

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE**

20 FEBRUARY 2014

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 6
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	APPLICATION NO: 13/0547 DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT TO PROVIDE A LIDL FOODSTORE WITH ASSOCIATED CAR PARKING, ACCESS AND SERVICING (REVISED SITE BOUNDARY RECEIVED 20/11/2013), RHONDDA CYNON TAF CBC, MILLFIELD DEPOT, RHONDDA ROAD, PONTYPRIDD
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1. PURPOSE OF THE REPORT

For Members to consider the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the application.

2. RECOMMENDATION

That Members determine the planning application having regard to the advice given.

3. BACKGROUND

This application was originally reported to the meeting of the Development Control Committee held on 19th December 2013 (**APPENDIX A**) with a recommendation that approval be granted subject to conditions and the applicant entering into a section 106 agreement to secure a transport tariff contribution. At that meeting Members deferred determination of the application to allow a site inspection to take place (minute 154 refers). The site meeting took place on 6th January 2014 (**APPENDIX B**) and the application was then reported back to the Development Control Committee meeting held on 16th January for determination. At that meeting Members concluded that they were minded to refuse the application contrary to officer advice because they considered the proposed development would create a detrimental impact on highway safety owing to additional traffic that would be generated in an area that already suffers from serious traffic congestion and hazards, (Minute No. 164 refers). Copies

of both earlier reports form appendices to this report. In accordance with adopted procedure the application was deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary, in consultation with the Director, Legal and Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter.

The suggested reason for refusal is based on highways concerns. It is important to note that the highways issues associated with this application have been the subject of considerable analysis through the course of its consideration. This includes the Transport Assessment submitted with the original application, the submission of swept path analysis and safety audit submissions, all of which have been subject to scrutiny by the Council's highway officers who have considered the submitted material to be sound.

As a consequence the Highways Development Control & Adoptions Section raised no objection to the proposals subject to conditions and the completion of a legal agreement.

Given that the Council's highways engineers consider that on a technical level the proposal is acceptable in highways terms, subject to the improvements and restrictions that have been sought, Members will have to be confident that the Council can bring sufficient technical evidence to appeal to support what is ultimately a technical reason for refusal. If we do not produce such evidence at appeal then it is highly likely that the appeal will be allowed.

Members will be aware that proposals for a commercial development at the site were dismissed at appeal in January 2005. At the appeal the inspector concluded that the main issue in the case was the effect of the vehicular traffic generated by the proposal on highway safety and the free flow of traffic on the access road serving the site and the A4058. In arriving at this conclusion the inspector expressed the following view in respect of traffic volumes – *"I am of the opinion that the above would represent a significant increase in the number of vehicles exiting the site and a material increase in the overall number feeding into the single lane section of Rhondda Road. I consider that such intensification would unacceptably exacerbate the existing congestion problems caused by the merging of the two traffic lanes... I am also of the view that such increases would add to driver frustration and represent an additional distraction at the very location where drivers are preparing to undertake the merge manoeuvre. As a result there would be a likelihood of a materially detrimental impact on highway safety at the junction and on the A4058."*

Whilst this decision might to some extent reflect the concerns that Members have in respect of the current proposal it should be noted that the former proposal comprised a drive through and counter service

restaurant, a food retail outlet and four non food retail shops. This wider range of uses would have had traffic generation characteristics that would be significantly different to those of the supermarket now proposed in terms of the timing and overall number of vehicle movements associated with the development, and the alterations to the access road and highway safety measures would also have been different to those now proposed.

If Members' reason for refusal intends to rely on the views of the previous Inspector then Members will need to be satisfied that this approach would remain robust in light of the differing circumstances.

In the period of time since this matter was last before Members the applicant has sought legal advice from Mr Rhodri Price Lewis QC of Landmark Chambers regarding the current planning application. It is understood that this advice was sent directly to all Members by the applicant. The advice provided argues it is highly likely that Lidl would be successful should the matter be taken to appeal and that the Council is at considerable risk of an award of costs being made against it.

In light of the above Members are advised to approve the current proposal in accordance with the original recommendation of their officers. If however Members are still minded to refuse the application then the following reason for refusal could be considered reflective of the views expressed.

1. The proposed development if allowed would result in additional traffic and vehicular turning movements at the proposed junction with the A4058 where traffic is merging into a single lane to the detriment of highway safety and the free flow of traffic.

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APPENDIX A

APPLICATION NO: 13/0547/10 (GD)
APPLICANT: Lidl UK GmbH
DEVELOPMENT: Demolition of existing buildings and redevelopment to provide a Lidl foodstore with associated car parking, access and servicing (revised site boundary received 20/11/2013)
LOCATION: RHONDDA CYNON TAF CBC, MILLFIELD DEPOT, RHONDDA ROAD, PONTYPRIDD, CF37 1HQ
DATE REGISTERED: 20/11/2013
ELECTORAL DIVISION: Rhondda

RECOMMENDATION: Approve the proposed development subject to conditions and successful conclusion of a Section 106 agreement.

REASONS:

The proposal represents significant inward investment in retailing in the County Borough on a site that is sequentially acceptable. The proposal is also acceptable in terms of Local Development Policies and in respect of all other material particulars.

APPLICATION DETAILS

Full planning permission is sought for the construction of a 1713 sq m. foodstore comprising a sales area of 1063 sq m. with the balance given over to storage areas and welfare facilities. The store will be positioned towards the southern end of the site with its main entrance clearly defined facing northward towards Ysgol Evan James and adjacent to Rhondda Road. The store would be finished with walls in a combination of white render panels with structural columns in contrasting colour render. Key feature panels and those facing Rhondda Road will be clad in locally sourced pennant stone. Above the eaves line silver/grey cladding will run around the building. The roof will be a distinctive feature of the building, being of monopitch metal panel construction and sloping down towards the rear of the building.

Access to the site will be via the existing junction on Rhondda Road which currently services Meithrinfar Felin Nursery and the southern element of Ysgol Evan James Access into the site itself will be off the turning head of the service road

Access to the site will be via the existing junction on Rhondda Road which currently services Meithrinfar Felin Nursery and the southern element of Ysgol Evan James Access into the site itself will be off the turning head of the service road. The northern part of the site will be given over to 80 [parking spaces including 5no. disability standard spaces, circulation space and the loading bay.

The application forms certificates and plans are also accompanied by the following documents,

- A Design & Access Statement
- A Retail Assessment.
- A Transport Assessment.
- A Travel Plan Framework.
- A Flood Consequences Assessment.
- An Extended Phase 1 habitat & Species Survey.
- An Arboricultural Method Statement
- A Statement of Community Involvement, and;
- A Combined Topographical & Utility Survey

SITE APPRAISAL

The application site is comprised in an irregularly shaped parcel of land of some 0.7 hectare. The site is flat and currently derelict, it was last used as a Council depot/yard. The site is bounded by Ysgol Evan James and the nursery to the north, Rhondda Road (A4058) to the east and the River Rhondda to the west and south. Though derelict the boundaries of the site are well wooded and have wildlife potential. Access to the site is via an unnamed access road which links with Rhondda Road and also serves the existing school and nursery.

PLANNING HISTORY

02/1948	Retail Park Identity & McDonalds Signage	Withdrawn 09/02/06
02/1946	Demolition of existing depot buildings and construction of drive through & counter service restaurant (A3), Unit 1 (350m2) Class A1 food retailing units 2, 3, 4, &5 Class A1 non food retailing shops.	Appeal against non determination dismissed 13/01/05
56/94/0112	Proposed utility block	Approved 19/04/04
56/83/1255	Alterations & extensions	Not available
56/78/1933	New stores complex	Approved 05/02/79

PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters and this has resulted in the submission of one letter raising the following objections/concerns:–

- Traffic around Ysgol Evan James is already appalling and the proposed supermarket will not improve this.
- Pontypridd already has a Tesco, Iceland, Marks & Spencer and cooperative in town and a Sainsbury's in walking distance, do we need another supermarket?
- Small local businesses will suffer.
- Child safety will be affected and adding to an already congested part of the road with more traffic and delivery lorries is unacceptable.

CONSULTATION

Transportation Section – raise no objection subject to conditions and the developer entering into a Section 106 agreement to secure an appropriate transport tariff contribution.

Land Reclamation & Engineering Manager – advises that the site should be subject to a flood consequences assessment and raises no objections subject to conditions.

Public Health & Protection – no objections subject to conditions

Education & Children's Services – have no comments in respect of the proposed development.

Natural resources Wales – raise no objection to the proposed development confirming that the site lies outside of the 1:100 and 1:1000 year flood zones and subject to a series of conditions relating to wildlife protection, invasive species and drainage being included in any consent that might be issued.

South Wales Fire & Rescue Service – raise no objections and advise that the developer should ensure that adequate water supplies for fire fighting purposes are available and that the site access should be sufficient to cater for fire fighting appliances.

Countryside Section - advise that the SEWBREC search has not revealed any records of the presence of statutory protected species in the immediate vicinity of the application site.

Dwr Cymru/Welsh Water – no objections subject to conditions.

POLICY CONTEXT

The Rhondda Cynon Taf Local Development Plan 2006 – 2021

Policy CS2 emphasises the need for sustainable growth that benefits the whole of Rhondda Cynon Taf focusing development within defined settlement areas on previously developed land, promoting regeneration, reducing commuting and protecting the natural environment.

Policy AW2 promotes development within settlement limits where there is no unacceptable conflict with nearby uses, there is good accessibility by a range of transport options, there is good access to key services, facilities and utilities, the proposal would support the role of the principal town and the site would not flood.

Policy AW5 sets a series of access and amenity related criteria that all new development should meet.

Policy AW6 sets a series of design related criteria that new development should meet where relevant.

Policy AW8 sets a series of criteria to be considered where development might affect a Site of Interest for Nature Conservation.

Policy AW10 requires appropriate consideration of environmental risk where development is considered.

Policy SSA1 promotes commercial development, including retail development in the defined town centre of Pontypridd.

Policy SSA16 promotes retail development within the retail centre of Pontypridd that would be appropriate to the status of the centre.

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policies which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

The following chapters of Planning Policy Wales (PPW) are considered relevant to the consideration of the current proposal and set out the Welsh Governments policy on planning issues relevant to the determination of this application.

Chapter 2 – Development Plans
Chapter 3 – Making & Enforcing Planning Decisions.
Chapter 4 – Sustainability.
Chapter 7 – Economic Development
Chapter 8 – Transport
Chapter 10 – Planning For Retail & Town Centres.

PPW Technical Advice Note 4 Retailing & Town Centres.
PPW Technical Advice Note 5 Nature Conservation & Planning
PPW Technical Advice Note 15 Development & Flood Risk
PPW Technical Advice Note 18 Transportation.

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with the relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

The main issues that require consideration in the determination of this planning application are the acceptability or otherwise of the proposed development in planning policy terms, the impact of the proposal on the natural environment, the effect of the proposal on the character and appearance of the area, flood risk and highway safety.

Main Issues

The Planning Policy Position

The application site lies within the settlement boundary of the principal town of Pontypridd as defined by the Rhondda Cynon Taf Local Development Plan. The site is centrally located though not within the defined town centre but it is accessible via a range of varying transport modes. As such the proposed location is considered sustainable for the intended development and thus compliant with policy in this regard.

The application site is clearly previously developed land having been occupied by this authority and its predecessor for any number of years as a yard and garage for Council vehicles. The site, though now derelict still displays many of the characteristics of its former use. Consequently the preference in planning policy terms for the redevelopment of previously developed land applies and would support this development.

The key policy area in the determination of this planning application is that which relates to retailing. Under the former local plan the site was specifically designated for either retail or use class B1 office uses. This though was dropped for the Rhondda Cynon Taf Local Development Plan due to the absence of any quantitative need to identify additional land for retailing. The site now lies within settlement limits but is not allocated for any specific use.

In these circumstance Planning Policy Wales supplies the criteria for dealing with windfall retail proposals based around retail need, retail impact and a sequential approach to site selection.

In terms of quantitative need, the amount of floorspace given over to convenience goods is relatively modest and there is sufficient capacity in Pontypridd to support the development. Similarly, the amount of comparison

goods floorspace is barely significant, as such no objection could be raised to the proposal on the basis of quantitative need.

In terms of qualitative need, the applicants argue that the absence of a deep discount retailer in Pontypridd represents a qualitative need. This current gap in the market is self evident and allowing this store would undoubtedly widen consumer choice and consequently no objection could be raised on the basis of a qualitative need.

In supporting the application the agent has assessed four sites when considering the sequential approach to site selection. Of these only one site (the precinct) is a genuine consideration that might be considered sequentially more preferable to the proposal site. However, that site would not meet the requirements of the applicant's business model in terms of plot ratio (floorspace to available parking) and there would also be the added drawback of the visual impact such a proposal would have on the local townscape. Additionally this site is not available for development at this point in time. Consequently, as the precinct is neither suitable nor available as a sequentially preferable site for a Lidl development and there being no other sites available closer to the town centre, than the application site, the proposed development passes this test.

The final retail planning policy consideration is the impact of the proposed development on the existing town centre. The town centre stores considered by the applicant are Iceland, Co-op, Marks & Spencer, Tesco Express and Sainsbury. Marks & Spencer avoids impact from Lidl on the like for like principle, (that is when new stores are established they tend to take trade from stores that sell the same and similar products of similar quality). Sainsbury is expected to loose trade to Lidl, however, the large size of the Sainsbury store makes the impact acceptable at less than 3%. The loss to the remaining stores would be greater at 4 to 5% but this still remains acceptable. These stores are not trading poorly and their owners have not objected to the current application and it can only be concluded that their impact levels are acceptable. The only large impact that the proposal would have would be on the out of centre Aldi Store at Upper boat which would see 16.1% of its current trade diverted, however being out of centre itself, this loss of trade is not a planning policy consideration.

Impact on the Character & Appearance of the Area

The application site is one of the most highly visible derelict sites in the whole of the County Borough, located as it is on the principal route between Pontypridd and the Rhondda. The site as it is does not present a positive image of Pontypridd to the rest of the world as it passes by. While this might encourage a view that anything would be an improvement it also underlines the importance of ensuring that the site is developed in a manner that respects and enhances the character and appearance of the area. Ideally this would result in a building developed to face Rhondda Road, this though needs to be balanced against the needs of the developer as a successful retailer. While the building proposed faces north rather than east on to Rhondda

Road, it is designed with active frontage in the form of its largest window facing east and its main entrance located on its north east corner. This is considered a reasonable compromise in design terms. In addition to this the applicant company have also upgraded from their standard finishes in the use of locally sourced pennant sandstone to be used on the key east facing elevation. Other positive aspects of the proposed design include the use of an established access point and the creation of a new pedestrian access from Rhondda Road, the retention of the green corridor along the river, which in addition to its ecological benefits will also serve as a partial screen to the south facing rear elevation of the building, and the access to the established neighbouring school will be improved whilst at the same time respecting its general amenity.

The above underlines the positive aspects of the design of the store for which consent is sought and demonstrates that it would deliver a positive improvement to the appearance of the area that meets a required standard. In terms of the character of the area, the site is relatively isolated for one that lies so close to the town centre. The site is defined by the river to the west and south by road and railway to the east and by Ysgol Evan James to the north. Beyond the road and under the railway viaduct there is car parking and north of the school there are only two houses and a petrol filling station. The locality of the site is that of a small island of developable land located between the river and the principal route to the Rhondda Valleys where the neighbouring uses are a mixture of institutional and commercial with a small amount of residential that would be unaffected by the proposed development. As such it is reasonable to conclude that the proposed development would improve upon and add to the character of the area.

Ecology

Though a brownfield site, the land affected by this application also borders the river Rhondda which is designated a Site of Importance for Nature Conservation (SINC) under the Rhondda Cynon Taf Local Development Plan, (Policy AW 8.142). In considering any proposal the Council is, as a consequence, obliged to have regard to the impact of the proposal on the SINC. In this instance, the applicant has provided extensive detail in terms of the impact of the proposed development on the SINC in the provision of an ecological survey and a full assessment of the trees likely to be affected by the development along with a working method statement that illustrates how the site could be developed with minimum disruption to the trees. This work had given the Council's Ecologist and indeed Natural Resources Wales sufficient confidence that the site can be developed with no long term adverse impact on the SINC Subject to the provision and maintenance of a 7 metre buffer zone along the length of the river bank and a series of planning conditions relating to light spill, invasive species, drainage and ecological management. In conclusion, the applicants have been able to demonstrate that the site can be developed in a manner that proves acceptable in ecological terms, and there are no grounds for resisting this proposal in terms of its ecological impact.

Highways.

The planning application has been supported with the submission of a Transport Assessment which assesses the transportation impact of a 1713 sq m. foodstore on the surrounding highway network. The Transport Assessment has been reviewed and subsequently revised and there is now agreement in all of the key areas, This has resulted in the Transportation Section raising no objection to the proposed development subject to the conditions outlined below.

The transport tariff will vary depending on the type of development proposed. For a foodstore it is set at £376 per daily net additional trips in accordance with the guidelines set out in the Authority's adopted Strategic Planning Guidance on Planning Obligations. However, it is also recognised that in the case of certain land uses, (such as retail), not all trips attracted to the site are new to the network. In these cases, only the additional trips are used for the calculation of the tariff. The daily net additional trips that result from the proposed development works out at 83.52 which equates to a transport tariff payment of £31,302 in this instance. In terms of the Supplementary planning guidance the site falls within area 1 where the amount payable is 100% of the set figure and equally there is no allowance for the former use of the site given that it has been vacant for more than five years.

Flooding

Historically the site would have been located within flood zone C2 where planning policy would have demanded the strongest justification for development. This the current proposal could meet in any event as it represents the redevelopment of a brownfield site where economic development would assist the regeneration of the principal town of Pontypridd. However, Natural Resources Wales have advised that as of April 2013 the results of the Rhondda VDM model update demonstrates that the development site is flood free in the 1:100 year with climate change and the 1:1000 year flood events. As such the site does not suffer any issues relating to flooding that would provide cause for concern in the determination of this planning application.

Other Issues

In the course of dealing with this application the following issue has also been raised, It is not considered material to the determination of the planning application. The need for the proposed development is questioned when the town already has Iceland, Tesco Express, Marks & Spencer, and Co-op and with Sainsbury in walking distance. As Members will be aware the need for a development is not a material planning consideration beyond the terms described in the planning policy section above. All other points raised by the objector are addressed in the planning considerations above.

PLANNING OBLIGATIONS

It is recommended that a planning obligation is signed in respect of the following –

- The payment of a transport tariff of £31,302 to improve the strategic highway network.
- The developer meeting the reasonable costs of the Council in preparing the Section 106 agreement.

CONCLUSION

In conclusion the proposal is acceptable in planning policy terms and in respect of all other key material particulars and is consequently recommended accordingly., Particularly as it would have the benefit of broadening shopping choice at a location that is readily accessible from Pontypridd town centre, and also deal with an element of long standing dereliction close to the town centre.

RECOMMENDATION: Grant

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

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development, a detailed site investigations report shall be submitted to and approved in writing by the Local Planning Authority. The report should be sufficiently detailed to establish if any ground precautions are necessary in relation to the proposed development and the precautions that should be adopted in the design and construction of the proposed development in order to minimise any damage which might arise as a result of ground condition. The development, hereby permitted, shall be carried out in accordance with the approved site investigations report.

Reason: The site may be unstable and as such a stability report is required in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order) no external lighting equipment shall be erected or installed without the prior express permission of the Local Planning Authority.

Reason: To prevent light pollution and to protect the amenities of neighbouring residential properties in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a comprehensive scheme of landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

5. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development 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 consent to any variation.

Reason: To ensure that the new development will be visually attractive in the interests of amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the new development will in keeping with the surrounding area and to protect residential amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. Before any work is commenced on site, including site works of any description, each of the trees to be retained shall be securely fenced off by a chestnut paling or similar fence erected in a circle round each tree to coincide with the extremity of the canopy of the tree. Within the areas so fenced off the existing ground level shall be neither raised nor lowered, and no materials or temporary buildings or surplus soil of any kind shall be placed or stored thereon during the period of construction works. If any trenches for services are required in the fenced-off areas during construction works they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5cms or more shall be left unsevered.

Reason: To protect the existing trees on the site during the course of building work in the interests of amenity in accordance with Policies AW5

and AW6 of the Rhondda Cynon Taf Local Development Plan.

8. Building operations shall not be commenced until samples of the external finishes proposed to be used have been submitted to and approved in writing by the Local Planning Authority and all materials used shall conform to the sample(s) so approved.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area and adjoining buildings in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

9. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:

1. A desk-top study to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been agreed in writing with the Local Planning Authority.
3. A written method statement for the remediation of contamination affecting the site

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. No building, hereby permitted, shall not be occupied until the measures approved in the scheme (referred to in Condition 9) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. If during development works any contamination is encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals then work shall cease and revised contamination proposals shall be submitted to the Local Planning Authority. The development shall not re-commence until the additional proposals have been agreed in writing by the Local Planning

Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. Construction works on the development shall not take place other than during the following times:

- i) Monday to Friday 0800 to 1800 hours;
- ii) Saturday 0800 to 1300 hours;
- iii) Not at any time on Sundays, Bank or Public holidays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. No development, erection of structures, or any works whatsoever shall take place within 7m of the top of the bank of the River Rhondda.

Reason: To enable maintenance to be carried out to the watercourse and to maintain local levels of biodiversity.

14. The site shall be developed in accordance with the recommendations of the arboricultural method statement prepared by TDA environment landscape design dated August 2013/

Reason: In order to ensure that the trees on site are adequately protected through the course of construction works in the interests of maintaining biodiversity.

15. The development for which permission is hereby granted shall not be commenced until such a time as a scheme to install oil and petrol separators has been submitted to, and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To prevent any oil and petrol run-off causing deterioration in water and habitat quality and aquatic biodiversity in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No works shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as a plan detailing the works to be carried out showing how the environment will be protected during the works.

Reason to prevent pollution of the environment and to protect local biodiversity.

17. Notwithstanding the submitted drawings , improvements to the access leading to the site that incorporates –
- Carriageway widening,
 - realigned footways and new footways leading to and abutting the nursery
 - Uncontrolled pedestrian crossings
 - Conversion of the grassed area between the school gates and parking areas to a hard surface
 - Conversion of the perpendicular parking to parallel parking
 - Road markings, and
 - Realignment of the splitter island

shall be carried out in accordance with full engineering design and details together with relevant road safety audits and designer's response including longitudinal and cross sections, drainage and street lighting are to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved scheme shall be implemented in accordance with the approved details prior to beneficial occupation of the store hereby approved unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development in the interests of highway safety and the free flow of traffic.

18. Notwithstanding the submitted drawings full engineering design and details of the new pedestrian link from the foodstore's entrance that directly links with the A4058 Rhondda Road shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the beneficial occupation of the store hereby approved.

Reason: To ensure the adequacy of the proposed development in the interests of pedestrian safety and accessibility by all modes of transport.

19. Notwithstanding the approved drawings, pedestrian guard rails shall be provided either side of the A4058 Rhondda Road that direct pedestrians to the nearby pedestrian pelican crossing in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be fully implemented prior to the beneficial occupation of the store hereby approved.

Reason: To prevent indiscriminate crossing of the A 4058 Rhondda Road in the interests of highway and pedestrian safety and free flow of traffic.

20. The internal access circulation and parking shall be laid out in accordance with drawing no W13094_A_09. The parking and turning areas shall be

constructed in permanent materials and retained for the purposes of parking circulation and turning only unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development in the interests of highway and pedestrian safety and free flow of traffic.

21. Within six months of the beneficial occupation of the store a travel plan comprising measures to promote and encourage alternatives to single occupancy car use shall be submitted to and approved in writing by the Local Planning Authority. The travel plan should include details of a travel plan co-ordinator, proposals for setting and monitoring targets (including use of public transport, walking, car sharing and cycling) and financial penalties if targets are not achieved. The travel plan shall be implemented in accordance with the details approved under this condition unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure optimum provision for a range of alternative travel modes to and from the site in the interests of sustainability.

22. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved construction method statement shall be adhered to throughout the development process unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic.

23. No HGV movements shall take place to and from the site between the hours of 08:00 - 09:00 and 15:00 – 16:00 weekdays during the course of site preparation and construction works.

Reason: In the interests of safety and the free flow of traffic.

24. The consent hereby granted relates to the revised site location plan received on 20th November 2013-11-27.

Reason: For the avoidance of doubt as to the approved site location plan.

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Development Control Committee - 16 January 2014

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**MUNICIPAL YEAR 2013-2014****DEVELOPMENT CONTROL
COMMITTEE****16 JANUARY 2014****JOINT REPORT OF THE
DIRECTOR LEGAL AND
DEMOCRATIC SERVICES AND
SERVICE DIRECTOR, PLANNING****Agenda Item No.4 (ii)**

**SITE MEETING
APPLICATION NO. 13/0547 -
DEMOLITION OF EXISTING BUILDINGS
AND REDEVELOPMENT TO PROVIDE A
LIDL FOOD STORE WITH ASSOCIATED
CAR PARKING, ACCESS AND
SERVICING (REVISED SITE BOUNDARY
RECEIVED 20/11/2013), RHONDDA
CYNON TAF CBC, MILLFIELD DEPOT,
RHONDDA ROAD, PONTYPRIDD.**

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1. PURPOSE OF THE REPORT

To consider the outcome of the site inspection in respect of the above-mentioned proposal and to determine the application, as outlined in the report of the Service Director, Planning, attached at Appendix 1.

2. RECOMMENDATION

To approve the application in accordance with the recommendation of the Service Director, Planning subject to conditions and a planning obligation under Section 106 of the Town & Country Planning Act 1990 as outlined in the original officer's report.

3. BACKGROUND

- 3.1 In accordance with Minute No.154 (Development Control Committee, 19 December 2013) a site inspection was undertaken on Monday, 6 January 2014 to consider siting of the proposal, the potential increase in air pollution and the access and egress to and from the proposal.
- 3.2 The meeting was attended by the Chairman and Vice-Chairman of the Development Control Committee (County Borough Councillor R.B.

McDonald and D.Weeks respectively) and County Borough Councillor E.Webster in consultation with the Local Member, County Borough Councillor R. W. Smith. County Borough Councillors S. Carter and B. Morgan were also in attendance. An apology of absence was received from County Borough Councillors C. Leyshon and J. Cass.

- 3.3 The Development Control Officer reported that full planning permission is sought for the proposal to erect a food store towards the rear of the site (the southern end of the site) from the main access point which faces northwards towards Ysgol Evan James. The proposal includes alterations to the established access point via the existing junction on Rhondda Road and creation of a new pedestrian access from Rhondda Road. The Development Control Officer added that the applicant company have confirmed that this proposal will include a better quality design and finish than their standard food stores. Members were also informed that other benefits to the proposal include the retention of the green corridor along the river which will offer obvious ecological benefits as well as delivering overall improvements to the appearance of the area which meets a required standard.
- 3.4 The Transportation Officer highlighted to Members the proposed alterations to the site access, parking arrangement, footways and pedestrian guard rails. The officer added that the proposal provides satisfactory access, circulation and parking within the site curtilage and subject to highway conditions and transport tariff no objection has been raised. The Transportation Officer also stated that the proposal would generate far fewer trips than that application previously refused and the appeal dismissed.
- 3.5 The Senior Environmental Health Officer reported that consideration has been given to the potential impact of the development upon the air quality in the area. However, previous monitoring of air quality in the area from vehicle emissions over a period of six years has demonstrated results which fall below the levels of concern. With this in mind the officer confirmed that the impact of the development, the floorspace given over to the development and number of car parking spaces proposed are satisfactory and therefore Public Health & Protection have raised no objections to the proposal subject to conditions.
- 3.6 Members highlighted their concerns in relation to the impact of the development upon highway safety in the area and the potential increase in the number of vehicles using the main road. The Transportation Officer explained that the deliveries to the site could take place outside the network peak periods to minimise any adverse impact on free flow of traffic. The Officer concluded by assuring Members that the submitted

Transport Assessment has been reviewed and the Transportation section is satisfied with the proposal subject to conditions and transport tariff.

- 3.7 Members also raised concerns in relation to the potential flood risk of the site. The Development Control Officer stated that following substantive work in the area by Natural Resources Wales they have confirmed that the site lies outside of the 1:100 and 1:1000 year flood zones in their most up to date model of the River Rhondda.

UPDATED REPORT

- 4.0 Members are advised that a late objection to the proposal has also been received from the Pontypridd Town Council. The substance of the objections raised relate to the following issues:-

- The development would exacerbate highway safety and congestion problems that already exist in the vicinity of the site.
- The development would have a considerable visual impact.
- There is an anticipated adverse impact on established local businesses which have already suffered a trading decline and are only now beginning to feel the benefits of the regeneration programme.

All of the above issues were addressed and responded to in the original officer's report and they do not affect the original recommendation to approve this planning application."

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

20 FEBRUARY 2014

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

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See Relevant Application File