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Denbigh
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Tel: 01824 706800 Fax: 01824 706709

Heading:

REFERENCE NO. 03/2012/0030/PF
Berwyn Works, Berwyn Street,
Llangollen

3



Application Site

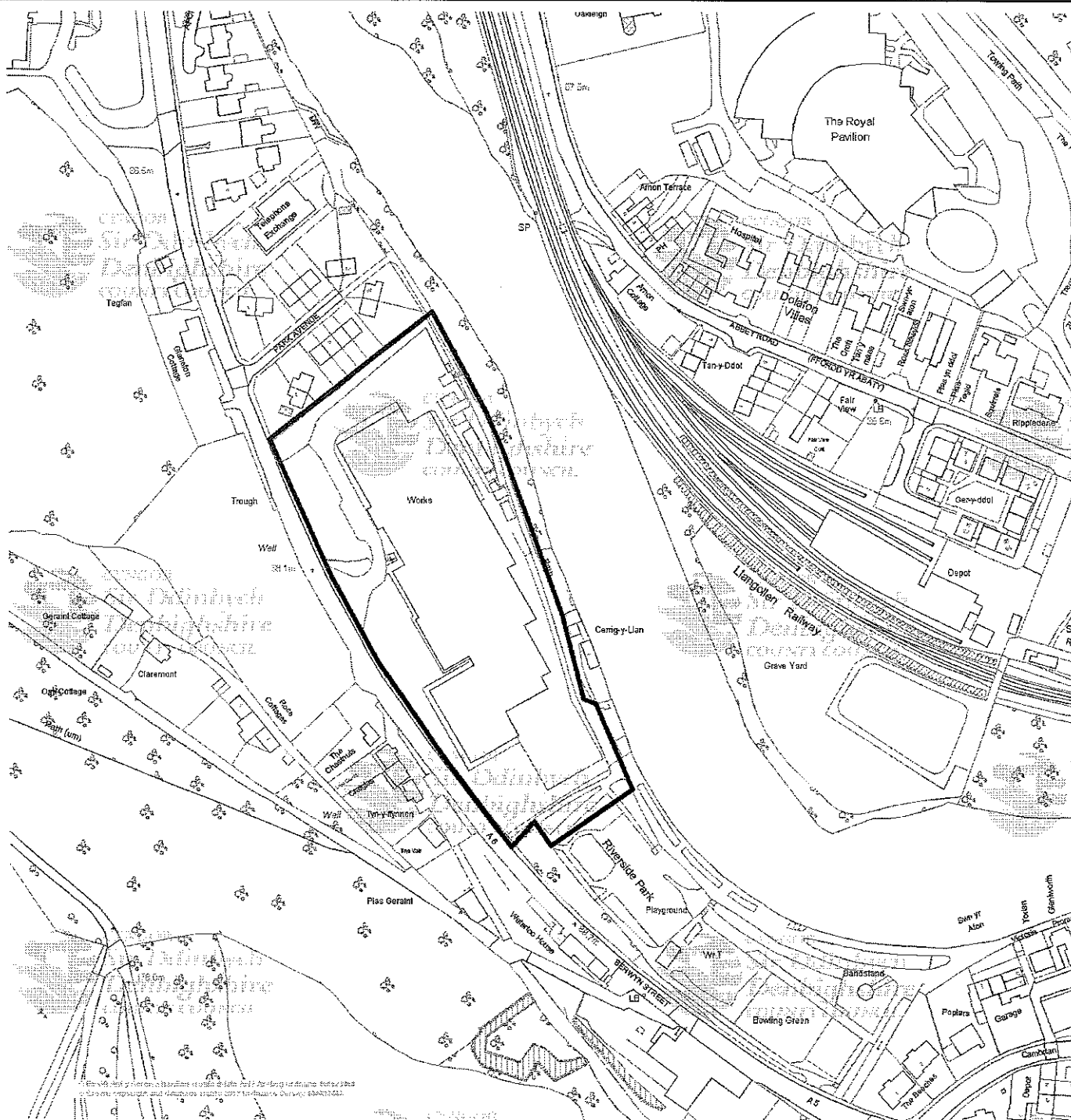


Date 22/8/2012

Scale 1/2500

Centre = 321027 E 342241 N

This plan is intended solely to give an indication of the LOCATION of the application site which forms the subject of the accompanying report. It does not form any part of the application documents, and should not be taken as representative of the proposals to be considered, which are available for inspection prior to the meeting.



SITE PLAN

EXISTING TREES AND HEDGES SHOWN FOR DETAILS OF PROPOSED LANDSCAPING SEE DRAWING T810-01

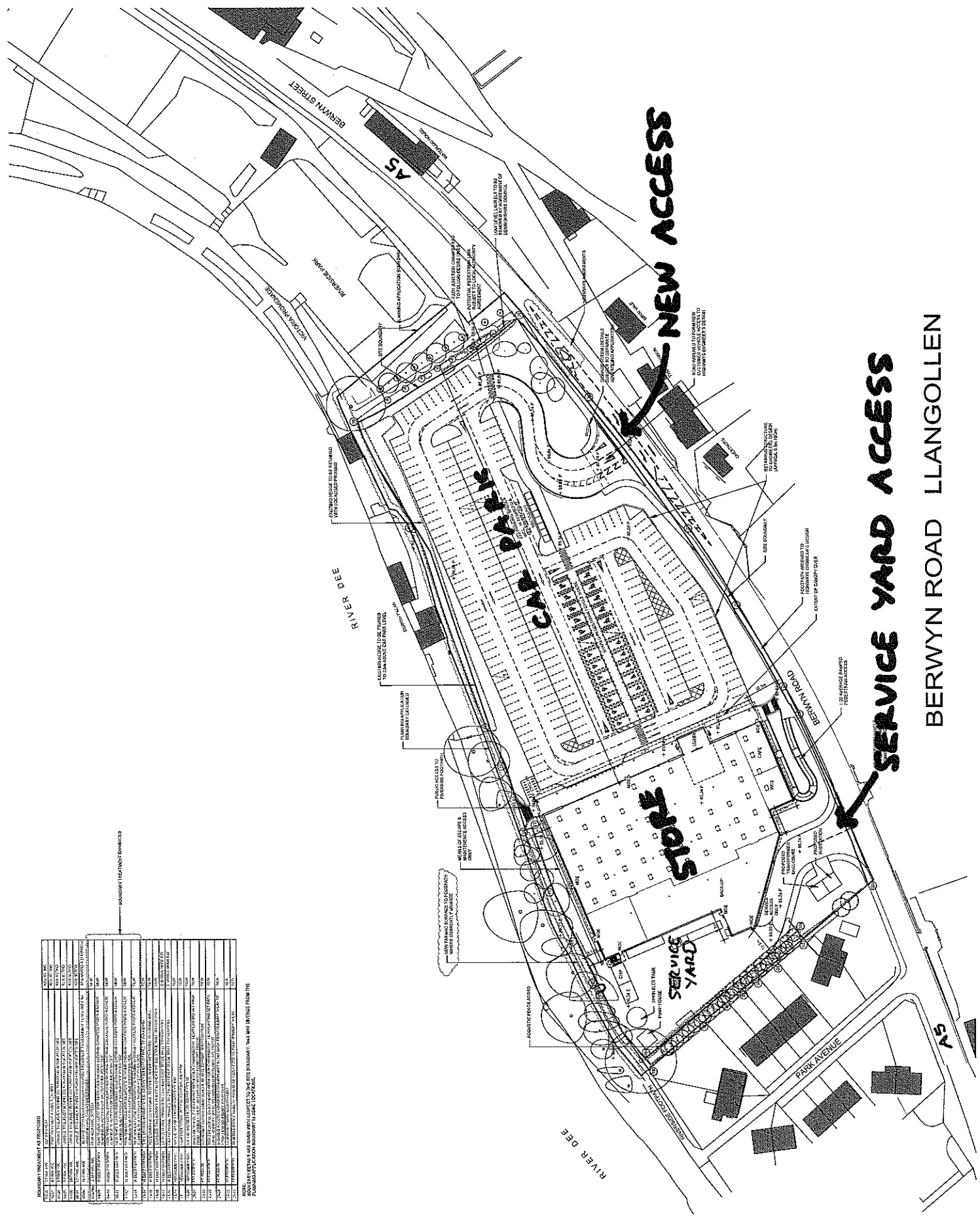


Mountford Pigott
 SITE PLAN
 AS PROPOSED
 1881-P01-C
 DRAWN BY: ARI
 10.11

- KEY:**
- OPENED TOLLY WAY
 - TRIMMED SPANDED STREET WALLS
 - ▲ PLANT - CRISTO COLOMBUS PLANT
 - ▲ PLANT - MANICURED GROUND LEVELS
 - SITE BOUNDARY
 - PLANNING APPLICATION BOUNDARY

DATE: 28.11.11
 DRAWN BY: ARI
 CHECKED BY: ARI
 APPROVED BY: ARI

1. THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITY.
 2. THE LOCAL AUTHORITY HAS REVIEWED THIS SITE PLAN AND HAS GRANTED PERMISSION FOR THE PROPOSED DEVELOPMENT.
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NEW ACCESS

SERVICE YARD ACCESS

BERWYN ROAD LLANGOLLEN

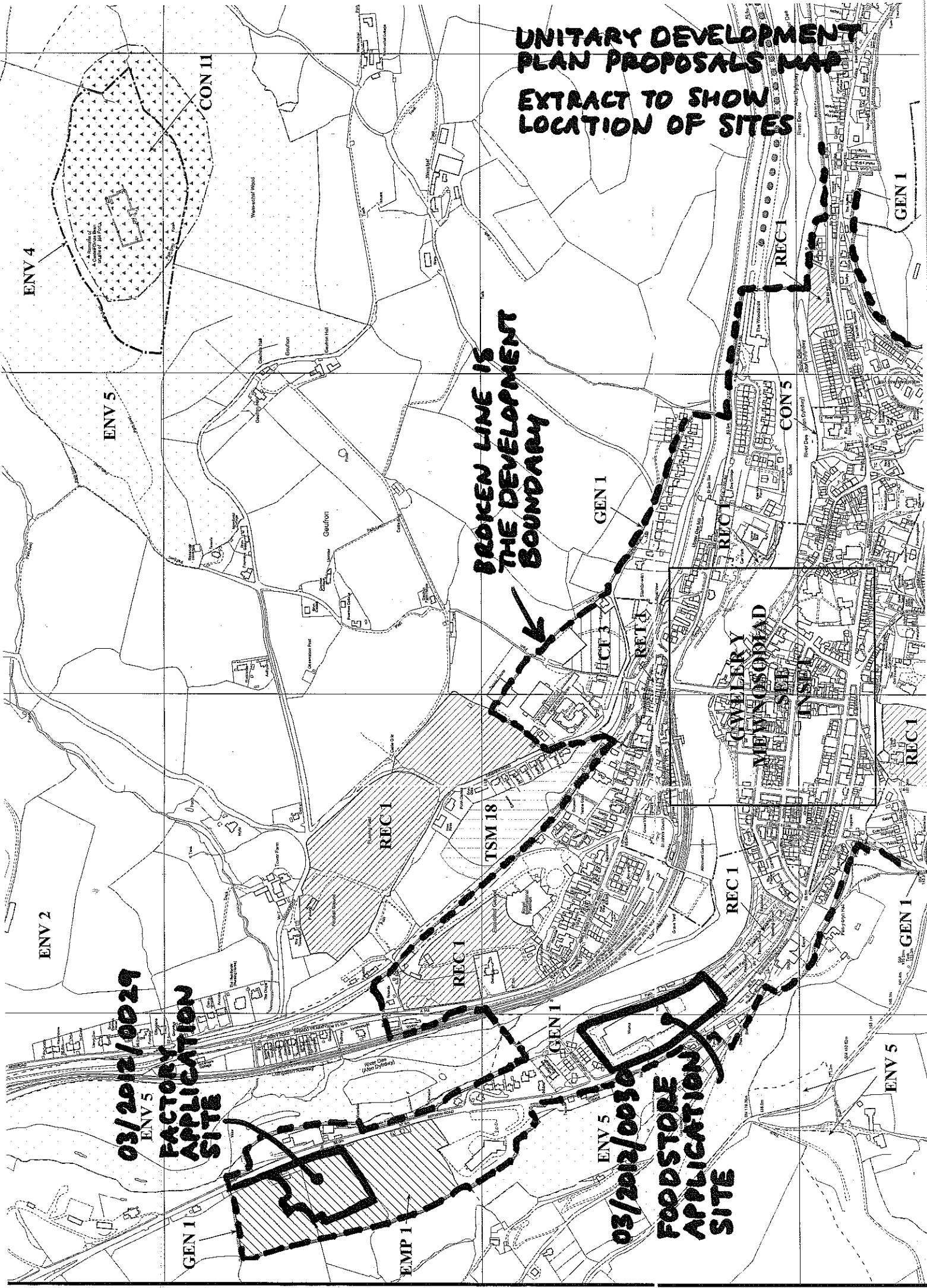
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UNITARY DEVELOPMENT PLAN PROPOSALS MAP EXTRACT TO SHOW LOCATION OF SITES

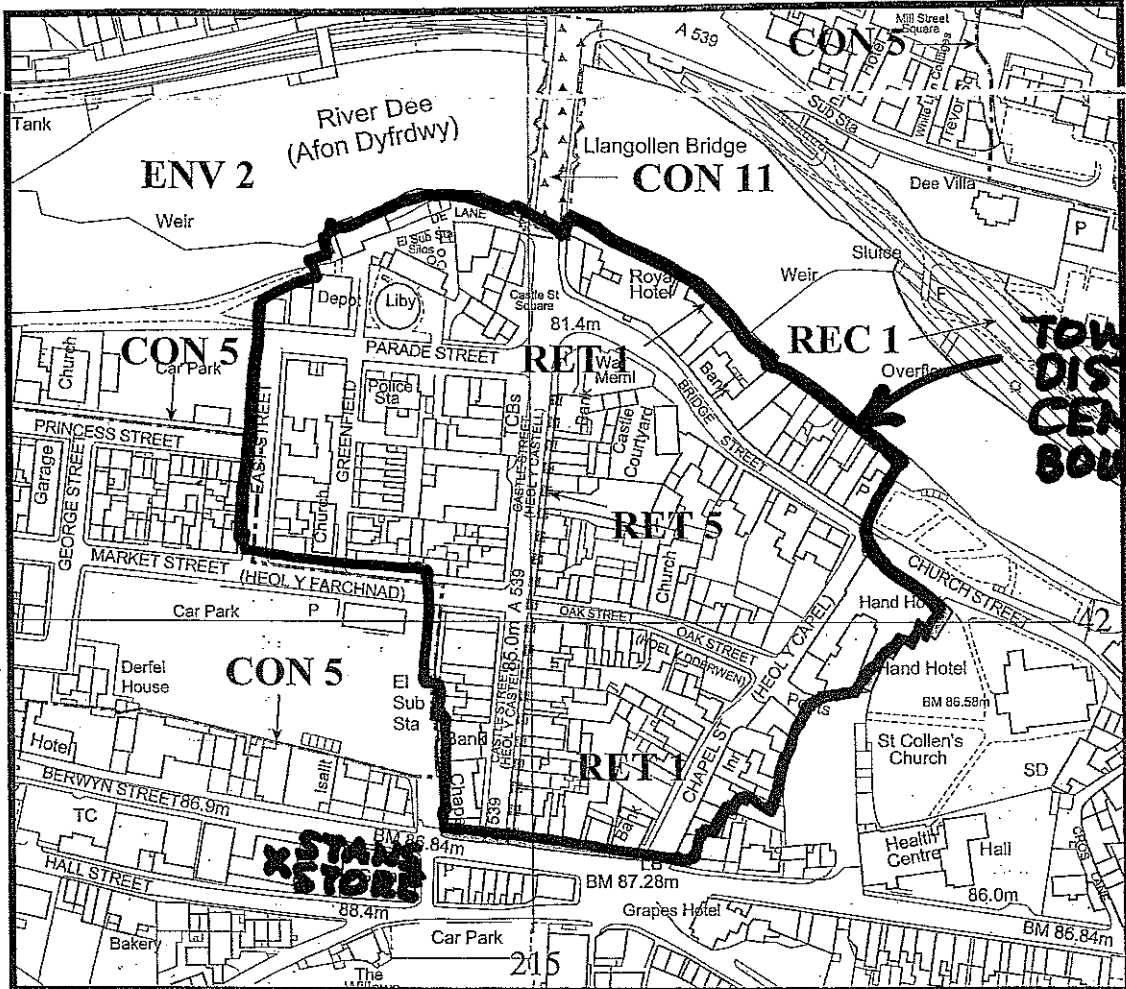
**BROKEN LINE IS
THE DEVELOPMENT
BOUNDARY**

**03/2012/0029
ENV 5
FACTORY
APPLICATION
SITE**

**03/2012/0030
ENV 5
FOODSTORE
APPLICATION
SITE**

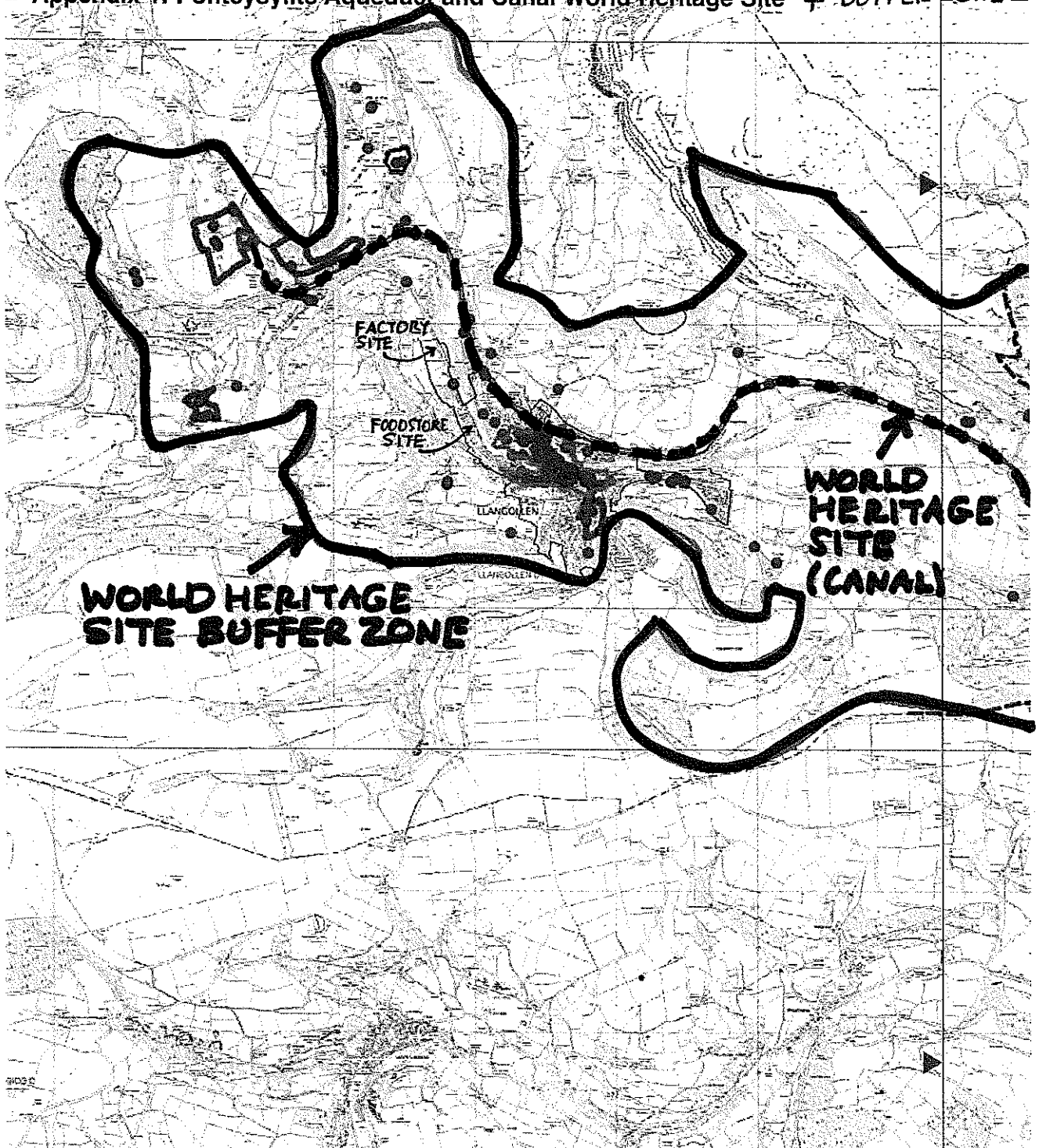


INSET MAP TO UNITARY DEVELOPMENT PLAN PROPOSALS MAP











**CANOL TREF LLANGOLLEN/
LLANGOLLEN TOWN CENTRE**
Graddfa/Scale 1:2500

Appendix 1: Pontcysyllte Aqueduct and Canal World Heritage Site + BUFFER ZONE



APPENDIX 1 Pontcysyllte Aqueduct and Canal World Heritage Site

 World Heritage Site	 Conservation Areas
 World Heritage Site Buffer Zone	 Listed Buildings
 Historic Parks and Gardens	 Scheduled Ancient Monuments
 Historic Landscape Wales	 Local Authority Boundary

Scale 1:10000

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ITEM NO: 3

WARD NO: Llangollen

APPLICATION NO: 03/2012/0030/ PF

PROPOSAL: Demolition of existing printing works, erection of Use Class A1 foodstore with associated access, parking, servicing, landscaping, surface water attenuation system, and construction of new vehicular and pedestrian accesses

LOCATION: Berwyn Works Berwyn Street Llangollen

APPLICANT: Mr Nicholas Scott J Ross Developments Ltd

CONSTRAINTS: B Flood Zone
World Heritage Site Buffer
C2 Flood Zone
Within 67m Of Trunk Road
PROW
Historic Contaminative Use F
AONB

PUBLICITY UNDERTAKEN: Site Notice - Yes
Press Notice - Yes
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – 4 or more objections received
- Referral by Head of Planning / Development Control Manager

CONSULTATION RESPONSES:

LLANGOLLEN TOWN COUNCIL

Original Response

"Members raised No objections to this application, only commenting on the important need to preserve local employment".

Final Response

No objections

CLWYDIAN RANGE & DEE VALLEY AONB JOINT ADVISORY COMMITTEE

Original Response

"The application site is brownfield land within the recognised development boundary of Llangollen and the JAC has no objection in principle to its redevelopment. In addition, the JAC has no observations to make on the principle of developing the site for a new foodstore, providing the planning authority is satisfied that there will not be an unacceptable detrimental impact on the existing town centre which would contribute to its decline, and that the existing site tenant and significant local employer – Dobson and Crowther – can be satisfactorily relocated elsewhere in the town.

The JAC recognises that the existing complex of industrial buildings on the site has little architectural merit and would emphasise the opportunity presented by redevelopment to improve and enhance the appearance of the site and its setting in the

wider landscape through the highest standard of design and landscaping.

The proposed standing seam metal roof is a large component of the building visible from the surrounding higher ground and the A5 and Riverside Park/Victoria Promenade, and the JAC consider it important to minimise visual impact by specifying a dark slate grey colour in place of the proposed 'silver grey'. In addition, the JAC considers that the flat metal wall facing colour should also be carefully selected to reduce visual intrusion and would suggest that traditionally finished locally sourced natural stone wall facing would provide a higher quality appearance more fitting to the rural setting than the proposed red brick.

The JAC welcomes retention and protection of important trees on the site, notably those along the riverside which are a significant landscape feature. Retention and strengthening of some existing boundary hedges is also supported, together with the proposed replacement species rich mature boundary hedge to be planted along part of the A5 frontage, but the JAC would recommend that this hedge should be continued throughout the full length of the road frontage to better reflect the rural setting. Proposals for additional native tree and shrub planting are also welcomed, and it is recommended that semi mature trees and shrubs should be employed where possible to provide an immediate softening of the site through landscaping. However, the JAC considers that the landscaping scheme would be significantly improved with additional tree planting to break up the hard mass of the car park in particular. In addition, all walls and retaining structures should be faced in traditionally finished locally sourced natural stone.

Finally, the JAC notes that the impact of the proposed external lighting scheme has been modelled based on conventional lighting systems, but would suggest that alternative options be investigated to further reduce light pollution in the immediate area and the wider landscape".

Final Response

"The JAC welcomes the proposed extension of the native hedge along the A5 frontage and accepts the suggestion to condition the colour of the metal roofs, wall cladding and lighting scheme for further consideration. However, the JAC is disappointed that it is not recognised that traditionally finished natural stone wall facing would provide a higher quality appearance more fitting to the rural setting than the proposed red brick. This would assist in producing a more locally distinctive design, which is an approach increasingly adopted by other major retailers. The failure to accept suggestions that all retaining walls and structures should be similarly faced in natural stone rather than concrete also suggests a utilitarian and low-cost approach to the detailing of the scheme which is unsympathetic to its surroundings. In addition, the JAC is disappointed that no additional tree planting to help break up the hard mass of the car park has been included in the revised landscaping scheme."

LLANGOLLEN CIVIC SOCIETY

Original Response

Opposes the foodstore application on basis of being contrary to the Local Development Plan and the Unitary Plan, questionable need for a store of the proposed size also bearing in mind the new Stan's Store, questionable demand from areas to the east given large new stores in Cefn Mawr and Wrexham, potential impact on smaller stores in the town accelerating trend of closures and reducing the tourist appeal, questionable conclusions in the Retail Impact Assessment on retail expenditure, potential traffic impact, increased reliance on motor car, limited public transport, preference for alternative uses on the site, e.g. affordable homes.

Final Response

No further comments received.

LLANGOLLEN CHAMBER OF TRADE AND TOURISM.

Original Response

Response refers to a number of concerns for traders and businesses based on potential impacts on Llangollen as a tourist destination and a vibrant High Street with a range of small independent shops, but recognises the importance of value for customers and competition, and seeks to work with the supermarket to the advantage of residents and visitors alike. The letter makes suggestions for mitigation for potential decline in the form of ideas for negotiation in the following areas.

- Supermarket should not include a café, personal services such as a specialist butcher or delicatessen counter
- Provision of an alternative attractive pedestrian access in the south east corner of the site to encourage shoppers to walk into town
- Car park should be free of charge and minimum 3 hour stays (with pay and display extension), to encourage people to walk into town.
- Provision of a visual display/information point near the store entrance for the town's attractions, a booking system for hotels, etc. and an electronic link to the TIC.

•
Final Response

Remain concerned that plans still indicate the intention to include a café, and do not make provision for a footpath link in the north-western corner of the site.

COUNTRYSIDE COUNCIL FOR WALES (CCW)

Original Response

CCW'S original response requested additional information to show whether the development would not have adverse effects, in particular in relation to the River Dee Special Area of Conservation (SAC) Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Final Response.

Additional information addresses concerns in respect of natural heritage interests, and have no objections.

ENVIRONMENT AGENCY WALES

Original Response

Based on the Flood Consequence Assessment, the Agency have no objections subject to the inclusion of conditions on any permission. These relate to site levels, suitable investigation of contamination, verification of completion of any necessary remediation works, monitoring and actions in the event of further contamination being found during development, and approval of a construction management plan and a site waste management plan.

Final Response

Previous comments still applicable.

WELSH WATER/ DWR CYMRU

Original Response

No Objections subject to inclusion of conditions and advisory notes to ensure foul and surface water discharges are drained separately from the site and a suitable grease trap is installed to prevent entry into the sewer system of matter likely to interfere with the free flow of contents or prejudicially affect treatment and disposal thereof.

Final Response

No further comments received

WELSH GOVERNMENT TRANSPORT

Original Response

Requested similar additional information as the County Council's Head of Transport, i.e. plans showing full visibility splays, and 2m wide footway, provision of bus stops and shelters either side of the A5, surface water drainage details, details of pedestrian accesses, and a Stage 1 safety audit.

Final Response

Directs that any permission granted includes 2 conditions: one requiring submission and approval of full details of the access works and associated lighting; and one requiring the visibility splays are kept free of any planting in excess of 1.05m above the level of the adjoining carriageway.

CADW

Original Response

(Protection and Policy Section – comments are on those aspects of the proposal which fall within CADW's remit as a consultee on planning applications, i.e. the impact of developments on scheduled monuments or Registered Historic Landscapes, Parks and Gardens)

Notes the site is within the historic landscape of Vale of Llangollen and Eglwyseg (included in the Register of Landscape of Special Historic Interest in Wales), and within the Buffer Zone of the World Heritage Site (WHS) Pontcysyllte Aqueduct and Canal.

In relation to the demolition of the print works building –

CADW have considered the Environmental Impact Assessment and accept there is no particular architectural value to the existing buildings, and that they do not contribute to the Outstanding Universal Value or setting of the World Heritage Site. They have no objections to the demolition of the print works.

In relation to the proposed foodstore building –

Notes this will be on a revised orientation and set on the lower level of the site with a car park in front. Consider in general that the design appears reasonable in scale and height and that it will not have a detrimental impact on the heritage assets of the vicinity.

Final Response.

No further comments on the application.

DENBIGHSHIRE COUNTY COUNCIL CONSULTEES

HEAD OF HIGHWAYS AND TRANSPORTATION

Original Response

Requested further details of highway proposals (visibility splays, bus stops, footways, links to Riverside Park, location of cycle storage need for surface water arrangements, and a Stage 1 safety audit).

Final Response

Requests inclusion of 2 conditions if permission is granted; one to require completion of works on the access, parking and servicing, and one requiring submission of a construction management plan in relation to any site works.

COUNTY ARCHAEOLOGIST

No objections. The site contains no known archaeological sites noted on the Historic Environment Record.,

BIODIVERSITY OFFICER

Original Response

Has undertaken an assessment of Likely Significant Effects on a European Site (Special Area of Conservation) (SAC) – Notes potential indirect effect on listed fish species, floating water plantain, and otters, and in response to consultation concludes that provided suitable measures are implemented to ensure water quality and lighting issues are addressed, the proposals are unlikely to have a significant effect on the features of the SAC. Requested information on proposals relating to frontage hedgerow removal, the detailing of the lighting scheme, species proposed in the landscaping plan, compensation measures for loss of bird nesting habitat, and details of a dust suppression strategy.

Final Response

Happy at contents of landscaping plans. Removal of trees and vegetation should be carried out outside bird nesting season.

TECHNICAL OFFICER (Pollution)

Original Response

Requested further information in relation to service area activity (hours of operation, acoustic barriers) and controls over noise and dust at construction stage.

Final Response

Based on the documentation provided, requests that any permission includes conditions relating to store opening hours (0600 – 2100), deliveries and collection of waste (0600 – 2200), details of refrigeration/extraction, associated plant and machinery and acoustic barriers, noise level restrictions, external lighting, a Service Area Management Plan, Construction Method Statement, and details of a gate/barrier to prevent vehicular access to the car park outside store hours.

CONSERVATION ARCHITECT

Notes the site is occupied by an unremarkable factory building of little or no architectural or historic interest. The site is within an Historic landscape and AONB, and the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage Site (WHS). There is a requirement to judge impact on the setting of the WHS and its Outstanding Universal Value. The site is well screened from the WHS and the development would have no impact on its setting, and as the proposed development is a replacement building there is no consequential detrimental impact on the Outstanding Universal Value of the WHS. Recommends controls over building materials, external signage and lighting.

ACCESS OFFICER (Access Officer role)

Raises no objections, but notes no reference in the Equality Impact Assessment to research used in its preparation, responses to consultation, and engagement with stakeholders to understand how the needs of different groups will be met or participation of other groups will be encouraged. In relation to the specific proposals, suggests needs of all users, specialist baby changing and feeding facilities need to be incorporated, and the latter should be in rooms separate to the 'accessible' facility; and there is an need for a dog spending area (given the anticipated use of the store by pedestrian traffic).

LANDSCAPE CONSULTANT

Notes the presence of residential properties at a higher level with views down to the site, and the potential for visual intrusion from the development in terms of traffic movement, activity, colour mix on and light reflection from vehicles. Considers there is inadequate provision for tree planting to address the amenity of local residents, and that the layout requires amendment to incorporate such planting.

RETAIL CONSULTANT (Roger Tym and Partners)

Need Test

There is a qualitative need for a new, large format foodstore in Llangollen, over and above the Stan's Store. Expenditure growth is likely to be sufficient to cover the turnover requirements of the proposed comparison retail floorspace

In relation to quantitative need for the proposed convenience retail floorspace, the position is more marginal and Roger Tym are unable to conclude there is clear quantitative need for the proposed convenience retail floorspace – however, the difference between the applicants expenditure residual figures and the store's potential convenience retail turnover derived from residents in the defined catchment area identified by Roger Tym is fairly narrow.

Sequential Test

The application site is in an out of centre location. There are no obvious sequentially preferable sites that are suitable, available, viable or likely to become so within a reasonable period of time. There is no failure of the sequential test.

Impact Test

The report concludes that the cumulative trade diversion impact on other shops is likely to be higher than predicted by the applicants. In its analysis it accepts there would be inevitable overlap with products available in town centre independent outlets, even if the number of in store counters was restricted, but it is difficult to assess whether the level of trade diversion would be so great as to warrant a refusal. It recognises the town centre contains a range of greengrocers, delicatessens, bakeries and butchers, but does not see how the sale of these products could realistically be prevented at the foodstore. It is however considered that if a permission were to be considered that conditions should be imposed preventing a pharmacy, Post Office and dry cleaners and café at the store. The conclusion comments on the likely reduction in the need for residents to travel distances to foodstores elsewhere, which is considered a positive impact weighing in favour of the scheme, and it considers Llangollen is a reasonably healthy centre fulfilling a dual role as a provider of day to day retail and services for local residents, and as a centre for tourists. The overall conclusion is that there is unlikely to be sufficient basis to refuse the application in relation to the 'impact' test.

Other material considerations

Employment benefits, in terms of direct and indirect jobs as the foodstore itself and the safeguarding of jobs at the Dobson and Crowther operation is a significant benefit weighing in favour of the scheme.

Compliance with the Development Plan

The review confirms acceptance of a qualitative need for a large format food store in Llangollen, to stem the significant leakage of expenditure from the area, and it notes the Council has confirmed it shares this view in the Local Development Plan Session in February 2012. There is not sufficient basis to resist the proposal in relation to retail and town centre policies in the adopted Unitary Plan.

The overall conclusions of Roger Tym are therefore:

- they have no issues regarding the sequential test;
- there remains a qualitative need for an additional large format foodstore in Llangollen;
- there is a quantitative need for the proposed comparison retail floorspace;
- quantitative need for the proposed convenience retail floorspace is more marginal, but there is unlikely to be a sufficient basis to resist the foodstore on 'need' or 'impact' grounds.
- there are no strong retail planning policy grounds to resist the application for an additional large format foodstore in Llangollen, which Roger Tym have consistently advised should be regarded as a priority in this part of the County.

RESPONSE TO PUBLICITY:

Representations in objection to the application

Individual representations received from:

Mr. D. Stiff, Hillside Cottage Hafod Maidd Berwyn Llangollen
V. & M. Kostowska 1 Rose Cottage The Geraint Llangollen
Ms. S. Brown 25 Church Street Llangollen
Mr. C. Bourne Plas Geraint Geraint Llangollen
M. Ellison 80 Pengwern Llangollen
Ms. S. Hargreaves Regent House Regent Street Llangollen
Prof Chris Adams Llwyn Bedw Berwyn Llangollen
Mr. J. O'Brien Erw Wen Sunbank Llangollen
R. M. Lawrence Can-y-Gwynt Llangollen
M. Edwards 5 Trem-y-Creigiau Greenacre Park Llangollen
M. Crumpton, Hafod y Maidd Ucha, Berwyn, Llangollen
E. A. Slawson (e-mail)
P. & W. Gwilliam, 12 Park Avenue, Llangollen

H. Petrie, Glasgwm, Abbey Road, Llangollen
D. Slater, 3 Rose Cottages, Geraint, Llangollen
J. Spicer, Glasgwm, Abbey Road, Llangollen
J. Williams, 3 Rose Cottages, Geraint, Llangollen
D. Hughes, Porter's Delicatessen, Market Street, Llangollen
M. Armitage, 14 Pont yr Afon, Penycae, Wrexham
P. Jones, Glen Garreg, Tyndwr, Llangollen
G. Jones, Glen Garreg, Tyndwr, Llangollen
A. Jones, Glen Garreg, Tyndwr, Llangollen
J. Schofield, 10 Park Avenue, Llangollen
P. Adair, Cwmalis Hall, Llangollen
S. Rex-Edwards, Glanllyn, Market Street, Llangollen
B. Jones, Yew Tree Cottage, Llangollen
P. Thane, Bryn Villa, Penycoed Road, Llangollen

Summary of planning based representations: in objection

Impact on town centre / business and tourism

Proposals threaten unique character of Llangollen town centre/ would impact on existing supermarkets and small shops e.g. fresh food, pharmacy and small shops/ already enough stores and shops to serve population of the town/ would impact on the vibrancy of the high street with its variety of independent shops and shopping experience/ shops are already closing in the centre/ traders survey concludes 80% businesses will be harmed by foodstore/ submission comes to questionable conclusions on likely trade loss from existing retailers/ traders in other market towns have been affected by developments on this scale , e.g. Ruthin and Elsemere/ would impact on shops in Chirk, Corwen/ Roger Tym reports on need for a retail outlet are founded on antiquated ideas about how people choose to live/ future closure of town centre shops would impact on tourist attraction of town; sequential test has not been satisfied as there is no evaluation of potential for smaller store in town centre; go against theme of recent reviews of town centres (Porthas : Welsh Government Select Committee); Local Authorities should be extremely careful if they go against national policy.

Questionable Retail Impact Assessment

Submitted Retail Impact Study is inadequate contains statistics based on potentially spurious data/ there remains scope in present stock of high street to accommodate a larger convenience store/ location of store is dislocated from town centre and not truly accessible to pedestrians in town centre/ many Llangollen residents already travel to work in Wrexham and beyond and will combine their commuting with shopping trips in larger supermarkets on route to work/ study does not really cover the true effect of trade diversion on town centre retailers / suggestion that Nisa (Stan's Store) will mainly attract passing A5 trade is not accepted as it will attract town centre customers/ no quantitative need for the size of store proposed and no need for more convenience sector floorspace/ definition of town centre is misleading/ conclusions of Roger Tym review of Retail Impact Study are flawed as it fails to take account of Cefn Mawr foodstore, forecasts are based on 2006 figures since when the economy has shrunk; it assumes the new factory will be built and there will be reduced outflow of expenditure from Llangollen and its catchment area; it does however highlight the potential for trade diversion from the town centre.

Questionable employment gain

May create jobs in the short term, but not longer term employment / long term studies show that introducing supermarkets reduces the Full Time Equivalents figures for retaining jobs in the area affected / no guarantee that jobs would be local/ jobs will simply migrate from existing stores in the town.

Business case for relocation of factory not made

Modernisation could be achieved on site in phased manner / relocation is only viable if funding can be obtained by achieving premium use in terms of value on previous site/ development is driven by the economic motives of the company / viability of company should be reviewed.

Visual amenity

Unacceptable impact on AONB and landscape/design of store would have a detrimental impact on Vale of Llangollen.

Impact on historic environment

Unacceptable impact on Buffer Zone of World Heritage Site.

Residential amenity

Concerns over noise and nuisance from activity and machinery and smells from bins within the service yard/ lighting in car park near existing residential property/ operating and delivery hours would extend over a longer period than those of current factory.

Highways / accessibility

Development would not further greener and sustainable forms of transport / site is not accessible by foot for most residents of the town / is in the wrong location to serve main residential areas in the town and those with limited access to independent transport / application misrepresents ease of access by public transport and by foot, e.g. 15 minute walk from bus stops at Parade Street / buses passing the site are infrequent / predominant access would be by car not by cycle or foot/ traffic hazards at construction and operational stage/ stretch of A5 is narrow and already busy with bottlenecks in the tourist season, Saturday and Sundays in particular / already difficulties accessing A5 from junctions nearby / foodstore would only add to queues and frustration and put people off visiting Llangollen / Many residents would find it quicker to go to Wrexham or Cefn Mawr / would there be any transport deal to take residents from Pengwern area. / Proposals contrary to planning policies relating to access / prior consideration of needs of a range of potential users.

Alternative uses for site

If relocation of factory is necessary, residential use for affordable housing would be preferable / site should be a car park.

Conflict with national and local planning policy

Proposals do not comply with Planning Policy Wales Section 10 / Unitary Plan policies RET3, RET7 / TAN4 / Emerging Local Development Plan – PSE9 (iii)

Public consultation limitations

Concerns over applicant company's exhibition in December 2011 – feedback forms not prominently displayed and only tick box for people to express opposition to the plans.

Questionable link between foodstore application and factory relocation application

Council should ensure a suitable legal agreement to guarantee construction of factory before the foodstore opens, to avoid a foodstore only development / should ensure enforceability of any agreement as otherwise these are only statements of intent.

Other matters

Comments on representations from Ken Skates AM:-
Concerns over exaggerations and factually incorrect statements over employment numbers, impacts on existing businesses, relevance of UDP/LDP, presence of Tesco Store at Cefn Mawr and other stores in Llangollen, case for protection of town centres, sustainability of the development.

Other representations in objection

On behalf of the Spar store –

J Barrow, 45 Hadlow Road, Willaston, Neston

- Questions business case for relocation of factory
- Better alternative uses for site (residential home)
- Retail impact issues to address – spurious data, scope for convenience store in town centre, not truly accessible by foot.

On behalf of the Co-Operative store

Cadnant Planning Ltd, 1 Connaught House, Riverside Business Park, Benarth Road, Conwy

- No need for the proposed store as it would far exceed the amount of convenience floor space identified within Llangollen and its wider catchment area
- The benefits of recent convenience retail store development adjoining the town centre should be monitored before approval of an out of town supermarket
- The impact on town centre and edge of centre convenience and comparison stores has been under scrutinised
- The relocation of the factory at Cilmedw is unacceptable and premature given the LDP is at an advanced stage in its preparation
- The proposals are contrary to the UDP and Planning Policy Wales, premature to the emerging LDP.
- Strong reservations over the applicants' Retail Impact Study and the Roger Tym audit of the Study (no thorough assessment of trading position in Llangollen and impacts if benchmark turnovers are exceeded; no empirical evidence to show where comparable trade retention rates have been achieved in similar circumstances; floorspace proposed is greater than the qualitative need assessment suggests is necessary and the qualitative need does not justify a store of this size to claw back trade; Roger Tym audit is not robust enough for the Council to rely on in making a decision; figures under estimate the retail impact on the Co-Op; Co-Op is more accessible and generates linked trips which would be lost; sequential assessment does not consider the case for a store of a smaller size on other sites (Market Street, River Lodge, hospital).
- CADW's concerns should be afforded significant weight, particularly as the proposals to relocate the factory at Cilmedw are linked to the foodstore application and there is no certainty of planning consent being granted for the new factory. If consents are to be considered, they should involve a robust legal agreement to ensure the factory development is delivered prior to commencement of the foodstore proposal.

On behalf of Llangollen Country Market

Object to the addition of a café, bakery, bakery counter and delicatessen, as these would be detrimental to well established local businesses.

On behalf of Llangollen Wholefood Co-operative

Concern at potential impact on small food shops in town from competition and likelihood of one stop shop visits, and at traffic congestion.

On behalf of Llangollen and District Friends of the Earth

8 page letter with appendices expressing strong objections on the following grounds:

- Contravenes local and national policy (adverse effect on vitality, viability, and attractiveness of town centre). Questionable figures in Retail Impact Study, and assumptions over employment and economic impact.
- Local retailers concerns over impacts on town centre. The group have undertaken surveys of businesses in Ellesmere and Llangollen. The Llangollen survey provides strong evidence that there is widespread concern about the

impact of the foodstore; the Ellesmere survey suggests some businesses will suffer a loss of trade and a small percentage may see a positive gain, and there may be a move towards more niche traders in the centre.

- Traffic and transport issues. Increased car usage is likely as there is limited public transport and the store is well in excess of ideal walking distance from the town centre.
- Reduced social inclusion. Development would exclude those without transport.
- Wider development issues. Due consideration should be given to recently opened shops (Stan's Store and Tesco Cefn Mawr) including cumulative impacts.
- In event of permission being considered, mitigation and planning gain must be sought : carbon neutral store, improved bus service, lockers within store or Town Hall for people to leave items and then shop in store or town, improved footway links, store to be developed after the factory, café should be removed from the store, store should be smaller, consideration of free town centre parking, local recruitment for employees.
- The Group have commented on the Roger Tym and Partners review of the Retail Impact Study and concluded that the applicants are using high population growth scenarios and other floorspace and stock density figures to justify a store which is too large for Llangollen and would damage the town centre; that the Authority should seek far more robust evidence on the impact to the convenience sector in Llangollen (turnover of outlets is over estimated); and that if assurances can not be given that there would only be 8% losses, then a sound recommendation cannot be made to committee.

On behalf of the Keep Llangollen Special Group

(The Group have advised they are a 'not for profit' Community Group with a formal management structure and a written constitution, which seeks to take part in shaping Llangollen's future. They confirm they have a core membership of 27, rising to nearly 500 taking into account members of their online Facebook Group).

The Group have submitted a range of material to the Council, including the following:

- A DVD presentation showing the potential impact of retail decline upon vulnerable people in Llangollen (a 6 minute video with clips from a House of Commons question on the impact on town centres from supermarket developments, exchanges on a Radio Wales phone in with the first Minister on town centre impact issues, a 'virtual journey' across Llangollen to illustrate concerns over the distance from the main housing areas to the proposed foodstore, and a number of captions outlining concerns over the impact of the development including comments on the disadvantages likely to be encountered by the elderly and less mobile.
- A presentation given to local AM's and MP's and others outlining concerns over disenfranchising residents, access / traffic implications, increasing financial leakage, environmental impacts, more jobs lost than gained; feedback from 2009 Town Centre Business Survey; planning policy breaches; theme of town centre decline report available from Llangollen News
- A printout of 180 names on an online petition headed NO! Llangollen Preservation (November 2011 – April 2012).
- A printout of the group's Facebook Page; indicating 452 supporters of the campaign.
- Copies of Residents Survey forms seeking news on the effects of the foodstore, and a petition with 255 signatories (the group advise the forms were delivered to almost all residents of Llangollen in December 2011 / January 2012 and generated 30% return). The group's considered analysis of the responses is that "the proposed foodstore would not draw significant custom back to Llangollen (the leakage

argument), would increase motor traffic instead of decreasing it, and would isolate vulnerable groups (the elderly, and the disabled, and those with small children but without private transport) if it reduces the trading of existing retailers such as the Co-op”.

- The group have commented on:

Material submitted in support of the proposal through Ken Skates AM: The first petition was from 2010 and should be disregarded as it does not relate to any planning application. The supporting letters do not reference material planning grounds and should be disregarded. There is evidence of a forged signature on the petition. Comments on a ‘Traders Survey’ conducted in February/March 2012 by Llangollen and District Friends of the Earth. National survey suggests similar foodstore displace local jobs / replace with part time lower grade work / with impact on the quality, quantity and nature of employment in Llangollen; If the town centre falls into decline, the secondary effect will be the decline of tourism – on which more jobs depend. The Council has a duty of care to maintain Llangollen’s unique character; The local economy would spiral into decline due to money leaving the town immediately without being reinvested; The predominant view amongst local businesses is that they will suffer long term as the town’s commercial heart declines / the development would affect the commercial vitality of the centre;

- The group point to the adopted policies of the Council and Welsh Governance in Planning Policy Wales to support and enhance the vitality of town centres, and trust the application will be refused. The Council should undertake a risk assessment to evaluate the realistic cost of restoring the character and vitality of Llangollen in the event that the business concerns prove to be justified.
- Comments from ‘independent traders’ in Llangollen on a standard template sheet registering individual objections under Planning Policy Wales Section 10.3 in relation to the impacts on the vitality, and vibrant of Llangollen town centre. These express concerns over the future of independent retailers, loss of custom from the town centre, traffic problems, highlighting the adverse impact of large foodstore on other towns.
- Comments on the Roger Tym and Partners review of the Retail Impact Study. Main points are:
 - the Unitary Development Plan proposal map predates Planning Policy Wales and provides a narrow view of what constitutes ‘town centre’ for the purpose of PPW.
 - the Roger Tym Review advocates grant of permission but sends a mixed message (commenting on underestimation of impacts on town centre, questionable quantitative need, but referring to job security and qualitative need, which are not material considerations).
 - the Roger Tym Review wrongly discounts the Co-Op and Stan’s Store in calculations relating to the town centre convenience provision, hence the proposed store should not be included either, and can not meet the ‘need’ described.
 - quantitative need has not been substantiated, so how can a positive recommendation be made.
 - it is not possible to make a fair and balanced assumption on the likely impact on town centre traders on the information available.
 - a number of the Roger Tym conclusions are open to challenge and the report

is not considered to be of a satisfactory standard, rehashing previous reports going as far back as 2003.

- In conclusion, nothing in the Roger Tym report provides effective support for or justification of the application for a new foodstore. The generalised view of qualitative need is not sufficient rationale for the scheme, which should be refused. The Council should also be aware of the risks associated with the development in terms of decline of Llangollen, which Members should weigh up in making a decision.
- The Group has written to Welsh Government Ministers to adjudicate on whether the Co-Operative Store should be considered a town centre shop or not as they consider this would mean the Council are not in possession of a valid retail impact assessment, which is a material consideration. They ask that consideration by the Planning Committee be delayed pending the Minister's judgement.

Representations in support of the application

Individual representations received from:

Mr. A. Maybury, 12, Pengwern, Llangollen (e-mail)
Ms. R. Thomas, 8, Maes Pengwern, Llangollen (e-mail)
Ms. K. Davies, 10, Aberadda, Hill Street, Llangollen (e-mail)
V. & M. Kostowska, 1, Rose Cottage, The Geraint, Llangollen (e-mail)
Ms. A. Bithell, 12, Horseshoe Pass View (e-mail)
Ms. M. Harper, 5, Hermitage, Llangollen (e-mail)
Ms. R. Davies, 35, Pengwern, Llangollen
Mr. D. Tobin, 18, The Oaks, Trevor, Wrexham (e-mail)
Ms. T. Rawlinson, 16, Gerddi y Bache, Llangollen (e-mail)
Mr. P. Longlands, 2, Oak Mews, Oak Street, Llangollen (e-mail)
S. Francis, 8, Maes Pengwern, Llangollen (e-mail)
K. Francis, 8, Maes Pengwern, Llangollen (e-mail)
F. Dalton, Mile End Mill, Llangollen
L. Green, 17, Llygadog, Clawdd Poncen, Corwen
K. Francis, 5, Bourne Terrace, Froncysyllte, Wrexham
J. Pingram, 26, Bishops Walk, Llangollen
G. Roberts, 3 Greenfield, Llangollen
S. Collinge, Glanafon, Abbey Road, Llangollen
C. M. Williams, Birch Cottage, Eglwyseg, Llangollen
R. M. Williams, Birch Cottage, Eglwyseg, Llangollen
A. MacAuley, 14 Shakespeare Road, Neston

Summary of planning based representations in support

Foodstore offers improved retail choice

Town needs a decent, affordable place to shop without residents having to travel to Wrexham or Oswestry / town is full of souvenir shops, pubs and sandwich bars/would make up for an obvious lack of shopping amenities in particular general household and grocery items and general consumer choice / store would reduce loss of convenience expenditure out of Llangollen and retain shoppers in Dee Valley / Adverse Impact on other shops in town would not seem likely as 90% of shops are tourist related / studies suggest edge of town supermarkets increase footfall in town centres.

Saving on travel to foodstores elsewhere

Foodstore here would save significant journeys to Wrexham etc. for main weekly shop for all Dee Valley residents.

Employment gain

Development offers prospect of much needed jobs for the future of the children and prosperity of the town/ unemployment locally is a problem/ scheme would offer potential for jobs for young adults

Trade gain for town

Presence of large foodstore would attract more people to shop in Llangollen and to walk into town to trade there.

Parking gain

Additional 200 parking spaces would help ease gridlock encountered in summer.

Improved links to town

Improvement of Riverside Walks and pedestrian links to town centre would be of benefit to residents and visitors.

Improved visual appearance of site

Considerable improvement in appearance of site for residents and visitors,

Recycling facility

Site would provide a useful re cycling facility

Potential mitigation of impacts

Support proposal but can restriction be put on scope of goods to be sold to limit impact on town centre shops.

Other representations in support

A letter from Ken Skates AM along with a petition outlining support for the application and the one for the relocation of the Dobson and Crowther factory to Cilmedw

The main points in the covering letter in relation to the application are:

- Potential for the development to bring huge benefits for Llangollen (securing jobs and create additional opportunities).
- Dobson and Crowther are a significant employer and generate money for the town
- Cilmedw proposals would open up additional employment land
- Foodstore would provide additional jobs and provide additional retail opportunities for local residents for whom the 40 mile round trip to Wrexham is simply impractical.
- A major retailer would be on the doorstep of Llangollen's residents.
- Access should not be a prohibitive matter in relation to granting approval.

The accompanying material with the letter consists of:-

a) A petition headed 'YES to Dobson and Crowther new facility and new supermarket. 230 new jobs created and the end to costly shopping trips, better for the environment and the town'

The sheets contain some 347 signatories with addresses, and a column with comments.

b) 111 individually signed and addressed A4 sheets headed with the same words as in a), but with text containing reasons for supporting the applications (employment, town centres enhancement, additional parking, reduced travel to equivalent stores, reduces leaked expenditure.

- Representations in the form of a replicated A4 sheet dated 22 February 2012 (handed in in batches of 24, 43 signed and addressed individually). The contents are in support of the proposed supermarket and move of Dobson and

Crowther to a new purpose built factory at Cilmedw. The main points in the sheet in relation to the foodstore application are – benefits to the town without losing its identity, creation of jobs and parking spaces, enhanced pedestrian links, recycling facilities, energy efficient building, retention of convenience expenditure for the Dee Valley and travel savings for residents of the Dee Valley.

EXPIRY DATE OF APPLICATION: 20/03/2012

REASONS FOR DELAY IN DECISION (where applicable):

- timing of receipt of representations
- protracted negotiations resulting in amended plans
- re-consultations / further publicity necessary on amended plans and / or additional information

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 The application seeks full planning permission to demolish the existing Dobson and Crowther printing works on Berwyn Road, Llangollen and to erect a use Class A1 foodstore on the site with associated access, parking, servicing and landscaping. The foodstore operator is not identified in the submission, although press releases since the lodging of the application have confirmed this as Sainsbury's.
- 1.1.2 The application is submitted concurrently with one seeking full planning permission to erect a 'replacement' print works for Dobson and Crowther at Cilmedw, some 500 metres to the north west of the existing factory. The application for the relocation of the business is being dealt with under Code No. 03/2012/0029, and is the subject of the report which immediately follows on the agenda. The 'links' between the applications are explained in the report.
- 1.1.3 The application is submitted by White Young Green Planning and Design, on behalf of J Ross Developments Ltd, who are named as the applicants on the forms. The ownership certificate confirms the land is owned by Dobson and Crowther Ltd, although separate notice has been served on Denbighshire County Council and Welsh Government as there are elements of the development which involve works on highways/ footways and the Riverside Park which are adjacent to the site.
- 1.1.4 The application site is indicated as some 1.6 hectares (4 acres) in extent, and incorporates the area occupied by the existing Dobson and Crowther buildings, its associated parking, servicing and access.
- 1.1.5 The main elements of the scheme are:
- The demolition of the existing printing works buildings
 - The erection of a use Class A1 foodstore to be located at the north end of the site (see plans at the front of the report). This would be a single building with its main elevation facing out onto the proposed car park. The elevation detailing shows mainly glazing along the front elevation with facing brickwork sections, metal cladding along the north and east

elevations facing onto the service yard, and a tree screen along the east boundary. The roof detailing includes a number of rooflights and grey standing seam cladding; and there is an external roof top plant area with an acoustic screen around it, above the staff quarters.

- A main building with a gross internal floorspace of 3195 sq m, and a food retail floorspace of 1858 sq m.
- A new main vehicular access off the A5, some 70 metres to the north of the existing access, to serve a customer parking area with 223 spaces (including 14 disabled spaces, 10 parent /child spaces and 28 cycle spaces near the main store entrance).
- Widening of the A5 in connection with the main access, to provide a right turning / waiting lane.
- A secondary vehicle access off the A5 for service vehicles at the north end of the site
- A substation and transformer enclosure close to the proposed service access
- A new bus stop on the south facing carriageway
- Associated landscaping / planting proposals, including new planting between the building /car park and the A5 and the retention of other boundary hedging with localised pruning.
- A recycling facility
- New pedestrian links onto the A5 footway, onto the Riverside path and into the Riverside Park close to its A5 entrance, and a ramped access off the A5 footway
- The forms refer to the equivalent number of full time employees will be 130, although this has been corrected to 110 in additional information provided in May 2012, following the announcement that the operator is to be Sainsbury's.
- Hours of opening and deliveries have been clarified as 0600 -2300.

1.1.6 The application contains a range of documents in addition to the standard forms and plans. These include an Environmental Impact Assessment (incorporating a Heritage Impact Assessment, a Landscape and Visual Assessment, an Ecology Survey, a noise assessment, Geo-Environmental Assessment, and an Air Quality Assessment); a Design and Access Statement, Statement of Community Engagement, a Retail Impact Study, Transport Assessment, Flood Consequence Assessment, Aboricultural Implication Assessment, Lighting Assessment and Drainage Calculations. Additional information and amended plans have been submitted in May 2012 in response to consultee comments on the original application including an Equality Assessment, a Road Safety Audit, and a Statement on the benefits of job creation in the Sainsbury's store.

The following section provides a very basic summary of the main points / conclusions in the supporting documents:

1.1.7 The Design and Access Statement

- The statement provides background material to the proposals and mentions Dobson and Crowther is an important individual employer in Llangollen, and a key aspect of the proposal is the relocation of the print works to a new purpose built facility some 500 metres from the existing premises. (submitted simultaneously as a separate application)
- There has been extensive pre-application consultation , including a "public exhibition"
- The site is developed industrial land
- The main submission reviews a range of topics including Cultural Heritage (impact on the World Heritage Site Buffer Zone) Topographic, Arboriculture, treatments of existing site features, Highways accessibility, drainage, acoustics, townscape character, site analysis, layout concept, scale, landscape strategy, appearance, materials, access, and benefits of the scheme.

The Environmental Impact Assessment (EIA)

- The EIA is a 166 page document with an Appendix. The Non Technical Summary of the EIA refers to:
- The Site. This contains an outline of the site characteristics, and a description of the development
- Consideration of alternatives. This refers to the Retail Impact Study and consideration given to town centre premises, sites at Market Street, Cilmedw, and Riverside Lodge, and the conclusion that there are no alternative locations within the town centre, edge of centre, or out of centre to accommodate a foodstore of the scale proposed.
- Planning policy context. This details a range of Welsh Government and development plan policies and Supplementary Guidance considered relevant to the proposals.
- Cultural Heritage. This outlines consideration given to the potential effects on heritage, including the impact of the scheme on the Outstanding Universal Value of the World Heritage Site and its buffer zone. It concludes the foodstore would have no harmful impacts on any heritage assets, and that it would represent a substantial enhancement of the existing situation, having a positive impact on the setting of the World Heritage Site. There is a detailed Heritage Impact Assessment as an appendix in the EIA.
- Landscape and visual impact. The Landscape and Visual Assessment concludes there would be lessened visual impact of buildings on site in

views across the valley, enhanced appearance of the frontage from the road and nearby visual receptors, increased area of hard open space adjacent to the road and riverside, and increased visual intrusion for some receptors in the vicinity of the site (A5 and Geraint Hill), the canal towpath and Royal International Pavilion. Mitigation measures include retention of mature trees along boundaries, careful choice of building material, variation in the roof facade, setting buildings back from the A5, and planting of new species rich hedgerow.

- Ecology. The Assessment identifies designated nature conservation sites in the vicinity and anticipates the greatest potential impacts and risks would be at construction phase from activity affecting water quality in the River Dee. Whilst the completed development is unlikely to result in permanent direct change to the local eco system structures, strict environmental management procedures and careful design and management of potential water pollution sources would be necessary at construction stage. (e.g. Construction Management Plan, timing of works, restrictions on lighting, control of dust, drainage/run off control).
- Water quality. Foul water would be discharged to the existing public sewer. Surface water would be managed through below ground attenuation storage and appropriate interceptor arrangements before discharge to the River Dee. Construction stage activity would be subject to detailed pollution prevention measures
- Noise and vibration. The assessment notes existing noise levels from plant associated with the print works and the A5, and with regard to potential impact suggests that with appropriate planning conditions relating to construction and operational phase, levels would fall within adopted noise levels criteria. Beneficial effects are anticipated at receptors on Park Avenue and Cerrig y Llan.
- General conditions. Ground surveys on those parts of the site not occupied by buildings reveal fill materials and levels of contamination not considered to pose a significant risk to future users, but risks to controlled waters from ground gas. Further investigation would be necessary to determine appropriate mitigation and foundation design/ radon protection measures.
- Air quality. Appropriate mitigation would be necessary at construction and operational stage to limit impact on sensitive receptors including dwellings at Park Avenue from dust, pollution and odours.

The Flood Consequences Assessment (FCA)

The FCA notes the site is located in a Zone B flood zone on the latest Development Advice Maps. In such areas, technical Advice Note 15 advises a precautionary approach where site levels should be checked against the extreme (1 in 1000 year) flood level. The FCA demonstrates the site levels are above the modelled 1 in 1000 year flood levels and there is no need to consider flood risk further. The detailed surface water regulation system would need to be approved before commencement of development.

Arboriculture Implication Assessment

The Assessment concludes that subject to the detailed proposals for protecting and managing existing trees, hedges and shrubs, and additional planting, the proposed development will not have a significant detrimental impact on the arboreal environment of the site and area in the long term.

External Lighting Assessment

The Assessment concludes that subject to consideration of obtrusiveness, a conventional lighting scheme would be acceptable to achieve the relevant criteria of the Institute of Lighting Engineers (ILE) for Zone E2 subject to specific luminaries being turned off at curfew. 24 hours operation would require different detailing. Such matters could be controlled by planning conditions.

Retail Impact Study

The conclusions of the study are that:

- Llangollen enjoys good levels of vitality and viability, and the town centre has performed resiliently in recent years
- There is a clear qualitative and quantitative need for the proposed development, based on seeking to enhance Llangollen's retailing position in the wider sub region, reversing unsustainable shopping patterns to competing centres outside Llangollen's immediate catchment area, through claw back of available expenditure within the local area, which is currently spent elsewhere.
- The proposal is designed for a Top 3 operator following their desire to secure representation in the town. The operator has been unable to seek appropriate and suitable accommodation on other sites in the town due to clear deficiency in suitable locations in the town centre.
- There are no sequentially preferable alternatives to the proposed development, either within the town centre, edge of centre, or other out of centre locations.
- There will be no adverse impact on the performance of Llangollen Town Centre in the longer term, and negligible impact on other stores and centres elsewhere.
- The proposals would create up to 109 Full Time equivalent jobs as well as indirect jobs in relation to construction and support services; and would safeguard jobs in the Dobson and Crowther works.
- Travel patterns will be reduced by delivering an alternative retail attraction, reducing the need for shoppers to travel further to satisfy needs
- The site is in an accessible position, well positioned in relation to the rest of the town centre and other amenities and facilities.
- The development accords with Welsh Government Planning Policy and the Unitary Plan

In response to requests for additional information from the Council's Retail Consultant, the agents have provided details of anticipated store turnover / sales density figures to allow assessment of likely trade diversion; an indication of the product range and type and number of in store counters (to include a Deli and bakery counter and operation). The agents comment on the scale of such

counters being small and unlikely to impact on local traders; and confirmation that the scale of the store would not involve an in house pharmacy, post office, opticians, dry cleaners, or other retail services provided in larger Sainsbury's stores.

The Statement of Community Engagement

This document summarises the pre-application consultation undertaken in connection with the foodstore and print works relocation. It refers to the distribution of leaflets, posters, news releases, advertisement, and a 2 day public exhibition, and presentations to the Town Council and Chamber of Trade. It advises that feedback forms were handed out and that the exhibition and the counting of the forms were observed by the Town Council and passed on to Denbighshire County Council to maintain integrity and transparency. The Statement comments that the feedback was extremely positive, with 65% of people expressing their support for the proposals. It mentions that a significant number of objections were based on the belief that Llangollen did not need another supermarket, and when those explicitly opposing the scheme on those grounds are excluded, the support reaches 70%. It reports that the vast majority of respondents fully supported the Dobson and Crowther relocation and that additional car parking spaces are welcomed.

The Transport Assessment

The Assessment deals with the foodstore site and the proposed site for the relocation of the print works. In relation to the foodstore, it predicts the generation of no more than 10% new trips, and that the remaining 90% of traffic will already be on the network, diverted, transferred, or passing by the proposed store.

In terms of trip numbers, it is estimated the food store would generate approximately 45 new two-way trips in the Friday peak hour, and 53 in the Saturday peak hour.

The overall conclusion is that priority junctions within the study network will operate satisfactorily under the most onerous conditions at opening year (2012) and future year (2022); the A5 – Castle Street junction has less capacity and will operate with no reserve capacity in 2022, but the traffic generated by the development will not have a significant effect on its operation. The site is located on a bus route and conveniently located for anyone wishing to walk or cycle to or from Llangollen.

The conclusion is that the proposals satisfy transport planning policy at local and national level.

A BREEAM Pre-assessment

This provides a summary of a BREEAM pre-assessment of the development and confirms a minimum target rating of VERY GOOD can be met, and EXCELLENT for ENE1.

The Equality Impact Assessment

At the request of the Authority, the agents have provided a basic assessment which details considerations given to the promotion of Equality, following the introduction of the Equalities Act 2010. The 3 page document includes references to accessibility considerations (provision of facilities for a range of users including for disabled persons, pedestrians, cyclists, adults with children,

bus stops for those using public transport; ramped accesses with features designed to assist different groups; new pedestrian links to improve access to the town centre) and specialist facilities within the store for disabled persons, and mothers with children. The document notes many considerations relevant to the Equalities Act are outside the remit of the planning application and are matters for the store operator, such as equal opportunities for employees and treatment of users.

The Benefits of Job Creation in the Sainsbury's Store

This 4 page document sets out the economic benefits from the anticipated job creation the proposal will have on the area. It refers to an additional 110 full time equivalent jobs, which would provide an invaluable opportunity for local people at a time of economic fragility, offering career development, training and diversification of the skills base in the area.

Amongst the additional information from the agents, received in May 2012 was confirmation that:

- Foodstore opening hours would be 0600 – 2300
- Delivery hours would be 0700 – 2300 (subsequently indicated as 0600 – 2300 to reflect the requirements of Sainsbury's as the proposed operator)
- A new bus stop is to be provided on the southbound carriageway of the A5 (there is already a bus stop on the northbound carriageway)
- A Stage 1 Road Safety Audit has been submitted
- Footpaths at Riverside Walk and within the Riverside Park would be resurfaced
- A new frontage hedgerow is proposed on either side of the new main access
- At May 2012, there were 105 staff employed at the existing Dobson and Crowther site (103 full time, 2 part time)

Members will appreciate that the preceding 'notes' outlining the contents of the submission are necessarily limited given the extent of material involved in an application of this nature. All the documents are available for public inspection.

1.2 Description of site and surroundings

- 1.2.1 The site is some 500 metres to the north west of the traffic lights in the centre of Llangollen, which are at the Berwyn Street/Market Street junction.
- 1.2.2 It has a 200 metre long frontage along the A5 on its west side, and a public footway running alongside the River Dee on its east side. It borders the rear gardens of existing housing development at Park Avenue to the north, and the Riverside Park to the south.
- 1.2.3 In addition to the dwellings at Park Avenue, there are houses on higher ground on the opposite side of the A5 towards the southern end of the site, and between the riverside footpath and the River Dee on the east side of the site. The Wild Pheasant Hotel is 200 metres to the north.
- 1.2.4 The site is occupied by the existing Dobson and Crowther factory, a substantial complex taking up approximately 30% of the total site area. The submission indicates these buildings have a floorspace of 5400 square metres. There is a single vehicle access off the A5 which runs around the front of the factory and leads to the main servicing yard between the factory and the rear of the Park Avenue houses at the north end of the site.

Employee parking is located between the factory and the A5 with a total of some 60 spaces. There are a number of specimen trees in the area between the factory and the A5, and a low frontage hedgerow along the trunk road; substantial evergreen hedges/trees along most of the northern boundary with Park Avenue, and along the eastern boundary, which act as an effective screen to the factory building from certain directions.

- 1.2.5 The Environmental Statement indicates the Dobson and Crowther factory has operated from Llangollen since 1946 and is currently the UK's largest manufacturer of bespoke litho printed envelopes. It mentions the facilities on the site are considerably out of date and that the Company are seeking to invest in the business to create a modern and fit for purpose factory to ensure a sustainable future in Llangollen.

1.3 Relevant planning constraints/considerations

- 1.3.1 The site is within the development boundary for Llangollen shown on the Unitary Development Plan proposals map. There is no specific use allocation for the site on the proposals map. The site is some 400 metres outside the area shown as the Town and District Centre on the proposals map (see the plan at the front of the report).
- 1.3.2 Llangollen now lies within the recently extended Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB). The site is within the Buffer Zone of the Pontcysyllte Aqueduct and Canal World Heritage site (WHS), within the River Dee and Bala Lake Special Area of Conservation, and the historic landscape of the Vale of Llangollen.
- 1.3.3 For the record, the Pontcysyllte Aqueduct and Canal was 'designated' as a World Heritage Site by UNESCO's World Heritage Committee in June 2009. This confirmed the international value of the Aqueduct and canal as a heritage asset, and recognised what is referred to as its 'Outstanding Universal Value' (OUV), i.e. its cultural/natural significance is considered so exceptional as to transcend national boundaries. The Outstanding Universal Value of the Aqueduct and canal is not restricted to the actual canal structures themselves, but extends to elements of the landscape which contribute to its setting, sense of arrival and history. Accordingly, a Buffer Zone has been drawn around the WHS to recognise areas which may be important to the OUV and where close consideration has to be given to development proposals which may impact on its qualities. The Buffer Zone itself is not of OUV. In response to the WHS designation, Officers of Denbighshire, Wrexham and Shropshire have drafted a Joint Supplementary Planning Document setting out a protocol for considering planning applications in the WHS and its Buffer Zone, but at the time of drafting this report, the Document has not been formally adopted by Denbighshire (a separate report in this document is on the agenda of the June 2012 Planning Committee seeking approval and referral to Full Council for adoption).
- 1.3.4 The Local Development Plan has passed through its Examination Stage but carries no weight in the determination of planning applications at the time of preparing this report and the consideration at Planning Committee.

1.4 Relevant planning history

- 1.4.1 The only records relate to developments in connection with the printing works, so are not of direct relevance to the current application.

1.5 Developments/changes since the original submission

- 1.5.1 The Planning application was originally submitted in January 2012 and was subject to extensive consultation and publicity. A number of responses raised questions obliging requests for additional information from the applicants/agents. Further details were received in mid-May 2012, and were the subject of a repeat consultation and publicity exercise. The basis of the revised details received in May are outlined in paragraph 1.1.6, and the responses to consultation and publicity are summarised at the start of the report.
- 1.5.2 In the course of progressing the application, Officers have sought clarification of the applicant/agent's position over 'linking' the foodstore development to the proposed factory application at Cilmedw, as the application documents make some play on this significance of the proposals being considered together. The applicants have indicated willingness to enter into a suitable legal agreement or to accept planning conditions in the event that permissions are granted, requiring the completion of the factory before the commencement of trading at the foodstore. They have offered as part of a possible Unilateral Undertaking, a sum to the County Council for improvements to the Riverside Park in conjunction with the development.

1.6 Other relevant background information

- 1.6.1 There is reference in a number of documents and representations received on the application to the relevance of the policies of the Local Development Plan to the consideration of the proposals in this regard, the Planning Policy Team have confirmed that at this point in time all applications have to be determined in accordance with the policies of the adopted Unitary Development Plan. The Local Development Plan as no status in the consideration of planning applications until the point it is formally adopted. The Local Development Plan Inspector's report is not now anticipated until late 2012/early 2013 and there can be no guarantee of the outcome of that process. It would be unreasonable in practice and principle to defer consideration of the application simply to await the adoption of the Local Development Plan.

2. DETAILS OF PLANNING HISTORY:

- 2.1 None relevant to the current application.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN (adopted 3rd July 2002)

Policy STRAT 1	-	General
Policy STRAT 5	-	Design
Policy STRAT 6	-	Location
Policy STRAT 7	-	Environment
Policy STRAT 8	-	Employment
Policy STRAT 10	-	Town Centres
Policy STRAT 11	-	Regeneration
Policy STRAT 13	-	New Development
Policy STRAT 14	-	Highways
Policy GEN 1	-	Development Within Development Boundaries
Policy GEN 6	-	Development Control Requirements
Policy GEN 8	-	Planning Obligations
Policy GEN 9	-	Environmental Assessment/Statement
Policy ENV 1	-	Protection of the Natural Environment
Policy ENV 6	-	Species Protection
Policy ENV 7	-	Landscape/Townscape Features

Policy CON 12	-	Historic Landscape, Parks and Gardens
Policy CON 11	-	Areas of Archaeological Importance
Policy RET 1	-	Town and District Centres
Policy RET 3	-	Food Supermarkets
Policy RET 7	-	Fringe Areas Adjacent to Town & District Centres
Policy TRA 6	-	Impact of New Development on Traffic Flows
Policy TRA 7	-	Road Design
Policy TRA 8	-	Transport Requirements in Major Developments
Policy TRA 9	-	Parking and Servicing Provision
Policy ENP 6	-	Flooding
Policy ENP 4	-	Foul & Surface Water Drainage
Policy ENP 8	-	Contaminated Land

3.2 Supplementary Planning Guidance

SPG 2	-	Landscaping
SPG 8	-	Access for all
SPG 15	-	Archaeology
SPG 18	-	Nature Conservation & Species Protection
SPG 21	-	Parking requirements in New Developments
Supplementary Planning Document – Pontcysyllte Aqueduct and Canal World Heritage Site (See Section 4.2.6)		

3.3 WELSH GOVERNMENT POLICY/GUIDANCE

Planning Policy Wales Edition 4 2011
 Technical Advice Note 4 – Retailing and Town Centres (1996)
 Technical Advice Note 5 - Nature Conservation and Planning
 Technical Advice Note 11 – Noise
 Technical Advice Note 15 – Development and Flood Risk
 Technical Advice Note 18 – Transport
 Technical Advice Note 22 – Sustainable Buildings

CIRCULARS

Welsh Office Circular 60/96 : Planning and the Historic Environment : Archaeology
 Welsh Office Circular 61/96 – Planning and the Historic Environment : Historic Buildings and Conservation Areas
 Welsh Office Circular 13/97 – Planning Obligations

DOCUMENTS RELATING TO THE WORLD HERITAGE SITE AND BUFFER ZONE

Declaration on the Conservation of the Setting of Heritage Structures, Sites and Areas ICOMOS (2005)
 Guidance on Heritage Impact Assessments for Cultural World Heritage Properties – ICOMOS (draft 2010)

OTHER DOCUMENTS

English Heritage documents (not applicable to developments in Wales)
 - Protection and Management of World Heritage Sites in England (2009)
 - Seeing the History in the View : A method for Assessing Heritage Significance within views (draft 2008)
 - The Setting of Heritage Assets (draft 2010)

England only Circulars (not applicable in Wales)
 07/2007 – Protection of World Heritage Sites (Communities and Local Government Circular)

4. MAIN PLANNING CONSIDERATIONS:

4.1 The main land use planning issues are considered to be:

4.1.1 Principle of development

- 4.1.2 Retail impact issues – including the impact on the viability/vitality of the town centre
- 4.1.3 Highway impact
- 4.1.4 Residential amenity
- 4.1.5 Visual amenity impacts
- 4.1.6 Impact on the historic environment:
 - Vale of Llangollen Historic Landscape
 - Buffer Zone of World Heritage Site
- 4.1.7 Ecology
- 4.1.8 Archaeology
- 4.1.9 Flooding
- 4.1.10 Contaminated land
- 4.1.11 Inclusive Design and Access/Equality issues
- 4.1.12 Sustainability Code issues
- 4.1.13 Economic/employment benefits

Other Matters

Legal agreements

4.2 In relation to the main planning considerations:

4.2.1 Principle

The main strategic policies in the Unitary Development Plan which appear relevant to the principle of the development are STRAT 1, 5, 6, 7, 8, 10, 13 and 14. These policies set a basic framework for new development, including requirements in STRAT 1 that development should be sustainable and make the best use of resources; STRAT 5 that new development will safeguard the special character of the County; in STRAT 8 that the establishment of small businesses will be permitted subject to impact tests; in STRAT 10 that the attractiveness, viability and vitality of town centres will be maintained and enhanced; and in STRAT 13 that new development will be located and designed in order to minimise journeys by car, enable optimum use of public transport, not unacceptably affect traffic congestion or highway safety, and provide safe conditions for pedestrians and cyclists.

In terms of the General policies of the Unitary Plan, GEN 1 seeks to concentrate development within development boundaries and GEN 6 sets a series of 'tests' to be applied to development in accordance with the Plan's other policies. The retail policies in the Unitary Plan, RET 1, 3 and 7 set specific tests to be applied to retail proposals, geared mainly at ensuring such developments are appropriate to the centres where they are proposed, and maintain or enhance their viability and vitality. These are reviewed in detail in the Retail Impact paragraphs following in 4.2.2, and the more localised physical impacts are reviewed in subsequent paragraphs.

At Welsh Government level, Planning Policy Wales 2011 contains the same basic approach to new development, seeking to follow general sustainability principles by concentrating development in existing settlements and using brownfield (previously developed land) wherever possible. Chapter 10 contains more detailed considerations to be given to retailing and town centres, and effectively updates Technical Advice Note 4 (1996) which previously offered guidance on such development; all requiring similar assessment of impacts on the character, viability and vitality of town centres.

Officers would therefore suggest that in terms of general principle, the policies of the Unitary Plan and Planning Policy Wales allow for suitable development within recognised settlement boundaries, in support of basic sustainability principles. The application site is within the boundary of Llangollen and its development would be consistent with the Unitary Plan's strategies for

locating new development within the County's main towns. However, there are a number of general and detailed policies in the Unitary Plan, and other material considerations relating to the specific impacts of the proposed foodstore, which have to be addressed to determine the acceptability of the application. These are reviewed in the following sections of the report.

4.2.2 Retail Impact Issues – including the impact on the viability and vitality of the town centre

Policy and Guidance in the Unitary Plan on considerations to be given to retail development in towns is contained in Strategic Policy STRAT 10 and RET 1, RET 3 and RET 7. STRAT 10 seeks to maintain the attractiveness, viability and vitality of town and district centres, by being the principal location for new and additional retail development, encouraging/facilitating a wide range of shopping and related facilities in appropriate locations. RET 1 is specific to developments within designated Town and District centres (areas identified on the Proposals maps of the UDP forming the central core of town centres, which the application site is some 400 metres outside of to the north west). RET 1 seeks to locate retail and commercial development of a scale and type appropriate to the centre, enhancing its viability and vitality. RET 3 deals specifically with food supermarkets, and sets a range of tests to be applied to proposals within town and district centres, and where the appropriate sequential test has been applied to possible sites within town and district centre boundaries and no feasible or viable sites are available or suitable, then proposals may be permitted on the edge of/adjacent to edge of district centre boundaries or elsewhere within development boundaries provided the relevant criteria in the policy can be met. RET 7 relates to retail and commercial development on the edge of town and district centre boundaries, and permits such development provided it is of a scale, type and design which is in keeping with and does not have an unacceptable impact on the surrounding area; it could not reasonably be located within the town or district centre boundary; and it will not harm the vitality and viability of the nearby centre;

Welsh Government planning policy/guidance matters relating to retail development has for some time been contained in Technical Advice Note 4 – Retailing and Town Centres, but this was published in 1996 and was updated in 2005 by Ministerial Interim Planning Policy Statement 2/2005, and subsequently by the more recent contents of Planning Policy Wales 2011 (PPW) in which Chapter 10 deals with Planning for Retail and Town Centres. Section 10.3 of PPW outlines matters Local Planning Authorities should take into account when determining a planning application for retail uses, including assessment of need, a sequential approach to site selection, impact on existing centres, accessibility and impact on travel patterns. It is to be noted that there is no guidance offered on what level of impact or trade diversion may be unacceptable. In relation to PPW and planning policy considerations, the development proposed would be an 'out of centre' food supermarket, which Chapter 10.3.8 advises should not be allowed if provision is likely to lead to the loss of general food retailing in the centre of smaller towns; and where post offices and pharmacies are included and could result in the loss of existing provision, they should be discouraged by imposing appropriate planning conditions. Further advice is given on consideration to be given (where fully justified) to the inclusion of conditions on any permissions preventing stores from being subdivided into smaller shops, to limit the range of goods sold or to restrict the amount of floorspace. PPW reflects the theme of recent studies into the future of town centres, such as the Porthas Review, and Welsh Government's Enterprise and Business Committee's report on Regeneration of Town Centres (January 2012), which

recognise the need to protect and regenerate town centres through a range of measures.

The application is accompanied by a Retail Impact Study by White Young Green, which concludes the proposals comply with current Welsh Government and Unitary Plan policies, in respect of relevant tests of qualitative and quantitative need, sequentially preferable alternative sites, impacts on the town centre and stores elsewhere, and there are employment benefits to weigh in favour of the development linked to the relocation of the Dobson and Crowther business.

Consultee and individual responses on the application raise a range of points in objection and in support of the foodstore relating to retain impact.

The main points in objection are expressed by the Civic Society, the Keep Llangollen Special Group, Llangollen and District Friends of the Earth and a number of private individuals, and centre on the potential impact of a foodstore on the vitality and viability of the town centre, its unique variety and character of shops, and consequent loss of retail units, jobs and the appeal of the town as a tourist destination. The Chamber of Trade have voiced concerns on behalf of traders but make suggestions for potential mitigation of impacts including exclusion of any café, specialist counters such as butchers and delicatessen, and ideas for pedestrian access, parking provision and an in store information point to link with the TIC and local businesses. There are separate objections lodged on behalf of existing foodstore operators which question the need for the new store, town centre impact and conflict with planning policy. There are detailed responses questioning the contents and conclusions of the applicant's Retail Impact Study and the Roger Tym and Partners review of that Study on behalf of the Council. The substance of these responses is that the conclusions should not be relied on as a sound basis for considering the grant of permission as there are questions over the reliability of data used to reach these conclusions, and the analysis is open to challenge – misinterpreting the definition of the town centre, under estimating the trade impact on town centre businesses, and not substantiating quantitative need. Objectors have requested Welsh Ministers to review the 'town centre' boundary on the basis that this should include the Co-Operative Store and Stan's Store, which would impact on the retail space need assessment.

The main points in support of the foodstore from private individuals, are on the basis of the improved retail choice it would offer, obviating the need for residents and those living in the Dee Valley and beyond to travel long distances for weekly food shops (Wrexham/Oswestry), and encouraging more people to stop in the town.

Factually, the application site lies some 400 metres outside the Town and District Centre boundary for Llangollen as shown on the proposals map in the Unitary Plan, the nearest part of which is on Market Street/East Street (see the plan at the front of this report). As noted previously, it would fall under the description of an 'out of centre' location in terms of current Welsh Government policy/guidance in Planning Policy Wales and Technical Advice Note 4. The Co-Operative Store is some 150 metres outside the Town and District Boundary, and Stan's Store is some 20 metres outside the boundary.

Roger Tym and Partners review of the Retail Impact Study, and subsequent developments

Having regard to the significance of the retail impact issues and to assist the

Committee's consideration of the application, Officers commissioned Roger Tym & Partners to undertake a detailed independent audit of the submitted Retail Impact Study, in the context of national and local planning policy tests relating to need, sequential approach and impact, and other material considerations. Roger Tym & Partners are a long established national consultancy specialising in planning, regeneration and economic development services and have been used for some time as an independent source of advice by the County Council on retail planning matters relevant to Development Control and Development Plan matters. The conclusions of the Roger Tym and Partners review of the Retail Impact Study are summarised in the consultees responses section of this report.

Following receipt of representations on the retail impact issues, Officers have sought further clarification of details from the applicants agents and Roger Tym and Partners in order to assist the Committee's consideration of the issues.

- The applicants' agents have responded to questions over the base data on population growth. They have stated that base population figures are taken from 2010 and growth forecasts through to 2017 and 2022 are taken from Experian which is a robust source used for estimating population and expenditure growth, and has been tested at numerous public enquiries. They add that the population projections are largely based on ONS (Office for National Statistics) mid year estimates and sub national population projections are also from ONS (including births, deaths and net migration), hence any developments which may occur in the future or any high growth scenarios that might be developed will not be factored into the forecasts, which are very much 'trend based'. The agents therefore suggest they are clearly realistic and do not rely on optimistic growth rates beyond that trend. They have also confirmed that Sainsbury's do intend to operate a café from the proposed store, which they consider would be ancillary to the main unit and a key component of any modern foodstore, representing less than 4% of the gross floorspace; hence they do not consider it necessary to justify its inclusion, and any evidence or analysis should be proportionate to the scale and nature of the proposal and its likely impact. They suggest an in store café would not draw café trips from the town centre as the latter would be for a different purpose (meetings, food as part of a trip to the town centre) and there would be no direct competition with town centre cafes as there would be a much more limited selection of food and drink on offer.

- The Council's Development Plan Manager has viewed the population growth information and considers that the basis of projections used in the Retail Impact Study is robust enough to inform forecasts for retail demands. The Council has used ONS mid year estimates for its own population projections in evidence at the Local Development Plan Examination and for the justification of housing figures.

- In relation to the objectors' request to Welsh Ministers to review the definition of the 'town centre', Officers would advise that the Town and District Centre boundary in the Unitary Plan has been established through an open public process as part of the scrutiny and adoption of that Plan, and it is not considered reasonable or justifiable to delay consideration of the current application on this ground. Against this factual background, Officers can not see how Welsh Ministers would seek to intervene or reach a different conclusion.

- Roger Tym and Partners have been made aware of the basis of representations in relation to the applicants' Retail Impact Study and to their

own review, and the Development Plan Manager's comments above. They have offered additional advice on a number of points which are of relevance to the consideration of retail impact:

- In relation to issues raised over the impacts on other stores and trade diversion:
 - the presence of Stan's Store has been taken into account. This is unlikely to claw back a significant amount of the expenditure which leaks out of the area, because of its small size.
 - concerns over the applicants seeking to increasing sales area floorspace in the future can be addressed by restrictive conditions if a permission is to be considered (see further below).
 - the applicant's stated convenience retention rates arising from the store may be ambitious, but the size of the store will provide greater scope to claw back a material proportion of expenditure.
 - trade impact on the Co-Operative store would be significant (over 20% as estimated in the Retail Impact Study, 40% as estimated by the Co-Operative's consultants), and it is acknowledged that the Co-Operative store is closer to the town centre and is likely to generate linked trips with the centre. Nonetheless, the Co-Operative Store is outside the town centre as defined in the Development Plan Proposals Map, so is not afforded any planning policy protection.
 - in relation to the sequential test, Roger Tym undertook a detailed assessment of the Market Street site in 2009 and concluded a foodstore there would not be financially viable; and the constraints identified then still exist. The Riverside Lodge and other claimed potential sites are either not available or realistic options.

- In relation to potential restrictions on any permission, should it be granted:
 - it is recommended that this should restrict the quantum of retail sales area floorspace to 1858 sq. metres; of which a maximum of 1375 sq. metres should be permitted for convenience sales area floorspace, in order that trade diversion impact on town centre retailers is not higher than predicted.
 - whilst the proposed in store café could potentially result in some diversion of trade from existing facilities in the town centre, the offer available in cafes and restaurants in the centre is likely to be more extensive than a café at Sainsbury's which is unlikely to be as attractive to most tourists, since the facilities in the town centre are primarily serving a tourist market. There is no strong basis to condition out a café at the proposed foodstore.
 - similarly it is considered difficult to enforce exclusion of a delicatessen, butchery and bakery counters at the store.
 - it would be reasonable to preclude operation of a pharmacy, post office, optician and dry cleaners at the store.

In concluding, the overall summary of Roger Tym and Partners is:

"We accept that the position in relation to convenience expenditure capacity is marginal, and we acknowledge that the Co-Operative store – which generates lined trips with the town centre – would experience a significant reduction in trade (albeit we reiterate that the store itself does not benefit from policy protection). We suspect that the cumulative trade impact on existing shops in Llangollen Town Centre is likely to be higher than the 8.6 per cent figure suggested by WYG. It is not for us to speculate what the actual trade impact figure might be but we suspect that the trade impact is likely to be above 10 per cent. This is a cause of concern, although we note that there is no 'benchmark' impact future above which applications should automatically be

refused and in reaching a decision it is necessary to weigh the positive impacts and benefits against any negative effects.

We have consistently advised the Council that there is a qualitative need for a new, large-format foodstore in Llangollen. Whilst the new edge-of-centre Stan's store is a welcome addition, it is too small to claw back a significant amount of the expenditure that leaks out of the area. We also accept that there are no sequentially preferable sites that could realistically accommodate a new large-format foodstore. Furthermore, we are mindful of the generally healthy nature of the town centre, and in our view the employment benefits associated with the proposals also weigh in favour of the scheme.

On balance, taking all of the aforementioned factors into account – and having reviewed the various submissions that have been made to the Council – our overall conclusion is that there are no strong retail planning policy grounds to resist the application.”

Conclusions.

Taking all the background information into account, and with respect to the extensive comments made both in favour and against the proposals, Officers believe there is sufficient information in front of the Council to make an informed decision, and that the conclusions by the Council's Retail Consultants should be given due consideration in the weighing up of the retail issues. As noted, the Consultants have reviewed the applicants' Retail Impact Study and have been made aware of the basis of local concerns over the adequacy of information, and criticism of their own conclusions. The Consultants responses deal directly with current planning policy tests at National and local level, and seek to address issues of relevance to the determination of the planning application. They accept there are issues of impact to address, but ultimately advise that there are no strong retail planning policy grounds to resist the application – subject to the imposition of conditions on any permission (restrictions on floorspace, uses within the store etc, to limit trade diversion impacts). On the basis of these conclusions, Officers would not recommend there are sustainable retail impact grounds to justify a refusal recommendation.

4.2.3 Highway Impact

The main Unitary Plan policies relevant to assessment of highway impact are TRA 6 and TRA 9. TRA 6 permits new development provided there are no unacceptable impacts on the safe and free flow of traffic, and the capacity of and traffic conditions on the surrounding road network are satisfactory. TRA 9 requires adequate provision within a site for parking and servicing. GEN 6 also contains basic tests including in vii a requirement that development provides safe and convenient access for a range of users, and adequate parking and servicing. TRA 7 sets requirements to ensure new road schemes or improvements to existing roads are designed so they do not, for example, have unacceptable impacts on the landscape, townscape or topography of the locality. TRA 8 obliges new major developments generating a substantial number of trips to make proper provision for public transport facilities, pedestrians and cyclists. RET 3 requires that proposals are accessible by, or incorporate measures to improve accessibility to, a choice of means of transport, including public transport.

The site is currently served by a single access onto the A5 road. The proposals involve the construction of two main vehicular accesses of the A5, one to serve the main customer car park, and one to create the service access, and 3 new pedestrian accesses, including a ramp down from the A5. Works would be undertaken within the trunk road and along the site frontage

in connection with the car park access, to create a right turn 'waiting bay' for vehicles travelling west which seek to enter the site. The layout plan shows 223 parking spaces.

Individual and consultee representations in relation to the detailed highway impacts express concerns over congestion on the A5 and raise questions over the genuine accessibility of the site by foot for anyone in the town centre or the housing areas to the south east of the town. The Chamber of Trade and Tourism have suggested a pedestrian access should be provided onto the Riverside Walk in the south east corner of the site, but the applicant's agents have indicated this is not a practical option given the significant differences in levels between the application site and the Riverside Walk in this location.

Welsh Government Transport and the Council's Head of Transport & Infrastructure have confirmed they have no objection to the proposals as revised in May 2012, subject to the imposition of conditions in relation to the detailing of the highway works, visibility splays, completion of the works and a construction management scheme.

Having regard to the responses on the application, Officers conclusion is that on the 'technical' design of the new vehicle accesses and pedestrian accesses into the site, the servicing and the car parking proposals would meet the necessary standards, and would be adequate as a means of serving the development. Whilst respecting points over congestion on the A5, without specific objection from the key highway consultees, there would be no realistic basis for recommending refusal on highway capacity grounds.

There are interesting points to weigh in terms of sustainability issues and accessibility to the site, and positive and negative factors to record here:

- on the positive side the development would provide additional short term parking in a location close to the town centre, creating a potential for 'linked trips' with customers visiting the foodstore and walking into the town centre for other purposes; and it is likely to offer a wider public benefit for a number of residents of the town and the Dee Valley in saving considerably longer trips currently undertaken by car to equivalent sized foodstores in the Wrexham and Oswestry area, and the site's accessibility by foot, cycle and public transport would be improved to some extent by works proposed as part of the development.
- on the negative side, it is likely that the foodstore would perpetuate reliance on the motor car for main shopping trips (as would any store of this size) given very few people are likely to do a main weekly shop by foot, cycle or public transport; and in this case, given the distances from the centre of the town and housing areas and the infrequency of bus services, the proportion of non car based visitors seems likely to be limited.

Taking account of all the points, Officers would conclude there are inevitably mixed highway/accessibility/sustainability impacts likely with a development of this nature, but that these do not suggest there is clear conflict with the key planning policies or principles for new developments within the boundary of existing towns.

4.2.4 Residential Amenity

The main Unitary Plan policy requiring assessment of impact on residential amenity is GEN 6. This obliges due regard to be given to the effect of new development on the occupiers of nearby dwellinghouses, including evaluation

of acceptability of the size, scale and intensity of development, and impacts such as noise and disturbance.

The proposals involve the re-development of a factory site which is close to existing residential properties at Park Avenue, the south west side of the A5, and on Riverside Walk. The Park Avenue dwellings back on to what is the existing service yard of the Dobson and Crowther factory, and the existing main access to the site is opposite dwellings on the south side of the A5. Officers are not aware of any planning controls over the hours of operation of the existing factory or deliveries to it. The proposals involve the location of the foodstore service yard in the same location as the one for the factory, and the main customer access with its related right turn waiting lane on the A5 some 70 metres further to the south of the existing access. The submission as revised in May 2012 includes proposals for acoustic screens, one parallel to the trees forming the boundary with the Park Avenue properties and one on the roof of the building along with a Dust Management Scheme for demolition and construction stage. The layout plan is included at the front of the report.

Representations relating to residential amenity issues raise concerns over potential noise and disturbance, in particular from activity in the service yard, and the effects of external lighting in the car park and service yard. Consultees dealing with these issues include the Council's Pollution Control Officer, who has suggested careful control needs to be exercised over the detailing of a number of elements of the scheme, to limit impacts on occupiers of nearby property (including the location and detailing of plant and machinery, refrigeration equipment, noise levels, the detailing of the proposed acoustic screens, the management of service yard activity, hours of delivery and collection of waste, and lighting systems):

In assessing potential residential amenity impacts, Officers have inevitably to note that due account has to be taken of the existing impacts of the established Dobson and Crowther factory use, which has operated close to residential properties here for many years. As stated there are no current planning controls over hours of operation or deliveries, or conditions restricting noise from machinery or plant.

It is considered concerns over demolition and construction stage operations can be addressed through planning conditions if permission is granted. Given the close proximity to residential property, it would be essential to protect residents' interests through control of hours of works, dust suppression, and the general organisation of site activity such as wheel washes, the location of compounds, storage of material, etc. All these matters are routinely covered as part of Demolition and Construction Method Statements, which could be developed in liaison with highways and Public Protection Officers.

The development raises potential for noise generation at operational stage, particularly through the movement/manoeuvring of service vehicles close to Park Avenue properties and the operation of refrigeration/extraction plant and equipment in and around the store. The proposed hours of opening of the store and deliveries have been clarified as 0600 – 2300. These matters have been assessed in detail by the Pollution Control Officer. Background noise levels have been taken from adjacent property, and there has been dialogue with the applicants' agents over the most appropriate mechanism(s) to deal with noise and disturbance, should a permission be granted. Having regard to anticipated noise levels, with the construction of suitable acoustic screens both at roof level (to mitigate impact from refrigeration plant etc) and at ground level within the site along the length of the service yard adjacent to

Park Avenue properties (to mitigate impact from delivery vehicles and activity within the yard), the suggestion is that any permission should set conditions relating to noise levels and oblige further approval of the details and layout of the Service Area, associated plant/machinery/equipment/acoustic screens/ a Service yard Management Plan and restrict deliveries to 2200 hours. In Officers' opinion these would all seem to be reasonable measures to mitigate impacts of activity in the service yard area.

External lighting of large car parking and service yards can give rise to impacts on residential property and need to be carefully assessed. In this instance, it is suggested that given the proximity of dwellings at Park Avenue and on the south/west side of the A5, it would be appropriate to oblige agreement to a scheme that conforms to a suitable intensity of lighting during store opening hours, but a reduced intensity and switch off (other than basic security lighting) outside those hours. Again, these details can be dealt with by way of condition.

The main physical impact of the development on residential property would be from the foodstore building at the western end of the site, some 20 metres from the nearest dwelling at Nos 2 and 4 Park Avenue. The existing factory building is also some 20 metres from the nearest of these properties (No. 2 Park Avenue). Given the existing situation, respective levels, the actual detailing of the proposed building and the level of screening offered by a significant belt of evergreen trees along much of the boundary between the site and the rear of the Park Avenue properties, (in addition to the proposed new acoustic screen) Officers would not consider the likely physical impact of the foodstore building itself would be unacceptable on local residents.

In conclusion, it is suggested that having regard to what is already present on the site, and the actual detailing of the development, the amenity impacts on local residents would not be unacceptable in terms of the tests in planning policy, provided suitable conditions are imposed in the event of permission being granted.

4.2.5 Visual Amenity

The Unitary Plan's main policy obliging consideration of impact on visual amenity is GEN 6. GEN 6 requires assessment of the effect of development on a site and its surroundings, including the acceptability of scale, form, design and intensity of use and impact on the form and character of the surrounding landscape and townscape. As the site is within the recently extended Area of Outstanding Natural Beauty, Policy ENV 2 is also relevant, and requires development affecting that area to be assessed against the primary planning objective to conserve and enhance the natural beauty of the area. Matters relating to the impact on the historic environment (the Buffer Zone of the World Heritage Site) are reviewed separately in the following section of the report.

The plans at the front of the report show the basic detailing of the development. This involves the erection of a foodstore building of modern design on a site currently occupied by a sprawling factory complex with buildings, plant and equipment of varying design and quality. There are detailed proposals for additional landscaping/planting in association with the scheme. There are limited representations received which express objection to the design of the foodstore or site layout as such. Consultee responses touching on the issue of visual amenity include the CCW and AONB Joint Advisory Committee, who comment on the proposed use of external materials, both suggesting additional use of stone be considered, along with careful choice of colours on the proposed roof sheets. The Council's

Landscape Consultant notes the potential for visual intrusion from the development from residential properties on elevated land and suggests further consideration be given to provision for tree planting and the use of materials on the proposed building.

Officers' opinion on the visual amenity impacts is that the proposal offers an opportunity to secure a significant improvement on the appearance of development here, as the site is dominated by a large factory building of limited architectural merit. The design of the foodstore building is intended to show respect to the 'industrial' history of the site through its use of rooflights, a varying roofline and a combination of external materials, which with additional planting would create a development of more modern and sensitive visual quality at the entrance to the town from the west. Points raised over the use of external wall and roof materials, and the need for improved tree planting are to be noted, and are matters it is considered can be dealt with via planning conditions. It is not however considered there is a case to insist on use of natural stone given the range of external wall materials evident in the locality. As mentioned previously, separate controls would be required to control the detailing of the external lighting of the car park and service yard area, in particular to limit the impact on occupiers of residential property in the locality.

4.2.6 Impact on the historic environment

There are no policies in the Unitary Plan which deal specifically with proposals for development adjacent to the Pontcysyllte Aqueduct and Canal World Heritage site, or within its Buffer Zone, as this was designated in 2009, well after the approval of the Unitary Plan in 2002. However, policies CON 10 and CON 11 require due consideration of impacts of development which may affect a nationally important ancient monument or its setting, and on areas of archaeological importance, and CON 12 requires that development does not unacceptably harm the character of an historic landscape.

The planning policy context at Welsh Government level consists of Planning Policy Wales 2011 (Chapter 5 and 6) and Circulars 60/96 and 61/96, which set out basic requirements for local planning authorities to ensure new developments conserve or enhance historic assets. These reinforce the general principle that statutory designation does not necessarily prohibit development, but such development should be carefully assessed for its effect on the heritage interest the designation is intended to protect. Chapter 6 of PPW notes that World Heritage sites are a material consideration to be taken into account, where the impact on development proposals on both the sites and their settings should be carefully considered, and it also states that information in the Register of Historic Landscapes should be taken into account in considering the implications of development which are such a scale that they would have more than local impact on an area within the Register.

The recently drafted Joint Supplementary Planning Guidance Document relating to the World Heritage Site and Buffer Zone (prepared by Denbighshire, Wrexham and Shropshire), seeks to amplify the development plan policies of the respective Councils, and provide guidance on considerations relevant to the determination of applications affecting the World Heritage Site and its setting. At the time of preparing this report, the Guidance Note remains a draft document and its protocol for the consideration of planning applications in the WHS and Buffer Zone has no formal status. However, it is a useful reference document setting out objectives and responsibilities of the respective local authorities in managing development in a particular way that supports the vision for the management

of the World Heritage Site, and it establishes important principles against which applications should be considered. Key objectives in the Pontcysyllte World Heritage Site Management plan are:

- to manage the WHS and Buffer Zone in a sustainable manner to conserve, enhance and present the Outstanding Universal Value of the site locally and internationally.
- to balance the needs of protection, conservation and access, the interests of the local community and the achievement of sustainable growth.

The Guidance Document emphasises that the Buffer Zone itself is not of Outstanding Universal Value, and that it is not the purpose of this Zone to impose a blanket 'no development' approach to the entire area, but to encourage sustainable development "which through contextual awareness conserves and enhances the World Heritage Site". It also offers general advice on the content of applications, requiring that they demonstrate how they have considered the impact of the WHS (analysis of character of area and how development affects it, impact on views in and out of the WHS, how development contributes to or minimises impacts on the integrity and authenticity of the WHS, and how it contributes to visitors' sense of arrival to the WHS).

Members will note from the list of 'Other Background Documents' in Section 3.3 of the report that there is a range of reference material relating to World Heritage Site matters, including guidance on the approach to assessment of impacts from ICOMOS (the International Council on Monuments and Sites), which the applicants have used as reference in preparing their Heritage Impact Assessment.

Historic Landscape Issues

In relation first to the Vale of Llangollen Historic Landscape, factually, this extends across a wide area from Cynr y Brain in the north, to Llantisilio Mountain in the west, Vivod Mountain to the south west and Llangollen town itself amongst its many character areas. The foodstore site lies within the Llangollen Character Area, including the town, which the CPAT description refers to as a market town with medieval origin, a regional tourist centre exploiting its canal and railway heritage.

The application contains a landscape and visual assessment which notes the context for the development and concludes that the proposals will reduce the height, orientation and extent of built form on the site, modernising the environment, and would after construction be a positive impact on the landscape character, with the mitigation measures proposed by the use of external materials and planting proposals.

There are no objections to the scheme on landscape impact grounds from CADW, the AONB Joint Advisory Committee, or the County Conservation Architect. Responses from private individuals raise only limited comment on historic landscape matters.

World Heritage Site Buffer Zone Issues

In relation to the World Heritage Site Buffer Zone, factually this extends quite widely in the area around the site and up to the ridgeline including Geraint Hill to the south west (see map at front of report). As noted elsewhere, the purpose of the Buffer Zone is to identify the landscape setting and features with historic association relevant to the World Heritage Site, and within its boundary there is a duty on the Council to protect and manage change which

could adversely affect that setting and views to and from the WHS.

The application contains a Cultural Heritage section and a Heritage Impact Assessment which contain detailed assessment of impact on the Buffer Zone of the WHS. The submissions suggest that the site does not contribute directly to the Outstanding Universal Value of the World Heritage Site, although it forms part of the landscape setting which is an important aspect of the setting. It concludes that the existing building has a negative impact on the landscape setting which contributes to the value of the WHS, and that the foodstore would have no detrimental impact on any heritage assets and represents a substantial enhancement of the existing situation.

CADW raise no concerns over the demolition of the factory buildings and conclude that the new development will not have a detrimental impact on the heritage assets of the vicinity. There are no objections from the AONB Joint Advisory Committee or the Council's Conservation Architect on WHS Buffer Zone issues, but a small number of private individuals have expressed views on potential impact on that area.

Conclusions

Having due regard to the background information and the range of considerations relevant to the respective impacts of the properties on the historic landscape and on the Buffer Zone of the World Heritage site, Officers conclusions are :

With respect to the Historic Landscape

The site lies within the boundary of Llangollen town which is, as noted, within the wider Historic landscape of the Vale of Llangollen, in the non statutory Clwyd Powys Archaeological Trust (CPAT) Historic Landscape Register. This is an undisputedly attractive landscape, noted in the CPAT introduction to the Register as "presenting a remarkable visual combination of stark natural landforms and ancient and modern man-made features". On the basis of responses to the application, Officers would suggest that initially due regard needs to be given to the fact the site is within the existing urban area of the town and the factory buildings make a limited positive contribution to the character of the local landscape. The proposals are for a more modern building with a smaller footprint, and a more limited scale and height, and it is suggested that subject to controls over external materials and planting this would ultimately have no unacceptable impact on the historic landscape area.

With respect to the Buffer Zone of the World Heritage site

Members will appreciate from the detailed background material in the report that this is a relatively new material consideration on planning applications, with limited Development Plan policy context and no approved Supplementary Planning Guidance in place currently, to assist the Committee's deliberations. Having assessed that material, Officers would suggest that regardless of the opinions of consultees on the conclusions of the applicants, the Heritage Assessment covers matters relevant to the consideration of the impacts on the Buffer Zone sufficient to allow the Council to take a view on the acceptability of those impacts (character of the area, impacts on views, contribution to sense of arrival to the WHS, etc.). Having regard to the response of key consultees, these suggest the existing factory does not contribute to the Outstanding Universal Value or setting of the WHS and that the detailing of the foodstore is acceptable, and would not have an adverse impact on the Buffer Zone of the WHS, or be contrary to considerations relevant to that designation.

4.2.7 Ecology

Unitary Plan policies, Welsh Government guidance and current legislation oblige due consideration of impact on ecological interests, and in particular protected species (ENV 1, ENV 6 and GEN 6). This approach is supported by SPG 18 – Nature Conservation and Species Protection. At national level, the guidance is in Planning Policy Wales, and Technical Advice Note 5, and there are specific requirements set out in the EEC's Habitats Directive 1992 and the Habitats Regulations 2010 (as amended) regarding the considerations to be given to the implications of developments on protected species.

The ecological assessment with the application concludes the greatest potential impacts of the development would be at construction stage, from activity affecting water quality in the River Dee. The River is part of a Special Area of Conservation (SAC). There are limited ecological issues raised in individual representations. The Countryside Council for Wales (CCW) and the Council's Biodiversity Officer are satisfied that there is adequate information to determine impact on protected species and the Biodiversity Officer raises no objections to the proposals subject to suitable measures to protect water quality in the River Dee, to ensure the provision of a species rich replacement hedgerow on the A5 frontage, to ensure impacts of lighting are minimised, and that other planting and bird nest box proposals are implemented.

Overall there appear to be few concerns based on the ecological impact of the proposals. Conditions would need to be imposed relating to the protection of water quality, landscaping/planting, the lighting system and implementation of compensatory bird nesting proposals.

4.2.8 Archaeology

Unitary Plan policies obliging consideration of the impact of development on archaeological interests are STRAT 7 and GEN 6 and CON 11, which all seek to protect the historic environment and these are supported in SPG 5 – Archaeology. CON 11 deals specifically with areas of archaeological importance. Planning Policy Wales sets out Welsh Government land use policies and guidance in relation to archaeological considerations, and Circular 61/96 contains basic reference to World Heritage Sites.

The application site is occupied by a sprawling factory building and associated car parking area and has limited archaeological potential, a matter which is confirmed by the County Archaeologist.

Having regard to the above, officers do not consider there are any adverse archaeological impacts likely to arise from the development.

4.2.9 Flooding/drainage

Flooding and drainage considerations are contained in Policies ENP 4, ENP 6 and GEN 6 and in TAN 15 – Development and Flood Risk of the Unitary Plan. The basic requirement is to ensure there are no unacceptable flooding, foul or surface water impacts from development.

The Flood Consequences Assessment submitted with the application confirms the site is in a Zone B flood zone, and that as site levels are above the 1 in 1000 year flood level, there is no flood risk issue to address. The Environment Agency Wales have confirmed they have no objections subject to inclusion of conditions relating to site levels, construction operations and waste management. Welsh Water raise no objections subject to agreement to detailed drainage arrangements.

On the basis of the submission and the main consultee responses, there would appear to be no significant flooding or drainage issues affecting the site. The abovementioned matters which have been raised by the Environment Agency and Welsh Water are of a 'technical' nature which can be addressed by way of planning conditions if a permission were to be granted.

4.2.10 Contaminated Land

Policy ENP 8 of the Unitary Plan states that development should not be permitted on or close to contaminated land unless it can be established there is no unacceptable risk to life, the environment, water resources or property.

The submission contains information on ground surveys and indicates that contamination is not considered to pose a significant risk to future end users, although further investigation would be necessary following demolition works. The consultation response from the Environment Agency confirms that detailed investigation of ground conditions would need to be undertaken, and they suggest a number of planning conditions should be imposed to cover issues of concern.

On the basis of the information in the submission, and the consultee responses, it is considered reasonable to suggest issues of contamination can be addressed through the imposition of conditions. These would require suitable additional surveys, risk assessments, details of mitigation and monitoring proposals and measures for ensuring contamination discovered during site works is appropriately handled, through a remediation strategy, etc. Subject to these controls, officers would consider the proposals to be compliant with the planning policies relating to contaminated land.

4.2.11 Inclusive design/access and Equality issues

There is only indirect reference to inclusive design/access issues in the Strategic policies of the Unitary Plan. STRAT 1 sets out the requirement for development to be sustainable and mentions the need to maintain and enhance community benefit through provision of services and facilities. Other policies refer to the need to maintain and enhance accessibility through car parking, public transport, cycling and walking (STRAT 10, 12 and 14). GEN 6 refers to the need for proposals to provide safe and convenient access for persons with disabilities, pedestrians, cyclists and vehicles and RET 3 requires that proposals are accessible by a choice of means of transport including public transport. This is reflected in Section 3.4 of Planning Policy Wales which looks to ensure good accessibility for all as part of new developments. TAN 12 Design sets out requirements for the contents of Design and Access Statements accompanying applications including the need to demonstrate how access arrangements make reasonable provision to ensure that all users will have equal and convenient access (both into the site from its boundaries to all new buildings and within the site).

At national level, the Equalities Act 2010 introduced new public sector Equalities duties, consolidating previous legislation requiring County Councils to positively promote equality and opportunity, and includes a wider responsibility to address how development conforms with anti discrimination considerations. The scope of the Equalities Act stretches well outside the remit of land use planning, including at corporate level, the preparation of a Strategic Equality Plan and there is limited clear guidance up to this point on the specific considerations to be given when weighing the merits of individual planning applications. However, Officers understand the general requirement on the Planning Authority is to assess planning proposals involving

developments such as foodstores in terms of the provision for inclusive access, which would include the accessibility of a development by a wide range of groups with different needs (addressing physical barriers, provision for persons with varying disability and needs, pedestrians, cyclists, etc.) The Council has separate responsibilities in administering the Building Regulations, within which Part M relates to Access to and use of buildings, and looks to foster a more inclusive approach to design to accommodate the needs of all people, including in terms of external access into buildings and the detailing of internal features.

The application contains information in the Design and Access Statement and in the Equality Impact Assessment on inclusive design matters, explaining the approach to promoting equality within the site and the building. There are concerns expressed by objectors, including the Keep Llangollen Special group, over disadvantages they consider likely to be encountered by the elderly, less mobile and those with no private transport (e.g. in the Pengwern area) from the location of the foodstore, given the distance from main housing areas, and the potential worsening of that situation if the new foodstore resulted in the loss of the Co-Operative store in due course.

The Access Officer in the Council's Property Section has reviewed the application details, including the Equality Impact Assessment and raises no specific objections. Whilst drawing attention to limitations in the submission, detailed suggestions are made for the location of facilities within the development, which can be dealt with through the imposition of condition(s) should permission be granted.

Having regard to the comments of the Access Officer, Officers' opinion is that the proposals demonstrate an acceptable approach towards provision of inclusive access in and around the application site. In acknowledging the objectors points of concern over the accessibility of a store on the proposed site for less mobile residents in the south east of Llangollen, it is difficult to conclude that this merits being afforded significant weight as a consideration in the determination of the application. Respectfully the new store would be considerably more accessible for a number of people in the town and to the west who currently opt to shop in larger foodstores outside Denbighshire, so there is a more general public interest to take into account here. In relation to concerns over the potential loss of the Co-Operative store as a result of a new foodstore opening, the Council's Retail Consultant has not commented on any threat to the continued operation of this store which suggests this would still act as a convenient option for individuals in the Pengwern area who may choose to walk to the nearest foodstore.

4.2.12 Sustainability Code issues

Guidance in TAN 12 Design and TAN 22 Sustainable Buildings has introduced an obligation on applicants to demonstrate the approach to a range of design considerations, including how standards of environmental sustainability are to be achieved. These reflect general requirements in the strategic policies of the Unitary Plan STRAT 1 and STRAT 12 and 13 to ensure sustainable development principles are embodied in schemes.

The submission contains a BREEAM pre assessment which confirms the proposed foodstore would achieve a BREEAM minimum standard of "Very Good" generally, and "Excellent" for ENE 1, which demonstrate the physical development would attain a high environmental sustainability standard.

The implementation of the Sustainability Code standards can be adequately

addressed through planning conditions here.

4.2.13 Economic/employment benefits of the proposals/links with the application to relocate the print works

Strategic policies of the Unitary Development Plan offer support for proposals which ensure a healthy and diverse local economy (STRAT 8), and the regeneration of brownfield sites (STRAT 11). The economic benefits of proposals are a factor to weigh in the balance on applications of this nature. The approach is in line with Planning Policy Wales, which reaffirms the importance of economic development and its relevance as a consideration in relation to planning applications, and with the first of the County Council's draft priorities in its new Corporate Plan, which is to develop the local economy and communities.

The submission argues that employment benefits are a significant material factor to be taken into account by the Council in the assessment of the application. The additional statement on job creation in the Sainsbury's store, received in May 2012 confirms this would provide approximately 110 full time equivalent jobs (including full time and part time) within the store, and that there would be other jobs created at construction stage. Information from the applicant's agents has confirmed the existing Dobson and Crowther factory employed 105 persons in May 2012.

Objectors raise questions over the accuracy of claimed employment figures, over the extent of 'local' employment which may be involved, and doubts over the long term security of jobs elsewhere in the town as a result of the foodstore impacting on other businesses. Those in favour of the application suggest it offers the prospect of much needed jobs, including for young adults in an area with limited employment opportunities. The Llangollen Town Council make specific mention in their response on the need to preserve local employment.

Officers take on the issue is that the potential for employment creation should be viewed as a positive factor in the consideration of the application. The net 'gain' of jobs in the foodstore compared to the factory would be limited but nonetheless would ensure over 100 jobs on the site. There is a potential link with the application to relocate the Dobson and Crowther business to Cilmedw to be taken into account which would involve a further 100 jobs. Whilst respecting the points raised by objectors, there is no planning requirement to demonstrate that jobs in any business would be for 'local' people (nor any reasonable planning control to restrict jobs to local people). It is considered potential employment benefits are a matter which can be weighed in support of the proposals, particularly in an area such as Llangollen with few large employers.

4.3 Other material considerations

4.3.1 Legal agreements

Section 4.2.13 above and 1.5.2 outline the offer of the applicants to accept planning conditions or a suitable legal agreement to complete the factory development at Cilmedw before trading commences at the foodstore, should permission be granted. The use of planning obligations where appropriate and necessary to the grant of permission is advocated in Policy GEN 8 of the Unitary Plan.

In Officers' opinion, the possibility of linking implementation of the two schemes may be a consideration in the weighing of the application, but respectfully this needs to be assessed in the context that each application

should be determined on its own merits against planning policy and material considerations. The general principle is that Legal agreements may be an appropriate mechanism to help deliver planning gains where there are policy conflicts or other problems that can not be addressed by planning conditions, but where proposals may be considered acceptable when assessed against policy and other considerations, the need for such gains/agreements to make a development acceptable is more questionable. It is not considered in the circumstances here that the option of using 'negative' planning conditions to oblige the implementation of a separate development would meet the relevant tests to be applied to imposition of conditions.

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposals for the foodstore have been submitted at the same time as an application to relocate the Dobson and Crowther print works on land at Cilmedw, some 500 metres to the north west. The factory relocation application is the subject of the following report on the agenda. The applicants/agents indicate the two proposals are 'linked' insofar as the Company are seeking to invest in the business to create a modern and fit for purpose factory premises at Cilmedw to ensure a sustainable future in Llangollen. In practical terms, the applications have to be considered and determined separately and with regard to the planning policies and material considerations relevant to each.
- 5.2 The foodstore application has been subject to wide consultation and the local community has had the opportunity to view the proposals and to make comment (direct notification to owner/occupiers of properties surrounding the site, site notices, press notices and publicity in the local press and on the Council website). Factually, there have been two main consultation/publicity exercises, one in February 2012 on the original submission, and one in May 2012 on receipt of amended plans and additional information from the applicant's agents.
- 5.3 The report outlines the basis of representations and consultee responses received, and the local and national planning policies and considerations which appear to be most relevant to the weighing up of the merits of the foodstore proposals. There are clearly strongly held opinions both in favour and in objection to elements of the application and the report seeks to cover these systematically in relation to the range of issues they raise. With respect to the differing views on the acceptability of the proposals and the adequacy of information before the Council, Officers are satisfied there is sufficient material on which to make an informed decision.
- 5.4 Inevitably with applications of this nature there are negative and positive factors to balance in reaching a conclusion. These are set out in some detail within the body of the report, which looks to identify the main issues Officers suggest the Committee has to weigh in making a final decision on the proposals. In Officers' opinion, having regard to the substance of representations and responses from consultees, the key issues appear to be the potential impact of the foodstore on the viability and vitality of the town centre and its 'unique' character, the localised impact on residential property in the surrounding area, and the employment gain. There are a number of other site specific considerations relevant to the proposals, but with respect to objections raised, the consultee responses suggest there are limited 'technical' grounds for opposing the development, as planning conditions can be imposed to address issues relating to highways, ecology, the historic environment, drainage and contamination.
- 5.5 Officers have followed normal practice on applications of this nature and sought dialogue with the applicants' agents to explore potential mitigation of impacts on a 'without prejudice' basis to the final recommendation. This has included consideration of a potential 'link' between the foodstore development and the factory relocation to ensure the two schemes are implemented. The applicants have offered

a Unilateral Undertaking under Section 106 of the Planning Act to ensure the practical completion of the new factory prior to the commencement of trading at the foodstore, and to the payment of a sum to the Council for improvements to the Riverside Park, outside the application site, including for additional signage to the town centre. Such an agreement may be a legitimate consideration in the weighing of the issues on an application.

- 5.6 In relation to the question of impact on the town centre and compliance with retail planning policy, this has been assessed in detail by retail consultants engaged by the Council. The consultants have been made aware of the basis of local concerns over the proposals, including over the adequacy of information with the application and their own assessment and conclusions on the issues. Their considered opinion is that there are issues of trade impact to address, but ultimately having regard to submissions made to the Council and factors relevant to the determination of the application, there are no strong retail planning policy grounds to resist the grant of permission. Particular reference is made to balancing trade diversion impacts against the benefits the proposed scheme would deliver, including the background of clear qualitative need for a new large-format foodstore in Llangollen and the fact that there are no sequentially preferable opportunities that could accommodate a store of the size needed to recapture lost expenditure. Officers consider these to be important conclusions in the weighing up of the merits of the application.
- 5.7 There are conflicting considerations with regards to highways issues and accessibility to the site, the proposals offering benefits via additional parking near the town centre, improvements to the footpath network around the site, and a reduction for many local people in the length of journeys to similar sized foodstores outside the County; but sustainability questions over the reliance on the motor car as a main mode of transport for access to the site, given the limited public transport services past the site, and the walking distance from the town centre and main housing areas of the town. Officers' conclusion on these matters is that in acknowledging the negative factors, there are recognisable 'gains' from the development of a foodstore here which are of benefit to a wider public interest in the town and Dee Valley which need to be accorded due weight.
- 5.8 Residential amenity issues are of some relevance given the proximity of the proposed foodstore to existing houses, but there are positive proposals to mitigate impacts, and control exercisable through planning conditions to address concerns over generation of noise and disturbance, including from lighting.
- 5.9 The potential for employment creation and the safeguarding of the existing print works business is viewed as a significant positive factor (including by the Town Council) which may to be weighed in favour of the application. Linked to this is the offer from the applicants to ensure the implementation of both schemes in a legal agreement should permission be granted.
- 5.10 In concluding on the application, Officers recognise first there are trade impact issues to be addressed, but are satisfied that these have been fully considered by the Council's Retail Consultants, who advise that there are no strong planning policy grounds to justify a negative recommendation. There are clear employment benefits to weigh in favour of the application in addition to the positive impacts of a major foodstore in the town. Most of the 'technical' consultees have offered no objection to the proposals and suggest the imposition of a range of conditions to mitigate impacts in the event permission is granted.

On the basis of the above, Officers recommend that permission be **GRANTED** subject to:

- a) The completion of a Unilateral Undertaking to secure the payment of £10,000

to the Council for improvements to the Riverside Park, and to secure the completion of the development on the relocated factory before the commencement of trading of the foodstore.

b) Compliance with the following conditions.

The Certificate of Decision will not be released until the completion of the Unilateral Undertaking.

The contents of the Environmental Statement have been taken into account in the consideration of the application.

RECOMMENDATION: - GRANT subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

IN RELATION TO THE DETAILING AND USE OF THE FOODSTORE

2. No work shall be permitted to commence on the external faces of the walls and roofs of the foodstore building until the written approval of the Local Planning Authority has been obtained to the type of brickwork, stonework and mortar mix; the type, colour and finish of render; the colour and finish on the roller shutters, aluminium window framed and flat metal cladding panels; the colour of the canopy columns and panels; the colour of the fascia features ; and the colour and profile of the standing seam metal roofing panels. The development shall be carried out strictly in accordance with the details as approved under the condition.

3. No work shall be permitted to commence on the proposed substation building and transformer enclosure until the written approval of the Local Planning Authority has been obtained to the detailed design, external appearance, layout and associated landscaping/planting fencing and access proposals. The development shall be carried out strictly in accordance with the details as approved under this condition.

4. The total gross internal floorspace of the foodstore hereby permitted shall not exceed 3,195 sq m including, for the avoidance of doubt, any mezzanine floorspace.

5. The total retail sales area of the foodstore hereby permitted (excluding checkouts, lobbies, concessions, cafe, customer toilets and walkways behind the checkouts as per the definition given by the Competition Commission) shall not exceed 1, 858 sq m, including, for the avoidance of doubt, any mezzanine floorspace.

6. The total retail sales area devoted to the sale and display of convenience goods shall not exceed 1,375 sq m, including, for the avoidance of doubt, any mezzanine floorspace.

7. The total retail sales area devoted to the sale and display of comparison goods shall not exceed 483 sq m including, for the avoidance of doubt, any mezzanine floorspace.

8. The floorspace hereby permitted shall not provide in store facilities such as a post office, opticians, dry cleaner or other retail services, unless prior approval is obtained from the local planning authority.

9. The foodstore shall not be open for customers outside the hours of 0600 - 2300 on any day.

10. Deliveries to the store and the handling and collection of waste and other activity within the service area shall not be permitted outside the hours of 0600 - 2200 on any day, and any waste arising from the facing up of the store in the evening should be stored within the warehouse for removal the following morning.

11. The operation of the foodstore and service area and any external ventilation / refrigeration equipment, electrical or mechanical plant or equipment associated with the use of the store, shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to the detailing of the proposed acoustic and visual screens to be attached to the main building, and the acoustic screen to be erected within the service area. The foodstore and service area, and any associated equipment or plant shall not be permitted to operate until the screens have been erected in accordance with the details as approved in relation to this condition. The screens shall be retained at all times.

12. None of the external ventilation/refrigeration equipment, electrical or mechanical plant or equipment associated with the operation of the foodstore (including the biomass system and extraction systems), or waste bins shall be installed anywhere within the site without the written agreement of the Local Planning Authority to the precise siting, design and external appearance.

13. Noise emissions arising from the operation of the foodstore, including its associated extraction/ventilation/refrigeration equipment, any mechanical plant and equipment, activity arising from the delivery and collection of goods, and any other activity in the service yard, shall not be permitted to exceed 45dBLAeq. 1hr and 60dBLAmax, fast at the facade of any noise sensitive premises at any time.

14. In the event of complaints to the Local Planning Authority over noise attributable to the operation of the foodstore, and after initial investigation by the Authority to assess that there is justification for such complaints -

- a. The Authority shall notify the applicants in writing of the complaint
- b. Within one month of notification by the Authority, the applicants shall organise, at their own expense, a noise assessment by independent acoustic consultants, in accordance with a brief to be set by the Authority, to establish whether the terms of Condition 13 are being met, to identify the source of any noise which may be giving rise to complaint, and to put forward measures for addressing/mitigating noise so that the levels set in Condition 13 are met, including the timing of implementation of the measures
- c. A copy of the noise assessment undertaken in accordance with b. shall be submitted to the Authority no later than two months from the date of notification in a.

15. In the event that a noise assessment carried out in accordance with Condition 14 identifies noise exceeding the levels set in Condition 13 -

- a. Specific mitigation measures as set out in the assessment, or such other alternative means of addressing the source(s) of noise as are submitted for the consideration and approval of the Local Planning Authority, shall be implemented in accordance with a timescale to be agreed in writing with the Authority.
- b. The same acoustic consultants who undertook the noise assessment referred to in Condition 14b shall undertake monitoring of noise levels at an agreed noise sensitive facade for a period to be agreed with the Authority, once the approved mitigation measures have been implemented, to determine whether the requirements of Condition 13 are being met.
- c. A copy of the findings of the further noise monitoring undertaken in accordance with b. shall be submitted to the Authority within 7 days of completion.

16. In the event that the noise monitoring required by Conditions 14 and 15 of this permission confirms that noise levels remain in excess of those set in Condition 13, the item(s) of plant, equipment, activities, etc. identified as giving rise to the problems shall not be permitted to continue to operate until alternative mitigation measures are approved in writing by the Local Planning Authority, the measures as approved are implemented, the same noise monitoring arrangements as set out in Condition 14 b and c are undertaken, and the written

approval of the Authority is obtained to the continued operation of the particular plant, equipment, activities, etc.

17. The operation of the foodstore and service area shall not be permitted to commence until the written approval of the Local Planning Authority has been obtained to a detailed Service Area Management Plan which shall include proposals for the mitigation of sources of disturbance to neighbouring properties, including in relation to the opening and closing of gates, the operation of roller shutter doors, the use of door buzzers, the turning off of vehicle engines and radios, the manoeuvring of vehicles, the loading and unloading of vehicles, the removal of waste from the store and depositing in waste bins, the emptying of waste bins and the control of odour from the waste bins.

18. No works of construction shall be permitted on the foodstore building hereby permitted until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum BREEAM overall very good rating and a minimum of 6 credits under Ene 1 - Reduction of CO2 Emissions can be achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission

19. Prior to the bringing into use of the foodstore hereby permitted, a 'Final Certificate' shall be submitted to the Local Planning Authority, certifying that a minimum (BREEAM) overall very good rating and a minimum of 6 credits under Ene 1 - Reduction of CO2 'Emissions; has been achieved for that building in accordance with the requirements of BREEAM in force at the time of the grant of this permission.

IN RELATION TO SITE LAYOUT/LANDSCAPE

20. Notwithstanding the submitted details, no work shall be permitted to commence on the exposed external faces of any retaining walls, freestanding walls, or the erection of any fences or means of delineating the site boundary without the prior written approval of the Local Planning Authority to the design / proposed use of materials / height and extent of each feature. The development shall be carried out strictly in accordance with the details as approved under this condition, and the works completed before the store is brought into use.

21. Notwithstanding the submitted details, the landscaping / planting proposed for the site, including the extent of tree planting within and around the car park area, the fencing and treatment of the area between points 08 and 16 (Riverside Walk boundary and pathway), and the treatment of the area between points 18 and 20 (pathways and proposed pedestrian entrance from Riverside Park) shall not be undertaken as identified on site plan 1681 - p01-C, but shall be in accordance with such alternative detailing as is submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the site access, car park and foodstore building. The development shall be carried out strictly in accordance with the details as approved under this condition, and the works shall be completed before the store is brought into use.

22. No work shall be permitted to commence on the final hard surfacing of any part of the application site until the written approval of the Local Planning Authority has been obtained to the proposed surfacing material to be used, and the development shall be carried out strictly in accordance with the details as approved under this condition, and completed before the store is brought into use.

23. All trees and hedges which are to be retained in accordance with the approved landscaping / planting scheme shall be protected in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any

excavation be made without the written approval of the Local Planning Authority.

24. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the bringing into use of the foodstore. Any trees or plants which within a period of 5 years from their introduction die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

25. The foodstore shall not be permitted to operate until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

26. Notwithstanding the submitted proposals, no external lighting of the car park, service yard, foodstore building or any part of the application site shall be permitted until the written approval of the Local Planning Authority has been obtained to the detailing of all lighting columns and lights, their position, height, design, the means and intensity of illumination, hooding, hours of operation, and proposals for reduced intensity outside store operating hours, and emergency/security lighting. The development shall be carried out strictly in accordance with the details approved under this condition.

27. There shall be no external storage of goods, crates, waste, or any items relating to the delivery or collection of goods from the foodstore, at any time, other than within the service area.

28. No external sound amplification systems or the playing of music shall be permitted at any time outside the foodstore.

IN RELATION TO HIGHWAYS/ ACCESS/ PARKING

29. Full details of the vehicular accesses, carriageway widening and associated highway works as indicated on the approved plans, including the detailed design, layout, construction, drainage and street lighting shall be submitted to and approved in writing by the planning authority, after consultation with the highway authority, before the commencement of any site works, and the works shall be completed in accordance with the approved plans before the development is brought into use.

30. The visibility splays shown on the approved plans shall at all times be kept free of any planting, tree or shrub growth, or any other obstruction in excess of 1.05 metres above the level of the adjoining carriageway.

31. Notwithstanding the submitted plans, no development shall be permitted to commence on the construction of the proposed access to the site and the car park area of the foodstore building until the written approval of the Local Planning Authority has been obtained to the detailing of all the improvements to the footpath network, including surfacing and lighting.

32. The operation of the foodstore and service area shall not be permitted to commence until the completion of the approved works on the car parking area, all the proposed pedestrian access ramps and footway improvements, the new vehicular accesses, works on the A5 (including the new road markings, the crossing point and the additional bus stop) the service area (including the loading and unloading areas) and the provision of the cycle store and trolley bays.

33. No development shall take place including any works of demolition, until a Construction Method Statement and site waste management plan has been submitted to, and

approved in writing by the Local Planning Authority. The approved Statement and Plan shall be adhered to throughout the construction period.

The Statement and plan shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoardings;
- v. wheel washing facilities if considered necessary by the highway authority;
- vi. measures to control the emission of dust and dirt during demolition and construction (to incorporate a Dust Management Scheme);
- vii. a scheme for recycling/disposing of waste resulting from demolition and site clearance;
- viii. The notification of the commencement of works to the Council and Environment Agency;
- ix. Hours of work of demolition and construction.
- x. The site compound location.
- xi. A traffic management scheme, including construction traffic routes and hours of deliveries.
- xii. The management and operation of construction vehicles.
- xiii. Details of arrangements for any piling works which may be proposed.

34. The foodstore shall not be permitted to operate until the written approval of the Local Planning Authority has been obtained to a detailed Green Travel Plan, including proposals for its implementation in conjunction with the scheme.

35. There shall be no restrictions placed on the use of the foodstore car park (including length of stay and charging) other than with the prior written approval of the Local Planning Authority.

36. The proposed customer car park shall not be brought into operation until the written approval of the Local Planning Authority has been obtained to the detailing of a suitable gate/barrier to prevent access by motor vehicles outside store opening hours. The approved gate/barrier shall be installed prior to the first opening of the store and shall be operated daily in association with the opening and closing of the store.

IN RELATION TO DEMOLITION/CONTAMINATION

37. No demolition shall take place before a contract for carrying out the works of redevelopment on the site has been made and a copy of that contract has been forwarded to the Local Planning Authority.

38. No works of demolition or site clearance shall be permitted to take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing, by the Local Planning Authority.

- i. A preliminary risk assessment which has identified: All previous uses, Potential contaminants associated with those uses, A conceptual model of the site indicating sources, pathways and receptors, Potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

39. Prior to commencement of any demolition or development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the

effectiveness of the remediation shall be submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

40. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

41. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

42. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus a capacity of 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

43. Surface water drainage from hardstanding areas that accept deliveries of chemicals, oil and food substances or storage of said substances and waste skips shall be directed to the foul sewer.

44. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

45. There shall be no development or raising of ground levels on land currently within 0.1% floodplain i.e. land below 84.6m AOD.

46. Foul water and surface water discharges shall be drained separately from the site.

47. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.

48. Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

49. The developer shall provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

50. No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved by the Local Planning Authority.

IN RELATION TO ECOLOGY

51. No works of demolition or construction shall be permitted until the written approval of the Local Planning Authority has been obtained to a Construction Environmental Management Plan, to include for bio security proposals to prevent the spread of non native invasive species, and the details of proposals for the timing of site works to avoid wildlife disturbance and compensatory measures for breeding birds habitat, including the location and timing of introduction of such measures. The development shall be carried out strictly in accordance with the details as approved under this condition.

OTHER MATTERS

52. Notwithstanding the submitted plans and documents, no development shall be permitted to commence on the construction of the foodstore building and the parking area until there has been submitted to and approved in writing by the Local Planning Authority full details of the facilities to be provided for a range of users including the location of baby changing and feeding facilities, a dog spending area and provision to be made for ease of access for persons with varying disability.

The reason(s) for the condition(s) is(are):-

1. To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of visual amenity.
3. In the interests of visual amenity.
4. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
5. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
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8. In order that the Local Planning Authority retains control over the floorspace and subdivision of the foodstore, to protect the viability and vitality of the town centre.
9. In the interests of residential amenity.
10. In the interests of residential amenity.
11. In the interests of residential and visual amenity.
12. In the interests of residential amenity.
13. In the interests of residential amenity.
14. In the interests of residential amenity.
15. To ensure suitable steps are taken to mitigate any breaches of the noise levels set in Condition 13.
16. To ensure suitable steps are taken to mitigate any breaches of the noise levels set in Condition 13.
18. To ensure relevant Sustainability Code standards are met in connection with the building.
19. To ensure relevant Sustainability Code standards are met in connection with the building.
20. In the interests of visual amenity.
21. In the interests of visual amenity.
22. In the interests of visual amenity.
23. To protect existing trees, in the interests of visual amenity.
24. In the interests of visual amenity.

25. In the interests of visual amenity.
26. In the interests of residential amenity, visual amenity, and to address issues of disturbance to wildlife.
27. In the interests of residential and visual amenity.
28. In the interests of residential amenity.
29. To maintain the safety and free flow of trunk road traffic.
30. To maintain the safety and free flow of trunk road traffic.
31. To ensure the improvement of the footpath links to the town centre and the accessibility of the site.
32. To ensure the development is served by a safe and satisfactory access and servicing arrangements.
33. In the interest of the free and safe movement of traffic on the adjacent highway, in the interests of highway safety, and residential amenity.
34. In the interests of sustainability.
35. To ensure the development allows for the possibility of visitors carrying out linked trips to the town centre, in the interests of the vitality and viability of the centre.
36. In the interests of residential amenity and to deter antisocial behaviour.
37. In the interests of visual amenity and to ensure the site is not left vacant.
38. The ground has historically been subject to potentially contaminative uses which could potentially impact controlled waters.
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40. The ground has historically been subject to potentially contaminative uses which could potentially impact controlled waters.
41. The ground has historically been subject to potentially contaminative uses which could potentially impact controlled waters. It is difficult for any site investigation to fully conceptualise any site.
42. To prevent pollution of the water environment and Controlled waters.
43. To prevent pollution of the water environment and Controlled waters.
44. To prevent pollution of the water environment and Controlled waters.
45. In order to reduce the risk of flooding to the development and ensure no increase in flood risk to third parties.
46. To protect the integrity of the public sewerage system.
47. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment.
48. To prevent hydraulic overload of the public sewerage system and pollution of the environment.
49. To protect the integrity of the public sewerage system, and sustain an essential and effective service to existing residents.
50. To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.
51. In the interests of protection and enhancement of wildlife and habitat.
52. To ensure adequate provision within the development for the needs of person with special needs.

NOTES TO APPLICANT:

- The contents of the Environmental Statement have been taken into account in the determination of the application.
- You are advised to contact the Development Control Case Officer prior to the submission of the details required by Conditions of this permission, to discuss the approach to key elements of the scheme.

In relation in particular to:

- Conditions 19 and 20. The Authority consider the detailing of the fencing, boundary walls and associated planting along the Riverside Walk need to be of the highest quality in recognition of the location alongside the River Dee, and that the proposals require

reconsideration in order to achieve this. It is also considered by the Council's Landscape Consultant that there is inadequate provision for tree planting within the car park and along the site frontage, and the layout should be revised accordingly.

- You should contact the Pollution Control Officer to discuss the detailing of the acoustic screens, the location of and detailing of plant and machinery, and the approach to handling noise issues in the event of failure to comply with relevant conditions.
- You should contact the County Ecologist, Pollution Control and Planning Officers to ensure a sensitive approach to the lighting systems proposed, given the location close to dwellings and the Special Area of Conservation.
- You should contact the Council's Highway Officers to discuss the detailing of improvements to the Riverside Walk and footway to ensure the quality of pedestrian links to the town centre.
- In relation to condition 45, the Environment Agency have advised that arrangements need to be put in place to ensure the steps down to the Riverside path are closed when the path is subject to flood.
- Under the terms of the Water Resources Act 1991 and Land Drainage Byelaws, the prior formal consent of the Environment Agency is required for any works in, over, under or within 7 metres of the top of bank of the River Dee.
- You should contact the Environment Agency for advice to the site investigation works necessary to comply with conditions of this permission.
- The Environment Agency also request that the developer should follow the advice contained within their Pollution Prevention Guideline 6: Working at a construction and demolition sites, which can be viewed on their website using the link below:
<http://publications.environment-agency.gov.uk/PDF/PMHO0410BSGN-E-E.pdf>
- The Environment Agency also note that it is proposed to install an interceptor at the site, and that this should be maintained according to manufacture's guidance and checked regularly. Any discharge to the River Dee must be checked regularly and any problems reported to the Agency immediately.

Demolition works are subject to legislation outside planning control, hence you should ensure early communication with the Council's Building Control Section, the Environment Agency, and other relevant bodies such as the Health and Safety Executive as necessary.

- Welsh Water/Dwr Cymru has advised that the site is crossed by a public sewer in a position marked on the Statutory Public Sewer Record (attached). They advise that they have right of access to this sewer at all times and that no building should be located within 3 metres of the sewer. You should contact Welsh Water/Dwr Cymru on 0800 9172652 in relation to the sewer connection or any related matters.
- In relation to the highways conditions, you are advised that Conditions 29 and 30 have been imposed on the direction of Welsh Government Transport; who have also requested you be advised of the following points:
 - a. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed junction should be constructed such that the access road does not drain onto the trunk road. The form and detailed design of the drainage to be incorporated within the proposal shall be agreed with the planning authority after consultation with the highway authority.
 - b. The applicant should be advised that they will be required to enter into an Agreement with the Welsh Ministers under Section 278 of the Highways Act 1980 / Section 23 of the New Roads and Street Works Act 1991 to enable the applicant to undertake agreed improvement works on the trunk road. This Agreement will contain details of the improvement works, construction conditions and financial arrangements under which agreed measures can be put in place, including indemnifying the Welsh Ministers against third party claims. Without such an agreement in place, any consent that may be granted by the planning authority cannot be implemented.
 - c. The applicant shall agree with the highway authority a system of temporary road signing in accordance with Chapter 8 of the Traffic Signs Manual and the New Roads and Streetworks Act 1991.
 - d. Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant authority and shall be carried out at the applicant's own expense.
- The Council's Highways Officer has requested you be advised of the following points:

(i) Highway Supplementary Notes Nos. 1, 2, 3, 4, 5 & 10.

(ii) New Roads and Street Works Act 1991 - Part N Form.

- In relation to the conditions restricting the use of the foodstore, the application has been assessed on a basis of a total comparison goods sales area of 483 square metres, and such a limit allows for a reasonable degree of flexibility providing the total sales area outlined in Condition 5 is not exceeded. 'Convenience' goods include groceries, alcohol, perishables and the following from the non food convenience goods category:

Pet food, detergents, household cleaners and tobacco.

- You are requested to encourage the store operator to engage with the Llangollen Chamber of Trade and Tourism and the Town's Tourist Information Centre to develop a suitable internal display area within the store to showcase the town's attractions and businesses, a possible electronic link to the TIC and booking systems for hotels and guest houses, a possible presence of the TIC during busy holiday times, and the provision of lockers within the store for use by persons who may wish to link a trip to the store with the town centre.