.8 miles (1.3km) to Aldi, Neath Abbey Road
- 0.9 miles (1.5km) to Tesco Superstore, Neath Abbey Road

2.3.2 In the wider area the following supermarkets are a 15 minute drivetime from Neath.

- 6 miles (9.7km) to ASDA, Llansamlet
- 5 miles (8km) to Aldi, Llansamlet
- 5 miles (8km) to Tesco Extra, Llansamlet

2.4 Flood Risk

2.4.1 The Welsh Government Development Advice Map shows that the majority of the site is located within Flood Zone B, defined as an area known to have flooded in the past. The southern extent of the site and an area at the western boundary are located within Flood Zone C2 – an area considered at flood risk, without significant defence infrastructure, with a 0.1% (1 in 1000) or greater annual probability of flooding. Briton Ferry Road immediately east of the site is also shown to be located within Flood Zone C2.

2.4.2 The Natural Resources Wales (NRW) 'Flood Risk from Rivers' map shows that the majority of the site is at very low risk of flooding from rivers, meaning it has a less than 0.1% annual probability of flooding. The southern extent of the site and an area at the western boundary is identified at high risk of flooding from rivers, meaning it has a 3.3% or greater annual chance of flooding

2.4.3 The NRW 'Flood Risk from the Sea' map shows that the majority of the site is at very low risk from the sea, meaning it less than 0.1% chance of flooding from the sea. The southern boundary of the site and an area at the western boundary (associated with a low point in the form of an existing loading bay) is identified at low and medium risk of flooding from the sea. Low risk is classified as having between a 0.5% (1 in 200 year) and 0.1% annual probability of tidal flooding.



2.4.4 The existing commercial units are classified as 'less vulnerable' development in accordance with Figure 2 of TAN15. The vulnerability classification will not change as part of the development. The development will result in the site being occupied by one business as opposed to three.

2.4.5 As part of the site is designated as zone C2, we address the TAN 15 justification test as follows:

- The proposal's location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement. The replacement and reinvigoration of one of Britton Ferry's key food retail outlets is considered necessary to sustain the existing settlement in line with criterion (i) of the justification test.
- As set out elsewhere within this document, the proposal concurs with the aims of PPW and meets the definition of previously developed land, in accordance with criterion (iii) of the justification test; and, The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 of TAN 15, have been found to be acceptable (see submitted FCA) in accordance with criterion (iv) of the justification test.



3.0 Proposed Development

3.1.1 The application proposes a replacement limited assortment discount foodstore comprising:

- A single storey building with a total floorspace of 2298 sqm (GIA) and a net sales area of 1411 sqm.
- 151 car parking spaces including 6 disabled spaces, 11 parent and child spaces and 2 rapid electric vehicle charging spaces. 6 Sheffield Cycle Stands are proposed allowing for 12 cycle parking spaces.
- Stopping up of one of the two existing vehicular accesses into the site;
- Reinvigorated landscaping scheme;
- SuDS drainage scheme.

3.2 Design and External Appearance

3.2.1 The Proposed Site Plan shows how the development will be arranged. The foodstore will be single storey and located on the north west boundary, adjacent to the railway, broadly on the same footprint of the existing foodstore.

3.2.2 The customer entrance will be located on the eastern corner of the building, providing easy access to the store for pedestrians. The entrance forms part of an attractive glazed elevation which runs the length of the north east elevation and will be visible from the School Road entrance. The canopy provides definition and articulation to this façade, wrapping round the south west elevation. It also provides cover to both the trolley storage area and cycle stands. The canopy also serves to provide shelter to those entering the store and contributes to managing thermal gain within the building.

3.2.3 The palette of materials utilised provides interest and a modern design that is in keeping with the surrounding area and the commercial use of the site.

3.2.4 A system of 180.12kWp Photo Voltaic (PV) panels consisting of 468 PV modules are proposed on the roof of the store to generate on-site renewable energy for use in the store.

3.2.5 A further detailed description of the design development can be found in the accompanying Design and Access Statement.



3.3 Access and Parking Provision

- 3.3.1 As stated above, the development will provide 151 car parking spaces including 6 disabled spaces, 11 parent and child spaces and 2 rapid electric vehicle charging spaces, together with 12 cycle parking space (6 Sheffield Stands). The car parking will be located on the southern and easter sides of the building, with the accessible parking and parent and child parking provided close to the store entrance for ease. All access will be via the existing entrance on School Road.
- 3.3.2 Public transport access to the site is to a good standard, with bus stops on Briton Ferry Road. The closest stops are allocated within easy walking distance of the site, and signalised crossings are available on the junction of Briton Ferry Road and School Road to aid pedestrian crossing.
- 3.3.3 Cycle access to the site is also good and cycle stands are proposed on site to facilitate this. The site is also easily accessible for pedestrians. Further details on accessibility are proposed in the Transport Statement.

3.4 Servicing and Deliveries

- 3.4.1 The store will be accessed via an enclosed loading bay on the north western elevation, so that all deliveries of goods to the foodstore, and the collection of waste from it, will be carried out within the building. There will be no movement or storage of waste in any outside area.
- 3.4.2 Lidl foodstores are typically served by 1 to 2 HGV deliveries per day. These deliveries take waste back to the regional distribution centre, helping to reduce the number of traffic movements at Lidl's sites and reducing emissions as a consequence. The number of deliveries may be higher at peak seasonal times but will remain, typically, no more than 2 to 3 per day.

3.5 Landscaping

- 3.5.1 The proposed site layout seeks to enhance the current situation. A soft landscaping area is proposed south west corner of the site and entrance area, creating a more inviting appearance to those passing the site along Briton Ferry Road. The site as a whole has a landscape barrier around the periphery. Planting is minimised within the hard standing areas for maintenance reasons. Landscape drawings and planting schedule, together with a detailed Landscape Management Plan has been submitted in support of the application.



3.6 Opening Hours

3.6.1 The proposed opening hours will remain as existing and are:

- Monday to Sunday including bank holidays: 0800 to 22:00
(although Sundays are controlled by Sunday trading laws in any case)

3.7 Lidl Operational Model

3.7.1 Lidl is now exceptionally well established in the UK with the Company operating in excess of 800 stores from sites and premises both within and outside town centres. Its market share continues to increase substantially and the Company is expanding its store network considerably. The UK operational model is based firmly on the success of Lidl's operations abroad with more than 10,800 stores trading across Europe.

3.7.2 Lidl was characterised by the Competition Commission in its Groceries Market Investigation Final Report in 2008 as a Limited Assortment Discounter (LAD). The Commission said that LADs:-

“carry a limited range of grocery products and base their retail offer on selling those products at very competitive prices. The three major LADs in the UK are Aldi, Lidl and Netto. Each ... carries in the region of 1,000 to 1,400 product lines in stores ranging from 500m² to 1,400m² (stores of a similar size operated by a large grocery retailer generally carry about 5,000 products). Aldi, in large part, carries only own label goods while both Lidl and Netto carry larger volumes of branded products”.

3.7.3 The Commission, Inspectors and Secretary of State have expressly recognised that LADs offer particular benefits of quality and value. Lidl sells a limited number of product lines, but all of its business practices are aimed at driving down costs so that it can provide exceptional value for money across the whole of its product range. Whereas Lidl currently will typically sell no more than 2,000 product lines, the main grocers (Tesco, Asda, Sainsbury's & Morrison's) will sell 20,000, and considerably more, and the number of value lines that the main grocers stock is limited, whereas the whole of the LAD business model is geared to providing exceptional value.

3.7.4 Lidl offers competitive, discounted prices whilst keeping the quality of its goods extremely high, and achieves this through a combination of:-



- tremendous buying power as a result of the sale of its operations across Europe;
- a concentration on own brands (about 80% of its product range) which avoids passing on the cost of brand name marketing to the consumer;
- its decision to stock a much more limited product range than others, concentrating on those goods that form a very high proportion of the weekly food shopping needs of most households;
- operating systems that reduce operational costs; and
- simple product display and stock handling procedures.

3.7.5 The ability to offer a consistent range of high quality goods at competitive prices enables Lidl (and Aldi) to distinguish itself from other operators. The whole of the Lidl product range delivers value whereas the main grocers only stock own brand and 'value' lines amongst their branded and premium products.

3.7.6 Lidl does not stock convenience goods such as tobacco, or individual confectionary items and stocks limited pre-packed fish and meat and individual fruit and vegetable products. This places it in a different market from most independent retailers.

3.7.7 The same issues, coupled with the lack of post office, pharmacy, delicatessen, financial products or other in-house facilities mean that the overlap with conventional supermarkets is limited.

3.7.8 Lidl stores also offer a limited range of non-food items which typically occupy about 20% of the sales area. These items tend to be one off specials offered on the basis of 'when it's gone it's gone', with the range changing on a weekly basis. There is no standard or constant comparison goods range offered in store and the special items are wide ranging including anything from sports equipment to electrical items.

3.7.9 The Company continually looks to improve its store operating practices to ensure that it continues to meet the needs of its customers. Its most recent formats allow more flexibility with merchandising, and a brighter store with more room for customers. The current requirements are as follows:

- a minimum site area of 0.8ha;
- a minimum net floorspace of 1,325 sqm on a single level; and
- a minimum of 120 adjacent surface level parking spaces.



4.0 Planning History and Planning Policy Context

4.1 Planning History

4.1.1 The original planning permission for the existing Lidl store is not available on the Council website. However, planning permission was granted on 13 January 2009 for the extension of the existing Lidl store to increase retail sales space from 802 sqm up to 1048 sqm and provide additional storage. The description of development states:

“Extension to side elevation to accommodate sales area, storage and welfare area” (ref: 2008/1378)

4.1.2 It is understood that this permission was not implemented.

4.1.3 Planning permission was granted on 12 February 2002 for the units currently occupied by Poundstretcher and Vitality Health & Fitness for:

“Non-food retail warehousing totalling 1,397sqm (15,035sqft) gross associated car parking, servicing and new access” (ref: 2001/1298)

4.1.4 Condition 11 attached to this planning permission states that the retail floorspace shall not be used for the sale of food other than ancillary sales of such items. However, planning permission was subsequently granted to vary the condition to allow 20% of 929sqm permitted floorspace to be used for the sale of food (ref: P2005/0546). Accordingly, the Poundstretcher unit has established Class A1 use with up to 929sqm of comparison and/or up to 186 sqm of convenience use.

4.2 Planning Policy Context

4.2.1 The following section sets out the planning policy context for determining the planning application.

Planning Policy Wales (2021)

4.2.2 Planning Policy Wales (PPW), Edition 11, was published in February 2021 and sets out the land use planning policies of the Welsh Government. The PPW translates the Government’s commitment to sustainable development into the planning system so that it can play an appropriate role in moving toward sustainability.



4.2.3 The PPW is supplemented by a series of Technical Advice Notes (TANs) which will be discussed in more detail below.

4.2.4 National policy applying to proposals involving retail development is set out in Section 4.3 of the PPW. Paragraph 4.3.3 quotes the Welsh Government objectives for retail and commercial centres, which are:

- 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.

4.2.5 Paragraph 4.3.18 sets out the Welsh Government's 'town centres' first principle in relation to the location of new retail and commercial centre development. The same paragraph states *that "first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres"*.

4.2.6 Paragraph 4.3.20 states that *"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 vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk"*.

4.2.7 Paragraph 4.3.25 affirms a requirement that *"All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should be supported by a retail impact assessment"*. Paragraph 4.3.27 refers to applications for retail development below this threshold, granting the power to the Local Planning Authority to determine whether an assessment is necessary.

Technical Advice Note 4: Retail and Commercial Development (2016)

4.2.8 This Technical Advice Note (TAN) is related specifically to Retail and Commercial Development, and should be read in conjunction with PPW. It may be a material consideration in determining planning applications and appeals.



- 4.2.9 Objective 1 places importance on the ‘town centre first’ approach established in Planning Policy Wales, stating an intention to promote ‘viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business.’
- 4.2.10 Paragraph 7.2 provides guidance on suitability, which is defined as ‘a site or building’s attributes and whether these are sufficient to meet the development requirements of a particular proposal.
- 4.2.11 The same paragraph states that: ‘where a developer favours a development site on the edge of or outside a retail and commercial centre the developers will need to provide evidence to explain why potential sites within the centre are unable to accommodate the format, scale and design of a proposed development.’
- 4.2.12 Paragraph 7.5 states that developers and retailers should be flexible and innovative about the format, design and scale of proposed development, tailoring these to fit local circumstances. Developers proposing large scale retail developments with a large amount of car parking are also encouraged to consider whether or not elements of their proposal could be located on a site or number of sites in a centre.
- 4.2.13 Paragraph 8.2 refers to the PPW threshold of 2,500 sq. metres of gross floorspace above which a retail impact assessment will be required. It also makes reference to the possibility of local authorities assessing smaller applications if it is believed they will have a significant impact on a retail or commercial centre.

Technical Advice Note 18: Transport (2007)

- 4.2.14 Policy D4 states that transport assessments should be secured for developments that generate significant levels of movement or are likely to have significant effects on existing patterns of movement. It also provides a threshold of over 1000 m2 gross floor area for retail food development, above which a transport assessment will be required.

Technical Advice Note 15: Development and Flood Risk (2004)

- 4.2.15 Section 4, Figure 1 provides a description of the uses appropriate within each flood zone. It states that in C2 zones, only less vulnerable development should be considered subject to application of justification test and acceptability of consequences. Retail development is considered less vulnerable in Section 5, Figure 2.



4.2.16 Paragraph 11.1 asserts a requirement for developers to demonstrate, to the satisfaction of the planning authority, that development can be justified in Zone C, and that the consequences associated with flooding are acceptable. It also states that where a site falls partially within zone C, it will be a matter for the planning authority to judge whether to apply section 6, detailed below.

4.2.17 Section 6 states that development will only be justified if it can demonstrate that:

- Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- It concurs with the aims of PPW and meets the definition of previously developed land; and,
- The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable.

4.3 Future Wales: The National Plan 2040

4.3.1 Future Wales was adopted in February 2021 and sets out the framework and direction of development in Wales for the next 20 years. Policies of particular relevance to the application Site and proposals are summarised below:

4.3.2 Policy 6 'Town Centre First' states:

“Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.”

4.3.3 The supporting text notes that “This policy applies to developments of a significant scale, which can broadly be defined as where the facility will serve a town, city or region-wide catchment.” and so arguably does not apply to the proposed development which actually results in a net reduction of retail floorspace.

4.3.4 Policy 8 'Flooding' states:

“Flood risk management that enables and supports sustainable strategic growth and regeneration in National and Regional Growth Areas will be supported.”



- 4.3.5 The policy additionally mentions utilising nature-based solutions as a priority, along with the promotion of opportunities for social, economic, and environmental benefits to be maximised when investing in flood risk management infrastructure.
- 4.3.6 Policy 9 'Resilient Ecological Networks and Green Infrastructure' notes the importance of enhancing ecosystems, biodiversity and green infrastructure when considering approaches to development proposals through nature-based methods.
- 4.3.7 Policy 12 'Regional Connectivity' refers to improving the connectivity in urban areas by integrating active and sustainable travel and public transport. Active travel is encouraged in all new developments in the form of walking and cycling to promote a reduction in the reliance of the private car. Additionally, the policy states "*where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points.*"

4.4 Neath Port Talbot Local Development Plan (2016)

Retail Development

- 4.4.1 Paragraph 5.2.36 (Policy SP12) sets out the Retail Hierarchy for Neath Port Talbot:
 - Town Centre (Neath, Port Talbot, Pontardawe)
 - District Centre (Skewen, Briton Ferry, Taibach, Glynneath)
 - Local Centre (Gwaun Cae Gurwen, Ystalfera, Crynant, Resolven, Croeserw, Heol Jiwbili,, Fairwood Drive / Lodge Drive, Pentywn Road (Baglan), Fairway (Sandfields), Margam)
- 4.4.2 Paragraph 5.2.39 refers to the Neath Town Centre Regeneration Scheme. It states that this allocation of land will accommodate all, or a large majority, of the projected net additional comparison and convenience goods floorspace in Neath over the plan period. The need for this floorspace was established in the most recent Neath Port Talbot Retail Study (2013).
- 4.4.3 Policy R3 sets out the criteria wherein retail development within settlement limits but outside the defined retail centres will be permitted:
 - It is demonstrated that there is a need for the development; and
 - The development cannot be accommodated within a defined retail centre and is located in line with the sequential approach;



- The vitality and viability of existing retail centres will not be undermined taking into account the cumulative effects of other approved retail developments, recently completed developments and plan commitments; and
- The proposal would not undermine the council's retail hierarchy or any regeneration schemes that the Council has formally approved

4.4.4 Paragraph 5.2.49 states that: 'Proposals for retail development outside of the defined retail centres will be strictly controlled in accordance with national policy in order to ensure that the retail centres are supported and enhanced as far as possible'

Highways

4.4.5 Policy TR2 asserts that development proposals will only be permitted where the following criteria are satisfied:

- The development does not compromise the safe and effective use of the highway network or create unacceptable levels of traffic generation
- Appropriate levels of parking and cycling facilities are provided and the access arrangements for the site allow for the safe manoeuvring of service vehicles associated with the planned use
- The development is accessible by a range of travel means, including public transport and safe cycle and pedestrian routes
- Transport Statement and Travel Plans are provided for developments that are likely to create significant traffic generation

4.4.6 Paragraph 5.4.22 states that: 'New development will be required to demonstrate that it will have no adverse effect on the existing highway network and traffic or congestion will not be increased to unacceptable levels'.

Parking

4.4.7 The Parking Standards Supplementary Planning Guidance sets out the required parking spaces for Neath Port Talbot. These are divided into different uses e.g. retail, residential, offices, and shops. Zones are also established according to their urban context.



Flooding

4.4.8 Paragraph 3.0.5 reaffirms the need to avoid unnecessary flood risk and to meet the requirements established in the TAN15: Development and Flood Risk. It states that: ‘development will only be considered in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in the TAN.’

Trees and Open Space

4.4.9 Policy EN7 states that development proposals that would adversely affect ecologically or visually important natural features will only be permitted where:

- Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible
- The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed

4.4.10 Policy OS1 asserts the need for employment or commercial development proposals of over 1,000sqm to provide associated amenity space.

Design and Landscaping

4.4.11 Policy BE1 states that all development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places. The relevant criteria is listed below:

- It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
- It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
- It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
- Important local features (including buildings, amenity areas, and green spaces) are retained and enhanced as far as possible;
- It achieves and creates attractive, safe places and public spaces, taking account of ‘Secured by Design’ principles;
- It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;



- Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;
- The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.

Environmental Protection and Sustainability

4.4.12 Policy SP16 provides measures to ensure the protection of air, water and ground quality and the general environment, which are listed as:

- Ensuring that proposals have no significant adverse effects on water, ground or air quality and do not significantly increase pollution levels
- Giving preference to the development of brownfield sites over greenfield sites where appropriate and deliverable
- Ensuring that developments do not increase the number of people exposed to significant levels of pollution

4.4.13 Policy EN8 states that proposals which would be likely to have an unacceptable adverse effect on health, biodiversity and/or local amenity due to the following will not be permitted:

- Air pollution;
- Noise pollution;
- Light pollution;
- Contamination;
- Land instability;
- Water (including groundwater) pollution

4.4.14 The same policy also states that proposals that would create new problems or exacerbate existing problems would be required to provide mitigation measures to reduce the risk of harm to public health, biodiversity and/or local amenity.

4.4.15 Policy SP18 states several objectives for meeting national renewable energy targets and energy efficient targets. These include:

- Encouraging where appropriate, all forms of renewable energy and low carbon technology development;
- Encouraging energy conservation and efficiency measures in all new major development proposals;



- Ensuring that development will not have an unacceptable impact on the environment and amenity of local residents

4.4.16 Policy RE2 encourages proposals to include schemes that connect to existing sources of renewable energy, district heating networks and incorporate on-site zero/low carbon technology. It also states a requirement for development with a total floorspace of 1,000 sqm to submit an Energy Assessment to determine the viability of incorporating such a scheme, and where viable proposals may be required to implement the scheme.

4.4.17 Policy SP19 asserts that provision should be made for the sustainable management of waste in all new developments as part of an overall strategy to deliver an integrated network of waste management facilities.

4.4.18 Policy W3 requires that commercial development that would generate in excess of 1,000 tonnes of waste per annum will be required to produce a Site Waste Management Plan. The plan should demonstrate that provision is made for the design, layout, storage and management of the waste generated by the development both during the construction phase and occupation.



5.0 Planning Considerations

5.1 Principal of Use

5.1.1 The application is for a replacement discount foodstore outside of a defined town centre boundary. The existing three units on the site will be demolished and replaced by a single unit and the overall retail floorspace on the site will be reduced by 186 sqm GIA. Indeed, taking account of only the net retail (Class A1) sales floorspace, the proposal will result in a reduction of 320 sqm net. This is set out in the table below:

| | Existing Lidl (sqm) | Existing Pound- stretcher (sqm) | Existing Gym (sqm) | Exist- ing Com- bined (sqm) | Proposed Development (sqm) | Difference (sqm) |
|--------------------|---------------------------|---------------------------------------|--------------------------|---|----------------------------------|---------------------|
| GIA | 1095 | 933 | 456 | 2484 | 2298 | -186 |
| Sales | 802 | 929 | - | 1731 | 1411 | -320 |
| Convenience | 641 | 186 | - | 827 | 1129 | +302 |
| Comparison | 160 | 743 | - | 903 | 282 | -621 |

5.1.2 As can be seen, while there is a reduction in retail sales space overall, the proposed development would result in an increase in the permitted convenience floorspace by 302 sqm and a decrease in the permitted comparison floorspace by 621 sqm.

5.1.3 The requirements of LDP Policy R3 are noted, namely to consider need, sequential site location and retail impact. However, it is also noted that supporting paragraph 5.2.49 states the “*The policy will apply to changes of use, extensions, conversions or the removal of conditions or legal obligations from an existing operation and renewals of permission.*” The Policy is not specifically noted to apply to redevelopment proposals which result in a *reduction* of retail floorspace (for obvious reasons), as is the case in this instance.

5.1.4 It is also noted that paragraph 4.3.25 of PPW states a requirement that “*All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace... should be supported by a retail impact assessment*”. Paragraph 8.2 of TAN4 reaffirms the same point. The proposed development falls under that threshold in terms of the new store and results in a *reduction* of gross (and net sales) floorspace when compared with the existing facilities on site.



- 5.1.5 Indeed, it should be recognised that Retail Impact Assessments (RIA) and associated considerations of need are not a precise science but, rather, are a means of providing decision makers with an indication of quantitative need and impact upon which to base their decisions. One of the reasons for Government policy setting a threshold of 2,500 sqm for requiring RIAs is that a quantum of development of 2,500 sqm or more can be assessed using the broad methodology of an RIA yet still provide meaningful conclusions. It would not be helpful or illuminating to seek to assess the reduction in GIA, overall sales or comparison sales floorspace, the output of which would simply show that notional retail expenditure would be returned to the local economy to be available for expenditure in other existing or proposed retail facilities. Even seeking to measure the 302 sqm increase in convenience floorspace and the impact thereof would be extremely difficult to assess accurately due to the very small quantum of floorspace involved. An RIA would, therefore, be inappropriate and unproportionate. However, in order to provide the LPA with an indication of the turnover of the change in convenience and comparison floorspace we can apply the latest company average sales density for Lidl (provided by Global Data, 2021) to those elements of the scheme.
- 5.1.6 Taking the existing stores on site and their associated turnovers as the realistic 'do nothing/fallback' scenario, and given the overall reduction in floorspace and sales space as a result of the development, it is reasonable and proportionate to consider the change in floorspace only. The turnover of the additional 302 sqm of convenience floorspace would be £2.68M, while the reduction in turnover resulting from the 621 sqm reduction of comparison floorspace would be £2.97M (using Lidl's company average sales densities of £8,883/sqm for convenience and £4,789/sqm for comparison, respectively). It can be seen that the figures cancel one another out with more expenditure being returned to the economy as being drawn from it.
- 5.1.7 It can be seen, therefore, that quantitative need is not required to support the proposed development and that seeking to accurately attribute any impact of the proposal on existing locations and operators within the store's catchment area would be a futile task.
- 5.1.8 However, the *qualitative* need benefits associated with upgrading/replacing a functioning and popular retail destination to provide modern and fit for purpose facilities are evident and can and should be taken into account. The existing Lidl no longer meets the minimum standards of the Lidl operating model nor the legitimate expectation of customers. The new foodstore allows for a fit for purpose store, improving the convenience offer to the existing customers and meeting the qualitative need.
- 5.1.9 In respect of the sequential test, while the application site occupies an out-of-centre location it is a committed and existing retail site. It is important that the sequential approach is applied in a policy and legally compliant manner. Given the relative brevity of the sequential test set out in PPW, it is helpful to give consideration to how the policy has been applied in practice by the Courts and by the Welsh Ministers/Secretary of State. Of particular note in this instance is that:



- For a sequentially preferable site to be suitable, it must be “suitable for the development proposed by the applicant.” The “whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer.” (Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012] UKSC, paras 24 and 383);
- For a site to be suitable, it would have to be a genuine “real world” alternative for the development. If the appeal were dismissed, would the developer build the development on the sequentially preferable site is the relevant question (Telford Forge appeal ref: APP/C3240/A/12/2172756, para 19).

5.1.10 In this instance it is clear that development of a new store elsewhere in a sequentially preferable location is not a ‘real world’ alternative. The fact that the applicant is seeking to redevelop its existing store in order to deliver qualitative improvements to existing customers does not mean that if the application were refused it would seek to close the store and redevelop elsewhere. It is more likely that extensions and alterations would be sought to deliver similar improvements on site (e.g. see permission P2008/1378, referred to in the planning history section above), thus achieving the same outcome in terms of the sequential location of retail facilities in this part of NPT.

5.1.11 In summary, while we recognise the policy requirements of the Development Plan and PPW, we also recognise the unusual circumstances of the proposed redevelopment. As the site is already in retail use, there is a very clear fall back/baseline situation and the proposal will result in an overall reduction in the level of floorspace on site. This is a weighty and highly material consideration in the determination of this application and the application of policies in coming to a determination. Quantitative need is not required to support the proposals. Qualitative need is demonstrated in terms of the improvements which would accrue to customers in terms of the provision of a modern shopping destination. Furthermore, it is not considered necessary to carry out a sequential assessment in support of this application as the proposal seeks to redevelop an existing facility and development elsewhere would not result in the closure of the existing facilities nor any sequential advantage. The overall reduction in floorspace is also relevant to the provision of an impact assessment, but in any case, the proposed level floorspace does not trigger the requirement for an RIA. Accordingly, it is considered that the development fulfils the relevant policy criteria and the replacement foodstore in this location and should be supported by the Council.



5.2 Design and Appearance

- 5.2.1 A description of the development is provided in Chapter 3 of this Statement with further details set out in the accompanying Design and Access Statement. An explanation is provided on how the Lidl operational model drives a particular approach to the size, configuration and internal layout of its stores.
- 5.2.2 The proposals are of a scale and design that is entirely appropriate to the size of the site and its context. The modern well designed development incorporates high quality design, materials and landscaping that has been demonstrated to work effectively throughout the country. It is therefore concluded that the proposal accords with Policy BE1 of the Local Development Plan that seeks developments to enhance the character and appearance in terms of siting, scale, height, massing and elevation treatment.

5.3 Highways

- 5.3.1 The site is well served by bus routes with stops close to the site on Briton Ferry Road. The site is sustainably located for access to Neath town centre and the wider area. Access to the site by pedestrians and cyclists is also good, with dedicated walkways within the car park and the provision of covered cycle infrastructure close to the store entrance.
- 5.3.2 A Transport Statement has been prepared in support of the application which addresses the access arrangement and tests the potential impact of the development on the local highway network. It is concluded that the site can be satisfactorily accessed and that the traffic impact of the proposal be absorbed within the capacity of the road network.
- 5.3.3 In addition, the access arrangement has been tested and swept path analysis indicates that a 16.5 long HGV will be able to satisfactorily enter, service and exit the site in a forward gear.
- 5.3.4 A total of 151 car parking spaces will be provided including 6 accessible bays, and 11 Parent and Child Spaces. Two electric vehicle charging bays will be provided together with 12 covered cycle spaces adjacent to the store entrance under the canopy. The Transport Statement confirms that the parking provided is sufficient to meet the operational demands of the store.
- 5.3.5 Accordingly, it is considered the requirements of TR2 are met, providing a development that is safe and effective, sustainable with access to public transport and cycle parking, and with an appropriate level of parking.



5.4 Flooding

- 5.4.1 A Flood Consequence Assessment has been prepared in support of the application. It confirms that the site is predominantly in Zone B but some areas are within Zone C2 – an area considered at flood risk, without significant defence infrastructure, with a 0.1% or greater annual probability of flooding. The risk of flood from all sources has been assessed and the main potential sources of flooding at the site are fluvial and tidal flooding from the River Neath. However, flooding is generally limited to grassed slopes on the periphery of the site. The majority of the site, including the footprint of the proposed foodstore, is flood free during all defended present day tidal events up to and including the 0.1% AEP event.
- 5.4.2 It is proposed to manage the flood risk by setting the finished floor level of the proposed store at 7.87m AOD, providing 300mm freeboard above the 0.1% AEP plus climate change to the year 2116 flood level. Flood resilience measures including engineering bricks up to a height of 7.87 AOD will also be applied.
- 5.4.3 The impact of the proposed development on flood risk elsewhere can be achieved by lowering ground levels across the parking and landscaping areas. For example, lowering a 2,000m² area of car parking and landscaping by 112mm would provide the 224m³ of flood storage required.
- 5.4.4 Furthermore, a SuDS compliant drainage strategy has been achieved, as set out in the FCA and Drainage Strategy report, including use of landscaping areas as raingardens and attenuation storage within the lined sub-grade material of permeable paved parking bays. The SuDS scheme will deliver amenity and biodiversity enhancements as well as addressing surface water drainage requirements.

5.5 Landscaping and Trees

- 5.5.1 It is proposed to enhance the level of soft landscaping on the site, focussing on the south area, adjacent to Briton Ferry Road, and following the boundary of the site. Detailed landscaping drawings, together with a Landscape Management Plan have been submitted in support of the application.
- 5.5.2 It is proposed to remove 6 trees on the site as part of the proposal. A full assessment has been carried out and an Arboricultural Method Statement accompanies the application, which provides details of tree protection measures to be carried out during construction. Compensatory tree planting has been proposed to mitigate the loss of the trees. The policy requirements set out in Policy EN7 is therefore met by enhancing the overall landscape offer on site to that existing.



5.6 Ecology and Biodiversity

5.6.1 A Preliminary Ecological Assessment has been carried out in support of the application. It is concluded that there is low ecological value on the site due to the existing buildings and extensive hard standing. There is no evidence for the presence of protected species and therefore no further surveys are recommended.

5.6.2 To comply with the requirements of planning policy to make a supportive contribution to local biodiversity, the following recommendations have been made:

- Building and vegetation removal works to be carried out during the autumn and winter months in order to avoid bird nesting season.
- 6 bird boxes to be provided on site attached to retained trees.
- A buffer strip of a minimum 4 metres width along the north east boundary of the site to protect Cryddan Brook.
- The provision of an artificial otter hold to be provided in the northern corner of the site.
- Contractor to agree safeguarding measures to protect Cryddan Brook from any detrimental impacts.
- Preparation of a lighting plan with light directed for safe access for vehicles and pedestrians but avoiding light spill.
- An escape builders plank must be secured during construction so that animals falling into pits and trenches can escape.
- The stands of Japanese knotweed to be monitored treated appropriately to ensure that the plant is eradicated and does not disperse more widely.
- Inclusion of recommended native tree, shrubs and flowering plants to be incorporated into the landscape plan (as has been shown on the submitted landscape plans).

5.6.3 These measures will meet the requirements of Policy EN8 in relation to health, biodiversity and/or local amenity.

5.7 Sustainability

5.7.1 Lidl stores are designed to be as environmentally sound as possible. For example, store heating systems are highly efficient condensing boilers which recover waste heat from the combustion process. All heating is regulated by sensors. The canopy of the store is also designed to minimise thermal gain within the building.



- 5.7.2 Importantly, a system of 180.12kWp Photo Voltaic (PV) panels consisting of 468 PV modules are proposed on the roof of the store to generate on-site renewable energy for use within the store.
- 5.7.3 The lighting in the storage and warehouse areas is controlled by movement sensors so that lights only turn on when the space is in use. The sales area uses full lighting during trading hours but cuts back to one third lighting before and after trading hours to allow for re-stocking of the store. A Building Management System and LUX sensors control the lighting. This means that lights are only on when necessary during dark periods and ensures that lights do not remain on later than 2 hours after the store closes.
- 5.7.4 Lidl also adopted environmentally sound methods in its operation. Waste removal policies note that there is no external storage of waste, comprise the compacting or bailing of waste card and packing materials at its stores. Waste material is then collected on return deliveries to the regional distribution centre, where it is accumulated for recycling. A similar approach is adopted with clear plastics from goods packaging. Efficient removal of waste from Lidl stores reduces the number of vehicles on the road, helping to reduce emissions, noise pollution and congestion,
- 5.7.5 Give the above, it is therefore considered that the proposals comply with Policy RE2 and SP19.

5.8 Ground Contamination

- 5.8.1 A Geoenvironmental Investigation Report was carried out by Opus in 2016 in respect of the whole of the application site while Remada Ltd carried out a Ground Investigation report in 2020 in respect of the existing Lidl site only.
- 5.8.2 The Opus report found that *“Based on a commercial end use, the levels of contamination at the site were not considered to pose a risk to future site users, and not remedial measures were considered necessary. However, it was noted that there was a risk to construction and maintenance workers, and suitable measures would need to be taken to protect their safety.”* The Remada Ltd report notes that *“The results of soil chemical analysis were compared to Human Health Generic Assessment Criteria for commercial land use. None of the analytes tested were detected at concentrations that exceeded the human health GAC protective of on-site workers.”*
- 5.8.3 It is not considered that ground contamination prevents the grant of planning permission, subject to standard conditions dealing with this matter.



5.9 Coal Mining Risk

- 5.9.1 A Coal Mining Risk Assessment has been carried out, the objectives of which were obtain information relating to the potential legacy of historic coal mining beneath the site and to produce an assessment of those risks in relation to the proposed development.
- 5.9.2 A review of historic maps did not identify the presence of shafts or adits within the site or vicinity of the site. Furthermore, a 2015 ground investigation of retail unit land immediately to the north of the Lidl store recorded made ground to a maximum depth of 4.7m overlying very soft clay. The Coal Authority Consultants Mining Report did not identify past underground mining or a probability of unrecorded shallow workings beneath the site. The nearest mine entry is an adit to south-east of the site.
- 5.9.3 As such, the assessment has not identified a potential for the site to be impacted by either shallow worked seams or shafts and no further investigation or action is recommended.

5.10 Planning Balance

- 5.10.1 The application seeks to remove the existing retail and commercial units on the site, including an existing Lidl store, and provide a single replacement foodstore which meets the current operational requirements of Lidl. There will be an overall reduction in floorspace on site. The principle of the development should therefore be acceptable.
- 5.10.2 The Highways impacts has been comprehensively tested to demonstrate there will be no adverse impact on the surrounding area. The overall provision of car parking will be reduced and additional accessible spaces, and Parents and Child Spaces will be provided alongside new electric vehicle charging points. The appearance of the site, will be improved through the design of the proposed building, together with the landscaping scheme. The new foodstore will have far greater sustainable credentials that the existing buildings. A biodiversity net gain will be achieved. On balance it is therefore considered that the proposal meets the Council's policy requirements and should be supported.



6.0 Summary and Conclusions

- 6.1.1 The application has been prepared on behalf of Lidl Great Britain Limited. The proposal is for the following development at Briton Ferry Road, Neath:

“Demolition of existing building and replacement of a Class A1 discount foodstore with associated carparking, landscaping and associated engineering and drainage works.”

- 6.1.2 The application site extends to 1.1 ha, with the development comprising a single storey building with a total floorspace of 2289 sqm (GIA) and a net sales area of 1411 sqm. 151 car parking spaces are proposed including 6 disabled spaces, 11 parent and child spaces and 2 rapid electric vehicle charging spaces. 6 Sheffield Cycle Stands are proposed allowing for 12 cycle parking spaces. A comprehensive landscaping scheme has also been prepared.
- 6.1.3 The principle of a retail use on the site has been established as it currently operates with a Lidl foodstore and two further commercial units. The overall floorspace on the site is to be reduced by 186 sqm while the net Class A1 sales space reduces by 320 sqm. A Retail Impact Assessment is not required and, given the reduction in floorspace, a detailed examination of quantitative need and impact would not be proportional. However, these matters have been considered and found to be acceptable. Application of the sequential test has also been considered in broad terms only, given that provision of the replacement store elsewhere would not result in the closure of the existing facilities, therefore has no sequential advantage and in any case is not a real world alternative.
- 6.1.4 The new foodstore will provide a fit for purpose facility for Lidl with a contemporary, well-designed approach which is environmentally sound. It has been demonstrated that there will be no adverse impact on the surrounding highways network. A comprehensive list of ecological enhancements have been proposed as part of the scheme, enhancing the overall biodiversity on the site.
- 6.1.5 It is considered that the proposal meets the relevant policy requirements with no material considerations running counter. It is therefore respectfully requested that the Council supports this application.

