



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 APRIL 2018**

### **REPORT OF THE SERVICE DIRECTOR, PLANNING**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

|                            |  |             |
|----------------------------|--|-------------|
| <b>APPLICATION NO:</b>     | <b>14/1128</b>   | <b>(SF)</b> |
| <b>APPLICANT:</b>          | <b>Sainsbury's Supermarkets Limited</b>  |             |
| <b>DEVELOPMENT:</b>        | Variation of condition 2. and removal of conditions 47. 48. and 49. of planning permission ref: 12/1102 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard. |             |
| <b>LOCATION:</b>           | <b>Land south of A473, Talbot Green</b>  |             |
| <b>DATE REGISTERED:</b>    | <b>28/08/2014</b>  |             |
| <b>ELECTORAL DIVISION:</b> | <b>Talbot Green</b>  |             |

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**RECOMMENDATION:** To approve the application, subject to a new S106 Agreement to enable the Habitat Management Contribution to be brought forward and the maintenance of Pant Marsh to commence.

**REASONS:** Although no progress has been made with the applicant to complete the Deed of Variation of the original S106 Agreement since this application was previously reported to Committee in December 2014, enabling works to implement the original application 12/1102 have been undertaken and there is a need for Pant Marsh to be maintained. The changes proposed to the approved plans providing a reduction in net sales area and other minor external alterations (Condition 2.) are not considered to have any significant impact on the overall scheme, however the enabling works undertaken have had a clearly identifiable impact on Pant Marsh.

The proposed removal of the 3 BREEAM conditions (Conditions 47. 48. and 49.) remains appropriate, following the withdrawal of national planning policy requirements for sustainable building standards on 31 July 2014.

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#### **REASONS APPLICATION REPORTED TO COMMITTEE**

- The original proposal which this application seeks to amend, is not covered by determination powers delegated to the Service Director Planning;
- It is considered that material changes have occurred since this application was last considered at Committee (18<sup>th</sup> December 2014).

## **BACKGROUND INFORMATION**

Planning permission was granted to Talbot Green Developments Limited to build a supermarket and other associated development on 27<sup>th</sup> November 2013, subject to conditions and a S106 Agreement which secured a Transport / Highways contribution, Habitat Management contribution and other infrastructure maintenance regimes (12/1102). In August 2014, the applicant, who has a leasehold interest in the site, submitted a further application seeking amendments to the scheme, essentially reducing the sales area and other minor alterations and the removal of 3 BREEAM conditions (14/1128).

The application was originally reported to the Development Control Committee on 18th December 2014 with a recommendation of approval and a copy of that report is attached as **Appendix A**. At that meeting, Members agreed the recommendation to approve the application, subject to the applicant entering into a Deed of Variation of the original S106 Agreement attached to application 12/1102 (Sainsbury's supermarket) (Minute No. 139 (2.) refers).

Following that meeting, a draft agreement was drawn up which sought to apply the requirements of the Section 106 Agreement relating to application 12/1102 dated 27th November 2013, to the new permission. The draft was subsequently approved by Sainsbury's solicitors, however the solicitors acting on behalf of the landowner Talbot Green Developments Limited, advised that they had no further instructions from their client. Despite numerous attempts by Council officers to secure a resolution of this matter, no further progress has been made in the intervening years, the agreement has not been completed and the application has therefore remained undetermined.

At the time the application was previously reported to Committee in December 2014, the applicant was however in the process of seeking to discharge a number of planning conditions attached to the original planning consent (12/1102). Since then, the applicant has not only paid the Transport / Highways contribution contained in the original S106 Agreement, but has also carried out a number of operational enabling works on the land, which have effectively implemented the original permission.

## **CURRENT POSITION**

On 20<sup>th</sup> October 2017, a request was received on behalf of the applicant seeking the issuing of the decision on this outstanding application (14/1128). However after considering the changes that have occurred within the 3 year period since the original resolution was made, it has been concluded that the partial discharge of conditions and implementation of the original application 12/1102, constitutes a material change from the position that was previously reported to Members. This requires a review of the application and the amendment or removal of planning conditions (in addition to nos. 2. 47. 48. and 49. applied for).

As the original supermarket scheme has been implemented through the operational works that have been undertaken, it is important to note that the applicant could continue to complete the development by building the supermarket, car park and petrol filling station in accordance with the plans already approved under application 12/1102. The main effect of approving the current application would therefore enable the applicant to build the supermarket to the revised details, which comprise a reduction in the sales area, with minor internal and external alterations and alterations to the layout of plant within the service yard.

Members may also be aware that a planning application seeking the renewal of the original outline 'town centre' consent (11/1130) has also been submitted and is under consideration (17/0559). Under the original outline consent, the provision of a supermarket and associated infrastructure comprised 'Phase 1' of the scheme with 'Phase 2' consisting of the remainder of the town centre development. The 'Phase 1' element of the outline scheme has effectively now been commenced through the implementation of the full application for the supermarket (12/1102), which this application now seeks to vary.

## **UPDATED APPLICATION DETAILS**

It is confirmed that no changes have been sought in respect of the details of this application and these remain as previously considered by Committee in December 2014 and set out under 'Application Details' in the report attached as **Appendix A**.

Following the recent request for the decision to be issued, the applicant has been requested to confirm details of the extent of works which have been undertaken in the intervening period in order to implement application 12/1102. These have been provided as follows (taken from the A4119 roundabout in the east to Cowbridge Road in the west):

- A473/A4119 roundabout improvement works (paid for by the S106);
- A473 highway works (and signage etc);
- Access road in from Glamorgan Vale roundabout;
- Service access onto the A473;
- Flood embankment and associated culverts;
- (Sewerage upgrade tanks adjacent to the flood bund (approved by a separate planning permission 16/0451);
- Planting of landscaping associated with the access road, A473 and drainage swale (but not supermarket car park);
- Formation of development plateau at approved levels (i.e. any further importation of material is expected to be minimal and principally associated with landscaping);
- Link between Cowbridge Road and the service access (i.e. the length between the service access and the supermarket has yet to be built);
- Fencing around site, including adjacent to A473, new access road and drainage swale.

In addition, the applicant has also provided a list suggesting which of the planning conditions that were intended to be re-imposed as a result of the previous resolution, should be retained, amended or removed as a result of the operational works undertaken at the site. This submission has been reviewed in consultation with a number of the original consultees and a revised list of recommended conditions is attached at the end of this report.

## **UPDATED SITE APPRAISAL**

The planning application site which comprises an area of land of approximately 8.65 hectares, has undergone a number of changes since the application was last considered. From the northern part of the site including the Glamorgan Vale roundabout and along the A473, up to and including the A4119 roundabout, significant alterations have been carried out during the last 3 years to the highway and associated infrastructure including signage, which have been paid for through the original S106 Agreement. At the Glamorgan Vale

roundabout, the access road into the application site has also been constructed, together with the service access from the A473.

Leading off the Glamorgan Vale roundabout access, the flood embankment and associated culverts have been constructed and these works include at the southern end, the sewerage upgrade tanks which were approved through a later planning application (16/0451). Also adjacent to the A473 and Glamorgan Vale roundabout, significant drainage works and the development plateau for the supermarket have been undertaken. The link between the Cowbridge Road and the service access has been constructed, however the section between this and the supermarket has yet to be built. Further operational works include fencing around the site and the landscaping associated with the access road, A473 and drainage swale.

The Committee will be shown aerial photographs of the site prior to any development of the site in 2012 and one of the site taken in 2017, to illustrate the extent of operational works undertaken.

### UPDATED PLANNING HISTORY

The following list comprises relevant applications which have been submitted or determined since the last report was considered:

|         |   |  |
|---------|---|--|
| 17/0559 | Section 73 application seeking the variation of Condition 2 as imposed on outline planning Permission 11/1330/13 (Development of new town centre comprising: a 10,801sq m gross food store (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 300sq m gross cafe space (Class A1); 1,000sq m financial/professional service space (Class A2); 2,390sq m gross food and drink space (Class A3); 1,400sq m gross office space (Class B1); 750sq m gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works) to allow additional time for the submission of reserved matters and the commencement of development. | under consideration                          |
| 16/0451 | Sewer connection and attenuation works including provision of a vehicular access tracks and turning area, installation of four attenuation tanks, laying of sewer connection pipe, extension of culverts, installation of manhole covers and drainage of ditch.   | Approved<br>22/7/16                          |
| 11/1330 | Outline application for development of new town centre comprising: a 10,801sqm gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sqm gross retail floor space (Class A1); 600sqm gross cafe space (Class A1); 1,000sqm financial/professional service space (Class A2);   | Approved subject to<br>S106 Agt.<br>24/12/14 |

2,390sqm gross food and drink space (Class A3); 1,400sqm gross office space (Class B1); 750sqm gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works.

## **UPDATED PUBLICITY**

Since the application was previously reported to Committee, no further public consultation has been undertaken and no further letters of representation have been received.

## **UPDATED CONSULTATION**

As a result of the implementation of the original consent and the need to review the relevance of all of the conditions previously proposed, further consultation has been carried out with a number of the original consultees who previously recommended planning conditions and the following comments have been received:

**Transportation Section** – has suggested various amendments to the proposed conditions (57. and 59.) to secure the completion and surfacing of the access road serving the proposed development, completion of the pedestrian cycle link between the supermarket and the A4222 / A473 junction together with signage of the pedestrian route to and from the store and local amenities / facilities. It is confirmed that this could not have been provided by the enabling works, as the store had not been constructed and the pedestrian / cycle route had not been completed. It is also advised that signage will be required near to the main entrance of the store to direct pedestrians and cyclists to local amenities and facilities including the shared pedestrian / cycle link to Cowbridge Road and pedestrian / cycle route via the main access road to Talbot Green and the Community Route.

**Public Health & Protection** – the Land Contamination Officer has requested the retention of condition 14. (chemical testing for imported soil) as further material will need importing, including for soft landscaping areas. It is also advised that in relation to condition 16. (submission of suitable validation report for contamination scheme), land contamination officers should be given the opportunity to agree the scope of the verification works for the proposed measures to mitigate risks to human health. This will be beneficial to ensure that the validation report is sufficient to discharge the condition.

**Petroleum Licensing Officer** – has not raised any comments in relation to the planning conditions but has provided an update to the previous Advisory / Informative comments, which will be included as part of the decision notice.

**Countryside Section (Landscape & Ecology)** – the Council's Ecologist has advised that the construction of the access road, supermarket footprint, drainage mitigation and flood bund associated with planning permission 12/1102/10 has resulted in a significant ecological impact on Pant Marsh SINC. To off-set these impacts on the SINC, the S106 Agreement requires the passing over of habitat management of the Marsh to the Council for a 25 year management period with some pre-works (fencing/gates etc) and a £50,000 commuted sum. While the physical impacts of the development on Pant Marsh SINC have now happened, because the supermarket has not been constructed, the trigger point for that land management adoption has not been reached. However the marsh has been severely

damaged and the lack of the compensatory aftercare management, which is supposed to help compensate for those impacts, has not happened. Below are the impacts referred to;

- 31.6 % of the original 19.4 hectares of the Pant Marsh SINC has been lost to the road, infrastructure and flood bund construction.
- Additional small areas of habitat loss were experienced through Ordinary Water Course consent requirements required as infrastructure improvements.
- The Talbot Green Sewer works which were required as part of post planning permission sewer works on Pant Marsh involved an additional loss of at least 0.3 hectares of SINC habitat (16/0451).
- Due to lack of management, scrub invasion, bramble and unchecked rush and purple nor-grass growth is now occurring on the marsh and open grassland habitat is being lost. This is an additional degradation of SINC habitat and the longer this goes on the harder it will be to eventually recover these habitats and the more expensive that recovery will be.
- Through site works on Pant Marsh the developer created bare and disturbed ground into which Himalayan Balsam seeded, without management this has led to an increase in invasive plants on the SINC, which is damaging the habitats and will again involve a great cost to eventually remove.
- The reptile fence constructed on the marsh has not been removed and represents a physical barrier to some species movements.
- Members of the public are aware that the undeveloped parts of Pant Marsh were supposed to be managed for nature conservation mitigation and that this has not happened.

In order to begin to rectify the very significant ecological impacts on the Pant Marsh SINC it is vitally important that effective ecological site management is provided. At the time of writing the S106 Agreement, the start of the operation of the supermarket as the trigger for management adoption was a wholly reasonable clause, there being no reason to anticipate the position we have now reached: in which all the SINC impacts have occurred with no prospect of the supermarket construction. This 14/1128 application which is seeking a realignment of the planning position for the benefit of the developer also offers the opportunity to realign the application to deliver the missing ecological mitigation. **If this long-overdue mitigation cannot be delivered via 14/1128, an objection to this planning application is raised on the basis that there are unmitigated impacts which conflict with both the requirements of the LDP allocation and the specific ecological impacts on 12/1102 and the subsequent infrastructure impacts, which were incurred as a result of that planning permission.**

**Land Reclamation & Engineering** – has confirmed that in general, the drainage conditions are acceptable to ensure the site does not exacerbate the flooding downstream. In relation to condition 36 which refers to the condition of the culvert networks, whilst this was previously discharged, it is requested that this condition is reinstated to ensure the works have not impacted on the structural condition of the networks. It is also advised that these networks should be reviewed following completion of the site to ensure excessive haulage has not compromised the structural integrity of the culverts.

**NRW** - it is noted that the applicant intends to keep conditions 9, (storage of oils, fuels and chemicals) 52, (verification report for remediation strategy for groundwater contamination) 53 (long-term monitoring and maintenance plan) 54 (remediation strategy for unsuspected contamination) and 55 (control on piling for groundwater protection), but has requested the

amendment of the wording of condition 51 (contamination scheme), which has been discharged. It is advised that whilst NRW did not object to the discharge of this condition, it did not agree to some aspects of the validation plan that formed part of this condition and requests that the wording of this condition remains . It is also confirmed that the comments made are solely in relation to the specific conditions identified and should not set a precedent for any future NRW response to any future planning permission or other legal consent for this site.

**Glamorgan Gwent Archaeological Trust** - has advised that as the written scheme of investigation has already been approved and partially discharged (condition 12.), assuming that the identified archaeological work is carried out on the remaining parts of the development, then no issues are raised.

## **UPDATED POLICY CONTEXT**

No changes to the Policy Context have been identified and the local and national policies and supplementary planning policy guidance identified in the original report attached as **Appendix A** remain relevant to the current application.

## **UPDATED REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and 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 relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of the Proposed Development**

The main issue in determining this application is whether there has been any material change in policy or circumstance since Members resolved to approve this proposed variation of conditions application on 18<sup>th</sup> December 2014.

As identified in the previous report, the principle of the development of a supermarket at this site has already been established through the grant of a detailed full planning permission (12/1102) and the fact that this permission has now been implemented adds further weight to this position. As the application is limited to a reduction in the trading floorspace at mezzanine level, changes to the appearance of the store and reduction in its overall height and other minor changes and the removal of 3 conditions which are now controlled through building regulations, this was considered to remain compliant with area wide and strategic policies of the LDP and no other policy changes have occurred in the last 3 years that would change this view.

The main change that has occurred since this matter was last considered is that as a result of the partial implementation of the original application 12/1102, the physical appearance of the site has undergone significant changes and a number of the planning conditions attached to that permission have been partially or wholly complied with. Further consideration of the issues resulting from these changes is therefore provided below, together with appropriate amendments to update the conditions attached to the previous permission.

## **Visual Impact on the Character and Appearance of the Area**

The proposed changes to the supermarket building including a reduction of the retail floor area and roof height were previously considered to represent a reduction in the scale of the building and would result in the supermarket having less overall visual impact on the surrounding area. Other changes, including the incorporation of a number of photovoltaic panels on the roof of the building were not considered to have any adverse impact on views over the site or the character of appearance of the area.

There have been no changes in the past 3 years since this matter was last considered, including through the partial implementation of application 12/1102 that would have any material impact in respect of this issue or affect compliance with Policy AW6 of the Local Development Plan.

## **Reduction of Retail Area and Impact on Retail Allocation**

As detailed in the previous report (attached as Appendix A), the reduction of the gross external area and corresponding reduction in sales area of the supermarket would effectively make the scheme more acceptable from a planning policy perspective than the approved scheme and no policy objections were therefore raised.

In respect of the current position, no changes to the adopted LDP have been carried out in the 3 years since this matter was last considered and the proposal for a significant retail development in the retail centre of a principal town therefore remains acceptable.

## **Removal of Sustainability Conditions**

The removal of the three BREEAM conditions (47. 48. and 49.) imposed on planning permission 12/1102 was previously considered appropriate on the basis of national planning policy requirements for sustainable building standards being withdrawn and all requirements relating to energy efficiency being included within Part L of the Building Regulations. The retention of these conditions was not therefore considered necessary, reasonable or enforceable.

There have been no further changes in either policy or legislation in the past 3 years that would affect this position and it is considered that the removal of these conditions therefore remains in compliance with local and national planning policies.

## **Access and Highway Safety**

It was identified in the previous report that no changes to the approved access arrangements either in relation to customer access or deliveries were necessary as a result of the proposed changes to the supermarket building or service yard and no highway comments were therefore raised.

As detailed in the 'Updated Site Appraisal' above however, significant works to implement the highway improvements and access arrangements have been undertaken since the application was last considered and the comments of Highways Officers on the current situation has therefore been sought. The response received confirms that due to the partial implementation of the scheme, some of the highway works remain to be completed and as a



result, the re-imposition of conditions has been recommended. This will ensure that all of the agreed highway and access works are completed and appropriate signage erected.

## **Drainage**

As there were no changes to the footprint of the store, site levels and general layout of the site at the time the application was considered, it was previously reported that the approved flood mitigation remained unaffected by the proposed amendments and therefore all of the other flood and other drainage related development included in the original application including the provision of the flood bund, would continue to be provided.

As detailed above, significant works incorporating some of the land drainage works have been undertaken since the application was last considered and the comments of Drainage Officers have therefore been sought on the current situation. The response received indicates that although information relating to the condition of the network culverts was previously submitted and discharged under condition 36, in order to ensure that the works carried out have not impacted on the network, this condition should be reinstated. It is also advised that these networks should be reviewed when the site is complete to ensure that haulage activity has not compromised the structural integrity of the culverts.

Taking into account the extent of the works already undertaken which has effectively commenced the development of the site, it is considered that an alternative form of wording for condition 36. would be appropriate in order to address the drainage considerations identified above.

## **Noise**

The proposed changes to the height of the roof, the moving of roof top plant further from residential properties and other minor alterations to plant within the service yard area, were not previously considered to have a significant impact on noise, either that emanating from the store or the traffic generated by it.

There have been no changes in the past 3 years since this matter was last considered, including through the partial implementation of application 12/1102, that would have any impact in respect of this issue or affect compliance with Policy AW10 of the Local Development Plan.

## **Ecology**

As detailed above, the original application was subject to a S106 Agreement which secured both a Transport / Highways contribution, a Habitat Management Contribution and also ongoing maintenance regimes for Pant Marsh. The Habitat Management contribution was secured as it was identified that there would be a 31.6 % loss of habitat on Pant Marsh SINC to the supermarket, access road and flood bund, which was acknowledged to be a significant impact. It was therefore considered that a comprehensive mitigation package was required in order to address this impact and offset the impact of the increased public use, disturbance and lighting and maintain the high conservation status of Pant Marsh, which was a commitment of the LDP. The requirement of the existing S106 Agreement is that a Habitat Management Contribution is paid to the Council 'prior to the occupation of the development', upon which the Council has agreed by covenant to undertake the Pant Marsh Maintenance, i.e. to manage Pant Marsh for a 25-year period.

At the time the application was previously considered at Committee in December 2014, no operational works had been carried out on the land, however there was no indication at that time to suggest that there would be any delay in the construction of the supermarket following the substantial completion of the ground works. It was therefore considered that all of the S106 obligations, including the Habitat Management Contribution remained appropriate and should be applied to the new planning permission.

In the 3 years since this matter was last considered, a significant amount of development has taken place on the land and whilst the supermarket has not been built, the physical impacts on Pant Marsh of the road, flood bank and supermarket footprint have all taken place. Taking into consideration the comments of the Council's Ecologist, it is therefore considered important that the delivery of the mitigation management of Pant Marsh is commenced and that the current proposal therefore provides the opportunity to re-address this issue and secure the delivery of the mitigation management of the Marsh. This will be beneficial to the ecology and users of Pant Marsh who have raised concerns with the Council regarding its ongoing maintenance.

### **Public Health and Protection Issues**

In respect of the issues raised by both the Council's Land Contamination Officer and also NRW in relation to the land contamination conditions previously imposed, it is considered that these remain relevant to the current application in order to ensure that appropriate measures are taken in relation to the remaining parts of the site to be developed. Whilst it would not be appropriate to reinstate contamination conditions that have already been discharged, the additional comments raised in relation to conditions 16. and 51. (submission of suitable validation report for contamination scheme) can be addressed through an advisory note to the applicant.

The comments raised by the Council's Petroleum Licensing Officer have been noted and can also be included as an additional advisory note.

### **Other Issues Unaffected by the Current Application**

It was previously identified that, in relation to the reduced physical and environmental impact of the amended scheme, the application details included a brief assessment of various issues which were previously including within the ES submitted in support of the original application 12/1102. In relation to a number of the issues identified, as the footprint of the store and general layout of the site remained unaffected by the proposed changes, there were no significant implications or changes to previous conclusions reached regarding likely significant environmental effect. The issues to which this assessment was applied included, ecology and nature conservation, hydrology and flood risk, archaeology and cultural heritage, air quality, geology, hydrology and drainage, lighting and land contamination.

As identified above, changes to the drainage conditions have been recommended and also in respect of the Habitat Maintenance provisions in the S106 Agreement however apart from these issues, it is considered that the other development included in the original application will continue to be provided in accordance with that scheme and therefore that the majority of the conditions and requirements secured under the Section 106 Agreement attached to that consent remain relevant. It should be noted however that it has been necessary to

amend a number of the conditions to reflect the fact that some of the details have already been submitted and approved in relation to application 12/1102.

### **Issues Raised by Third Parties**

The 1 letter of objection received resulting from the publicity exercise when application 14/1128 was originally received queried the need for additional retail development and the impact of increased traffic along the A473 and surrounding area, both of which were considered under application 12/1102.

When this application was last considered, Members were advised that no objections had been raised that were relevant to the alterations put forward in the amended application seeking the reduction in sales area and layout of plant and no there have been no changes to this position since.

### **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and,
3. fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) is anticipated to come into effect on 31<sup>st</sup> December 2014 for all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing and may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue contributions via Section 106 Agreements.

### **Updated Section 106 Requirements In This Case**

When this application was last considered in December 2014, it was advised that the S106 Agreement agreed at the time the original application was approved, requiring a package of highway and habitat management related contributions, remained relevant and these included:

### **A Transport / Highways contribution comprising:**

- **£2.05m** for improvements to the strategic highway network (comprising improvement works to the A4119/A473 roundabout) to be paid pre-occupation of the supermarket (Sainsbury's);

### **A Habitat / Management contribution & requirements comprising:**

- **£50k 'Habitat Management Contribution'** towards the management of Pant Marsh which will be specified in the agreement (**'Pant Marsh Maintenance'**).
- Prior to the payment of the 'Habitat Management Contribution', the owners to undertake certain **'Management Works'** including, the erection of stock proof fencing, gates and public access arrangements.
- Following construction of the bund, the owners to maintain the structural integrity of the embankment in accordance with an **'Embankment Maintenance Regime'**.

The S106 Agreement has now been partially complied with through the payment of the £2.05m Transport / Highways contribution. It is considered however that in light of the significant enabling works carried out at the site, it would be appropriate for other provisions of the Agreement not yet complied with to be brought forward which would enable the ecological management of Pant Marsh to be commenced and the construction impacts to be appropriately mitigated.

It is therefore recommended that a new S106 Agreement is entered into with the applicant to secure the payment of the Habitat Management Contribution of £50k upon commencement of the construction of the supermarket, or by 1st February 2019, whichever is the earliest. The payment of this contribution will then enable the Council to commence the maintenance of Pant Marsh for a period of 25 years, which is a requirement of the existing Agreement.

It is considered however that this requirement meets all of the above tests and is compliant with the relevant legislation.

### **Community Infrastructure Levy (CIL) Liability**

The application site lies within the Commercial Charging Zone for which there is a liability of £100 / sqm for Class A1 retail development (including extensions) over 100m<sup>2</sup>.

In respect of applications made under Section 73 of the Town and Country Planning Act 1990, Regulation 128A of the CIL Regulations provides for CIL liability to be triggered only where any additional liability is introduced as a result of the development. In this case, the floorspace of retail development to be provided as a result of the Section 73 application will be reduced and the chargeable amount will therefore be £0.

### **UPDATED CONCLUSION**

The current application constitutes a small but material amendment to the original application for a supermarket and will deliver a sustainable form of development in accordance with policies of the Local Development Plan and national planning policy and guidance. The proposed removal of conditions 47, 48, and 49, will have no impact on the sustainability of the scheme, which will still be secured through Building Regulations.

In the 3 years since this application was last considered, significant enabling works have been carried out on the site which have an identifiable impact on Pant Marsh. It is therefore recommended that conditions 47, 48, and 49, be removed from the application, all of the other conditions imposed on the planning permission 12/1102 be amended as detailed below and the application be approved subject to a new S106 Agreement and revised management arrangement for Pant Marsh.

It is also recommended that delegated authority be granted to the Service Director Planning to refuse the application if the Section 106 Agreement is not completed within 3 months of the date of this resolution, as the proposal does not make adequate provision for mitigating the impacts of the development on Pant Marsh SINC, in conflict with policies AW8 and SSA 8 of the Local Development Plan.

The conditions listed below consist of those previously recommended in December 2014 (attached as Appendix A), however the amendments which are now recommended, are shown in bold.

**RECOMMENDATION**                      **Approve**

- 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            The development hereby approved shall be carried out in accordance with the following approved plans, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Drawings Nos: 7730\_PL 001, 7730\_PL 002, 7730\_PL 003, 7730\_PL013, 7730\_PL 014, 40116\_LP(90)002 Rev A, 40116\_LP(90)004 Rev B, 40116\_LP(90)005 Rev B, 40116\_LP(90)008, 40116\_LP(90)009, 40116\_LP(90)010 Rev A, 40116\_LP(90)011 Rev A, CD V\_C7915 C22 Rev RO, CD V\_C7915 C23 Rev RO, CD V\_C7915 C24 Rev RO, AL (90) 140 Rev G, 4449\_201 Rev P1, 5023353\_RCF\_I\_RC4 Rev P3 dated 22 October 2012;

Drawing No: 3168 / 20 dated 1 February 2013;

Drawing Nos: 40116-LP(90)001 Rev E, 40116\_LP(90)003 Rev C, 40116\_LP(90)006 Rev C, W110033/A/B/06 Rev A, W110033/A/B/05 Rev A dated 18 February 2013; and

Drawing Nos: 7730\_PL 079 Rev A, 7730\_PL 080 Rev A, 7730\_PL 081 Rev A, 7730\_PL 082 Rev A, 7730\_PL 083, 7730\_PL 084, 7730\_PL 085, 7730\_PL 086, 7730\_PL 087 dated 20 August 2014.

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

3 This permission grants the development of a supermarket with the following uses and maximum floorspace areas:

- a supermarket 10,801sqm gross/7,230sqm net of floorspace;
- an associated car park (573 spaces);
- a petrol filling station including above ground fuel tanks;
- a link road (south) from the Glamorgan Vale roundabout;
- modifications to the east and west bound exits of the Glamorgan Vale roundabout;
- a new junction onto the A473 between Glamorgan Vale roundabout junction and the A4222 Cowbridge Road;
- associated landscaping works;
- re-profiling of the land to provide an approximate level development plateau at 48m AOD;
- Flood alleviation works comprising an earthen bund of c.280m length at c.46m AOD.

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of building/floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development.

4 The net sales floorspace (excluding check-outs) of the supermarket hereby permitted shall not exceed 7,230sqm net of which no more than 3,100sqm shall be used for the sale of comparison goods, unless otherwise agreed in writing with the Local Planning Authority. The store shall not be subdivided into separate retail units or any further element of mezzanine level provided without the further written consent of the Local Planning Authority.

Reason: In order that the development accords with the retail assessment undertaken and having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

5 The development hereby permitted shall provide no less than 573 car parking spaces and these shall be provided in a car park to serve the supermarket. The car park to serve the supermarket shall be completed prior to first beneficial occupation of the supermarket.

Reason: In order to ensure that a satisfactory level of car parking is provided within the development in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6 Prior to the first beneficial occupation of the development hereby approved, a scheme detailing the hours of operation of all other activities (including a Deliveries and Servicing Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall require:

- a) Deliveries to the service yard between the hours of 23:00 and 06:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be limited to no more than one delivery per hour.

- b) Deliveries to the service yard between the hours of 07:00 and 23:00 from Monday to Saturday and between 08:00 and 22:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard Management Plan - (Daytime / Evening Deliveries).
- c) Deliveries to the service yard between the hours of 23:00 and 07:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard Management Plan – (Overnight Deliveries).
- d) Details which demonstrate how deliveries and service trips will be managed and shall include a routing agreement for all delivery and service vehicles accessing the site to ensure that deliveries are made via the strategic road network and not via secondary routes.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of residential properties within the development in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 7 The supermarket and petrol filling station shall not be open to the public outside of the following times:

Supermarket:

Monday to Saturday: 07:00 - 22:00  
Sundays and Bank Holidays: 10:00 - 18:00

Petrol Filling Station:

Monday to Saturday: 06:00 - 23:00  
Sundays and Bank Holidays: 06:00 - 23:00

Reason: To protect the amenities of nearby properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 8 **No works of construction relating to the supermarket** shall take place until a Construction Environmental Management Plan (CEMP), relating to the development, has been submitted to and approved in writing by the Local Planning Authority to provide for:

- the means of access into and egress from the site for all construction traffic;
- the routing of construction traffic on the public highway;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials, storage of plant and materials used in the construction of the development;
- wheel washing facilities;
- the suppression of dust;
- the sheeting of lorries leaving the site;
- details of plant and equipment;

- methods and types of ground compaction;
- mitigation measures for the control of noise;
- location of site compounds;
- use of artificial lighting and details of the measures that will be put in place to reduce the impacts of light fall from construction lighting onto the adjacent Pant Marsh SINC and other habitats;
- measures to treat and remove suspended solids from surface water run-off;
- method statement for the working on the retained areas of Pant Marsh SINC;
- the temporary protection of trees and/or hedgerows to be retained during periods of construction.

The approved Construction Method Statement Management Plan shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free flow of traffic and in order to ensure that the amenities of residents in proximity to the site are not unduly impacted upon in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 9 Any facilities for the storage of oils, fuels and chemicals associated with the construction compounds 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 are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 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 pipe work 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.

Reason: In order to prevent pollution of the water environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 10 Prior to its installation a full specification of all fixed building plant shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be in full accordance with the approved details.

Reason: In order to ensure that the plant is not of nuisance to nearby residential occupiers having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 11 Construction of the development, with the exception of prior agreed highway works, shall not take place other during the following times:

- Monday to Friday: 0800hrs to 1800hrs
- Saturday: 0800hrs to 1300hrs
- Not at any times on Sundays, Bank or Public Holidays



Unless otherwise first 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12 **The development shall be implemented in accordance with the programme of archaeological work (written scheme of investigation) approved on 6<sup>th</sup> August 2014 by the Local Planning Authority in respect of condition 12. relating to planning application reference 12/1102, unless otherwise agreed in writing. In accordance with the recommendation of GGAT, the final archaeological report must be submitted to and approved in writing by the Local Planning Authority, prior to practical completion.**

Reason: In order to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

- 13 Details of the finished floor levels for buildings and finished site levels (for all hard surfaced and landscaped areas) in relation to existing site levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the supermarket building. The minimum slab levels for the development shall be 46.5m AOD. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development having regard to the surrounding area and to ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 14 Prior to import to site, soil material or aggregate used as clean fill or capping material shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Planning Authority: no other fill materials shall be imported to the site.

Reason: To ensure that the site is safe and suitable for its proposed use in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 15 **The development shall be implemented in accordance with the scheme to deal with contamination approved on 18<sup>th</sup> November 2014 by the Local Planning Authority in respect of condition 15. relating to planning application reference 12/1102, unless otherwise agreed in writing.**

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 16 No development hereby permitted shall be occupied and/or operated until the

measures approved in the scheme (referred to in condition 15.) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 17 If during development works any contamination should be 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 revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 18 No construction of the supermarket, petrol filling station or car park shall commence until such time as details of all materials and finishes to be used externally (including the provision of site sample panels where appropriate) have been submitted to, and approved in writing by the Local Planning Authority. The materials used shall be in accordance with the details as may be 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.

- 19 **Other than in respect of the temporary service yard fencing shown on drawing number CD-V-C7915-P1-420-R3, the development shall be implemented in accordance with the approved positions, design, materials and type of boundary treatments approved on 19th July 2016 by the Local Planning Authority in respect of condition 19. relating to planning permission 12/1102/10, unless otherwise agreed in writing. Permanent details of the position, design, materials and type of boundary treatment of the service yard fencing shall be submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details prior to the first beneficial use of the development.**

Reason: In the interests of the security of the site, the visual amenities of the area and to safeguard the standards of amenity occupiers of properties in that area can reasonably expect to enjoy in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 20 **No development shall be occupied until such time as details of all external lighting, including lighting within the entrance of the retail unit and details of measures that will be put in place to reduce impacts of light fall from the supermarket, access and associated infrastructure onto the adjacent Pant Marsh SINC and other habitats, have been submitted to and approved in writing by the Local Planning Authority.**

**Any lighting installed shall be carried out and operated in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To ensure that residents and wildlife living in close proximity to the site are not unduly affected by the levels of light emanating from the proposed development. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 21 Prior to the beneficial occupation of the supermarket hereby approved, details of the temporary panel to be provided on the southern elevation of the development and the timescale for its installation and retention, shall be submitted to and agreed in writing by the Local Planning Authority. The panel shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development integrates with its surrounding and having regard to policies AW 6 and SSA8 of the Rhondda Cynon Taf Local Development Plan.

- 22 Prior to occupation of the development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority, detailing measures to be incorporated into the design, construction and operation of the development for the prevention of crime. The development shall comply with the details contained in the approved scheme.

Reason: In order to comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the requirements of TAN12: Design and Planning Policy Wales.

- 23 Prior to the beneficial occupation of the development hereby permitted, the footpath shown to the north of the supermarket on plan reference W110033A/B/05 Rev A, shall be constructed in accordance with details relating to its design and method of construction, which shall first be submitted to and approved in writing by the by the Local Planning Authority.

Reason: In the interests of pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 24 The timetable for the full implementation of the areas of public realm, shall be agreed in writing by the Local Planning Authority, prior to the occupation of the development and the identified area/s shall be carried out in accordance with the timetable and thereafter used for no purpose other than as areas of public realm.

Reason: To ensure that the new development makes the necessary and appropriate provision for public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 25 There shall be no beneficial occupation of the development, until a Management Strategy for the maintenance of all areas of public realm has been submitted to and approved in writing by the Local Planning Authority. The Management

Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the new development makes the necessary and appropriate provision for areas of public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

- 26 No development comprising the erection of commercial development (buildings) shall commence before a scheme for the provision and implementation of a sustainable urban drainage system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the proper drainage of the site in accordance with policies AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 27 No development comprising the erection of commercial development (buildings) shall commence, until foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works have been completed in accordance with the approved scheme.

Reason: In order to ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 28 No beneficial occupation of any commercial building hereby approved shall occur until all necessary improvements to the public sewerage system to accommodate the development have been completed and this has been confirmed in writing to the Local Planning Authority.

Reason: To protect the existing community and the environment from the adverse affects of sewerage flooding and pollution and to ensure the development is effectively drained.

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

Reason: To protect the integrity of the public sewerage system.

- 30 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.

Reason: 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.

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

Reason: To prevent hydraulic overload of the public sewerage system and

pollution of the environment.

- 32 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.

Reason: To protect the integrity of the public sewerage system and sustain as essential effective service to existing residents.

- 33 A surface water regulation system, the details of which shall be first submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

- 34 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings associated with construction compounds, shall be passed through an oil and petrol interceptor, the capacity and design of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The interceptor shall be installed prior to the parking areas and hard standings being used and retained thereafter and maintained in accordance with the manufacturer's instructions.

Reason: In order to prevent water pollution in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

- 35 **Condition now removed (as complied with).  
(No development whatsoever shall be allowed to commence until measures to protect the existing private sewerage crossing the site have been submitted to and approved by the Local Planning Authority.**

**Reason: To ensure that flood risk associated with the existing private sewerage does not increase as a result of any development activities.)**

- 36 **Details of a review of the structural condition of existing culverted watercourses crossing the site shall be submitted to and approved by the Local Planning Authority following the completion of ground works and also, prior to the occupation of the development.**

**Reason: To ensure that flood risk associated with the existing culverted watercourses does not increase as a result of any development activities.**

- 37 **The landscaping of the site shall be carried out in the first planting and seeding season following the completion of the development in accordance with a scheme to be first approved in writing by the Local Planning Authority, which shall include the suitable replacement of the TPO trees**

**proposed to be removed under this application. Any vegetation planted which within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other(s) of similar size and species unless the Local Planning Authority gives its 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.

- 38 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority prior to the beneficial use of the development. The landscape management plan shall be carried out as approved.

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.

- 39 **The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012 submitted in relation to application 12/1102) and the following mitigation measures detailed within the FCA:**

- **Minimum slab levels to be no lower than 46.5m Above Ordnance Datum (AOD) for the development area;**
- **A proposed mitigation scheme in the form of a raised earthwork embankment on the Pant Marsh, as outlined in section 3 and figure 3.3 of the FCA.**

Reason: To reduce the impact of flooding on the proposed development and future occupants and prevent flooding by ensuring the satisfactory storage of fluvial floodwater.

- 40 **The earthworks including the re-profiling works and construction of the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc dated August 2012), shall be carried out in accordance with the scheme approved on 16<sup>th</sup> December 2014 by the Local Planning Authority in respect of condition 40. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: To prevent the increased risk of flooding in accordance with policies AW 8 and AW 10 of the Rhondda Cynon Taf Local Development plan.

- 41 **The landscaping of the site and use of areas of SINC habitat that are removed shall be implemented in accordance with the scheme approved on 27<sup>th</sup> February 2015 by the Local Planning Authority in respect of condition**

**41. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: In order to minimise impact on the natural habitat in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

42 **The raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012), shall be implemented in accordance with the Bund Construction Scheme approved on 27<sup>th</sup> February 2015 by the Local Planning Authority in respect of condition 42. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development plan.

43 **The development shall be implemented in accordance with the Species and Habitat Protection and Mitigation Plan approved on 27<sup>th</sup> February 2015 by the Local Planning Authority in respect of condition 43. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW 5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

44 **The development shall be implemented in accordance with the Flood Bund Habitat Mitigation Plan approved on 3<sup>rd</sup> March 2015 by the Local Planning Authority in respect of condition 44. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: In the interest of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

45 **The development shall be implemented in accordance with the method statement for the removal or long-term management / eradication of Japanese knotweed approved on 6<sup>th</sup> November 2014 by the Local Planning Authority in respect of condition 45. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread from the development there would be the risk of an offence being committed, and avoidable harm to the environment occurring. Its effective management is considered to be in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

46 **No works of construction comprising the erection of commercial development (buildings) shall commence before a Sustainable Development Strategy (SDS) report has been submitted to and approved in writing by the Local Planning**

Authority. The SDS report shall have regard to matters of energy efficiency and the efficient use of other resources and seek to minimise the use of non-renewable resources and minimise the generation of waste and pollution, where practically possible and viable; the conclusions of the report shall be implemented in full within the development.

Reason: In order to secure accordance with policy AW6 of the Rhondda Cynon Taf Local Development Plan.

47 Condition now removed.

48 Condition now removed.

49 Condition now removed.

50 Within 6 months of the first beneficial occupation of the development hereby permitted a "Green 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 "Green 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 mitigation measures if targets are not achieved. The "Green 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 in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

51 **The development shall be implemented in accordance with the Validation Plan and Detailed Risk Assessment approved on 18th November 2014 by the Local Planning Authority in respect of condition 51. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: In order to take account of controlled waters at this site and their high environmental sensitivity and the potential contamination of both soil and groundwater at the site from the historic site use associated with the former Purolite works and Staedtler factory sites.

52 No development hereby permitted shall be occupied and/or operated until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.



Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 53 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.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 54 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. Any further remediation measures required shall be carried out in accordance with the amended remediation strategy.

Reason: Given the size/complexity of the site, and its historic use, it is considered highly likely that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 55 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling, and also a risk that piling or other foundation excavations could disturb and mobilise residual soil contamination, providing preferential migration pathways to groundwater.

- 56 **The service yard junction with the A473 shall be operated as a 'left in, left out' junction only.**

Reason: In the interests of highway safety and the free flow of traffic along the A473 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

- 57 **The development hereby permitted shall not be occupied until all transportation infrastructure has been completed in accordance with the details approved on 13th October 2014 by the Local Planning Authority in respect of condition 57. relating to planning permission 12/1102/10, unless**

**otherwise agreed in writing.**

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

- 58 No part of any sign or lighting unit shall be less than 2.3m above any adjacent footway or within 450mm of a vertical line above the edge of any adjacent carriageway.

Reason: For safety of all highway users.

- 59 **The development shall be implemented in accordance with the geotechnical site investigation and appropriate mitigation measures in relation to highway infrastructure approved on 13th October 2014 by the Local Planning Authority in respect of condition 59. relating to planning permission 12/1102/10, unless otherwise agreed in writing.**

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

- 60 Detail and Method Statement of a car park and on-site traffic management and operation system must be submitted to and agreed in writing by the Local Planning Authority prior to beneficial occupation of the development. The scheme shall include opportunities for annual monitoring of the effectiveness of the layout and measures by which amendments can be secured. The approved management and operation system shall be implemented to the satisfaction of the Local Planning Authority prior to development of Phase 1 being brought into beneficial use. The management arrangements shall be subject of a review and monitored to the satisfaction of the Local Planning Authority.

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

Advisory / Informative should be updated to include the following:

## APPENDIX A

**APPLICATION NO:** 14/1128/15 (SF)  
**APPLICANT:** Sainsbury's Supermarkets Ltd  
**DEVELOPMENT:** Variation of Condition 2 and removal of Conditions 47, 48 and 49 of planning permission 12/1102/10 to allow minor alterations to the approved plans comprising a reduction in net sales area, internal and external alterations to the approved store and alterations to the layout of plant within the service yard  
**LOCATION:** SAINSBURYS SUPERMARKETS LTD, LAND SOUTH OF A473, TALBOT GREEN  
**DATE REGISTERED:** 28/08/2014  
**ELECTORAL DIVISION:** Talbot Green

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**RECOMMENDATION:** Approve

**REASONS:** The principle of the development has been previously established through application 12/1102 and the proposed changes to the approved plans (Condition 2.) providing a reduction in net sales area and other alterations will not have any significant impact on the overall scheme.

The proposed removal of the 3 BREEAM conditions (Conditions 47. 48. and 49.) is appropriate, following the withdrawal of national planning policy requirements for sustainable building standards on 31 July 2014.

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### APPLICATION DETAILS

This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks the variation and removal of conditions from planning permission 12/1102, which granted a full application for the erection of a supermarket, service yard, car park, petrol filling station, new customer access road and new access from the A473 and associated development on 8.65 hectares of land, to the south of the A473 at Talbot Green.

Full planning permission for the supermarket and other associated development was granted on 27 November 2013, subject to conditions and a Section 106 Agreement. The current application seeks the variation of condition 2. and the removal of conditions 47. 48. and 49. as follows:

#### 1) Variation of Condition 2.

This condition requires the development to be carried out in accordance with the various plans which are individually specified in the condition, unless those elements of the development are otherwise approved and superseded by details required by

other conditions attached to the consent. The applicant wishes to alter this condition in order to accommodate minor physical changes to the proposed supermarket. Current planning legislation enables such changes to be agreed through a Section 73 application by approving alternative plans, without the need to submit a revised full application.

The changes which Sainsbury's Supermarkets wish to make through the variation of condition 2. are summarised as follows:

- Removal of the trading floorspace at mezzanine level. The mezzanine floor will continue to provide the cafe, WCs and colleague area, but will be reduced in size. The ground floor area of the store or footprint will remain unchanged. The proposed store would measure 9,192 sqm GEA rather than 10,801 as approved (-1,609) and the sales area would reduce correspondingly to 5,603 from 7,230 (-1,627);
- Reduction of roof height over approximately three-fifths of the store (area adjacent to the A473 and residential properties beyond) resulting from there no longer being a need for a double height roof across the entire store;
- Alterations to the roof form which allow the roof-top plant enclosure to be better located and shielded by the higher roof on 2 sides and a new stair access from the rear service yard up to the plant enclosure;
- Realignment of the front canopies of the building due to alterations to the roof.
- Changes to the internal vertical circulation spaces including the WC and ATM, as well as the cafe exit onto the balcony;
- Moving of the entrance lobby, escape doors and cycle parking to the south;
- Incorporation of photo voltaic solar panels on the roof;
- Alterations to the distribution of plant within the service yard - the access egress, docking and manoeuvring areas remain unaffected;

This part of the application has been submitted as the applicant considers that the cost of building, heating, lighting, stocking and staffing the trading mezzanine floor are not justified by potential increases in store takings, over and above that which could be taken by the store without the mezzanine floor. Accordingly, they consider it a more efficient use of investment money to remove the trading mezzanine floor.

The original planning application (12/1102) proposed other development to be provided in connection with the supermarket however, no alterations are currently proposed to any of the other development, which will continue to be provided in accordance with the approved scheme. For Members' reference, this original application included:

- An eight-pump Petrol Filling Station (PFS) with jet wash facilities;
- A 573 space surface level car park;
- A link road forming a southern arm from the Glamorgan Vale roundabout providing vehicular access to the PFS, supermarket car park and bus stop via an internal roundabout;

- Minor modifications to the east and west bound exits from the Glamorgan Vale roundabout as necessary, associated with the above;
- A new priority junction onto the A473 between Glamorgan Vale roundabout and the A4222 (Cowbridge Road) junction, to allow access/egress to the supermarket's service yard;
- Associated landscaping works;
- Re-profiling of land to provide an approximately level development plateau at 48m Above Ordnance Datum (AOD);
- Flood alleviation works comprising an earthen bund, to the east of Y Pant School.

Members may recall that the previous application was accompanied by an Environmental Statement (ES), which provided an assessment of the likely effect of the scheme, which is considered necessary where a development is likely to have a significant effect (positive or negative) on the environment. In this case, it has been determined that the current proposal does not constitute a significant amendment to the previously approved scheme. The associated conditions and Section 106 Agreement which were agreed were considered to provide appropriate mitigation against any significant effect of the scheme on the environment and as the current proposal will have less overall effect on the environment, it was therefore concluded that there was no requirement for a further ES in relation to this application.

a) **Removal of Conditions 47. 48 and 49.**

These conditions specify the following:

47. The supermarket shall be constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) overall 'Very Good' standard and achieve a minimum of 6 credits under category 'Ene1 – Reduction of CO2 Emissions' in accordance with the requirements of BREEAM 2008. The development shall be carried out entirely in accordance with the approved assessment and certification.
48. Unless otherwise agreed in writing by the Local Planning Authority, construction of the supermarket hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum BREEAM overall 'Very Good' and a minimum of 6 credits under 'Ene1 – Reduction of CO2 Emissions' has been achieved for each individual building in accordance with the requirements of BREEAM 2008.
49. Within 6 months of the first beneficial occupation of the building hereby permitted, the "Final Certificate" shall be submitted to the Local Planning Authority certifying that a minimum BREEAM overall "Very Good" and a minimum of 6 credits under "Ene1 – Reduction of CO2 emissions" has been achieved for that building in accordance with the requirements of

BREEAM 2008.

reason:

In each case, the reason for these conditions is to ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings in Planning Policy Wales.

In June 2014 the Welsh Minister for Housing and Regeneration announced his intention to withdraw the national planning policy requirement for sustainable building standards and cancel TAN 22 'Planning for Sustainable Buildings', when the changes to Part L of the Building Regulations came into effect from the end of July 2014. In announcing the change, the Welsh Minister expressed his belief that TAN 22 had served its purpose now that the Welsh Government has control over the Building Regulations, which provide a more appropriate vehicle for setting building standards. These changes came into effect on 31 July 2014.

In making these changes, it is the view of the Welsh Government that any applications determined after the 31 July 2014, including Section 73 applications which might seek to remove extant conditions on planning permissions requiring the relevant Code for Sustainable Homes / BREEAM levels to be achieved, should be assessed in accordance with the policy changes and any existing adopted Local Development Plan policy which may require a higher standard.

The purpose of this part of the application is therefore to bring the current consent in line with national policy guidance.

The current application is accompanied by the following:

- Design and Access Statement (DAS)
- Written statement accompanying application;
- Amended plans in respect of the proposed changes.

The DAS provides details of the proposed changes and sets the context of the development, identifying that land to the south and west of the site has a resolution for outline consent for a comprehensive mixed use development, of which this development forms phase 1. The use of the site from that approved (under application 12/1102 ) will remain unchanged and a comparison of the proposed amended floorspace is provided. It is identified that the internal layout has been amended in terms of the precise location of vertical circulation space and the removal of customer escalators, changes to adjacent areas including the position of WCs and ATMs, minor changes to the store entrance which is no longer centred on the escalators and associated changes to elements under the front canopy including, cycle parking. Further changes to the roof top plant have been incorporated and the re-distribution of plant within the service yard.

It is confirmed that the site layout remains unchanged, although the scale of the development has been reduced. In particular, the height of the roof has been reduced from 10.7m to ridge to 7.2m across approximately three fifths of the roof area. The remaining parts of the roof at the southern end of the store would remain the same and the width and depth of the store will remain at 106m by 70m.

In relation to environmental sustainability, it is anticipated that a BREEAM Excellent rating will be achieved and the reduced roof height will contribute towards sustainability benefits by reducing demands on heating, lighting and general maintenance, as well as the building materials. It is confirmed that the removal of the BREEAM conditions 47. - 49. does not affect the anticipated rating. It is therefore concluded by the applicant that the proposed changes will not impact on the character, environmental sustainability, community safety or the access and movement at the site and the revised scheme continues to meet the design and access requirements of the Local Development Plan.

The written statement accompanying the application confirms that the proposed revised elevations retain the areas of quality materials including, on the north-elevation (fronting the A473) and also the visual interest of the south-east corner, including the cafe balcony.

It is confirmed that although during pre-application discussions, officers requested the removal of nine car parking spaces from the previously approved car park (573 spaces), it has been established that this is not feasible, due to the contractual agreement between the applicant and their developer. It is also advised that the reduction of the floor area of the store now proposed down to 9,192 sqm, would improve the ratio of spaces provided to 1 space per 16 sqm, which is closer to the Council's standard of 1 space per 14 sqm for this type of development.

The statement details that the gross external area (GEA) would be reduced from the approved area of 10,801 sqm to 9,192 sqm as a result of the removal of the trading area on the mezzanine level and the sales area would reduce from 7,230 sqm to 5,603 sqm. A comparison of the approved store and the LDP allocation against what is now proposed is also provided in a table, which is set out below:

**Table 1: Floorspace comparison**

|                    | Approved<br>12/1102/10<br>(sqm) | Now<br>proposed<br>(sqm) | Difference<br>(sqm) | LDP<br>allocation<br>(pre 1.6.16)<br>(sqm) | Now<br>proposed<br>(sqm) | Difference<br>(sqm) |
|--------------------|---------------------------------|--------------------------|---------------------|--|--------------------------|---------------------|
| <b>GEA</b>         | 10,801                          | 9,192                    | -1,609              | -  | 9,192                    | -                   |
| <b>Sales</b>       | 7,230                           | 5,603                    | -1,627              | -  | 5,603                    | -                   |
| <b>Convenience</b> | 4,130                           | 3,278                    | -852                | 3,700                                      | 3,278                    | -422                |
| <b>Comparison</b>  | 3,100                           | 2,325                    | -775                | 2,000                                      | 2,325                    | +325                |

N.B. Numbers may not fully tally due to sq ft to sqm conversion and rounding.

In relation to the physical and environmental impact, which was previously assessed through the submission of an Environmental Statement (ES) which accompanied application 12/1102, a brief assessment of the implications of the proposed amended scheme are provided in relation to each of the ES chapter areas including traffic and transportation, ecology and nature conservation, hydrology and flood risk, socio economic and retail, landscape and visual impact, air quality, noise and contamination. It is concluded that whilst some benefits have been identified, the conclusions of the ES in relation to overall likely significant effect remain unchanged.

The applicant's written statement also outlines a number of benefits to the proposed changes in particular, the reduction in the roof height and construction materials needed to build the store, together with the resulting reduced volume of building requiring heat and light. It is suggested that these reduced impacts, together with the introduction of solar panels on the roof will result in the proposed scheme being significantly more sustainable than the approved store. It is also confirmed that the removal of the BREEAM conditions 47, 48 and 49, will not affect the sustainability credentials of the building, which will be secured through the new Building Regulations Part L

## **SITE APPRAISAL**

The planning application site comprises an area of land of approximately 8.65 hectares, which forms part of the larger SSA8 allocation in the Council's Local Development Plan.

The site is located between the A473 which is immediately to the north and Y Pant Comprehensive School to the south. Beyond the A473 and now disused railway line to the north, lies the Green Park area of housing (inc. Oak Close, Cherry Tree Walk, Llys Catwg, Ash Walk as well as Green Park itself). Also to the north and north-east lies the Glamorgan Vale Retail Park and beyond that, the further retail area of the Tesco Extra store and the Talbot Green Retail Park.

The northern part of the site includes the Glamorgan Vale roundabout and a small section of the A473, for which minor modifications were approved under 12/1102, are proposed in order to create 2 new access points to the supermarket. The northern arm of this roundabout currently provides access to and from the Glamorgan Vale Retail Park. The eastern part of the site and proposed flood bund extend into an area of Pant Marsh, which is designated as a Site of Importance for Nature Conservation (SINC), and also forms part of a Special Landscape Area (SLA).

At its western extent, a small part of the site which is proposed to provide a temporary footpath adjoins Cowbridge Road and the Leekes store is located



immediately to the south, together with its associated car parking facilities. The area of land to the west of the application site, previously accommodated the former Purolite chemical works. These buildings were demolished and cleared some years ago and works of site ground remediation undertaken. This part of the site appears as currently vacant open land.

The western boundary of the site is defined by Cowbridge Road (A4222). A number of small scale commercial uses occupy land on the opposite side of Cowbridge Road from the western end of the site. Behind these commercial uses, there are a small number of residential properties within Railway Terrace, whose access is taken from Cowbridge Road (A4222) at a point just south of the traffic light controlled junction with the A473.

The southern boundary of the site lies just north of a wooden post and wire fence which defines the existing field between the application site and northern boundary of Y Pant School grounds. To its eastern extent, the southern boundary of the site is created by the line of the new access road and the associated earthworks as it curves round to meet the Glamorgan Vale roundabout on the A473.

Part of the site extends south from the main body of the rest of the site across Pant Marsh, before sweeping to the east and ending close to the northern bank of the Afon Clun. It is on this area of the site that the flood embankment (bund) was approved under the previous application (12/1102). A well-used public footpath runs east-west across Pant Marsh and then follows a line between the Afon Clun and the southern boundary of the Y Pant School site, before it reaches Cowbridge Road (A4222).

The site accommodates a number of mature trees and a group of Welsh oak trees within the site, are the subject of a Tree Preservation Order (TPO). The other notable area, is a line of mature leylandii cypress trees along the northern boundary, which currently screen the site from the A473.

On the southern side of the Afon Clun the land rises quite significantly up to the Coed yr Hendy woodland, with the relatively recently built residential development of Cefn y Hendy beyond.

Ground levels across the site are relatively consistent but generally the higher levels are on the brown field land at the western end of the site and the lower levels on the Pant Marsh at the eastern end of the site.

## **PLANNING HISTORY**

There are a relatively large number of planning application references going back to 1974 which relate to the former Purolite use of the site and land on the adjoining Staedtler site. These are not all listed below however, reference is made to those

applications which are considered to be of greater relevance to the current application.

|         |  |   |
|---------|--|---|
| 12/1102 | Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development.  | Approved<br>27/11/13<br>subject to S106<br>Agt. |
| 11/1330 | Outline application for development of new town centre comprising: a 10,801sqm gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sqm gross retail floor space (Class A1); 600sqm gross cafe space (Class A1); 1,000sqm financial/professional service space (Class A2); 2,390sqm gross food and drink space (Class A3); 1,400sqm gross office space (Class B1); 750sqm gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works. | Resolved to<br>approve subject<br>to S106 Agt.  |
| 05/1514 | Variation of condition (no.7 as imposed on permission ref: 04/1820) to allow a raised clean up target for Ethyl Benzene (former Purolite site)   | Cond. Perm.<br>21/07/06                         |
| 04/1820 | Remediation works (involving demolition and removal of all pipe work and buildings apart from the administration building within the site boundary and removal of soil and groundwater contaminants), (former Purolite site).  | Cond. Perm.<br>18/02/05                         |
| 94/0845 | Renewal of outline permission ref: 91/0636, for a development of Class B1, B2 and B8 uses. (part of Springfield Farm, land R/O former Staedtler site).   | Cond. Perm.<br>09/03/95                         |
| 93/0705 | Outline application for Business (Class B1) and Warehousing (Class B8) Development. (land south east of Talbot Green, south of New Park and west of the A4119).  | Withdrawn<br>22/07/94                           |
| 91/0636 | Class B1, B2 and B8 development. (outline). (part of Springfield Farm, land R/O former Staedtler site).  | Cond. Perm.<br>06/12/91                         |
| 90/0836 | Roundabout to be incorporated in a new highway – Talbot Green Bypass.  | Cond. Perm.<br>21/12/90                         |

(land south of Talbot Green and west of the A4119).

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters sent to the same commercial and residential properties as the previous application (12/1102) and also site notices, which were placed in locations surrounding the site and the wider residential and retail areas in Talbot Green and Pontyclun.

In response to the public consultation exercise **1 letter of objection** has been received raising the following issues:

- The area is already adequately served for all retail needs and additional development will only further aggravate traffic congestion in the area;
- As a resident of Llantrisant who has to use the M4 to commute, it is increasingly difficult to commute along the A4119 with high volumes of traffic;
- As a parent of children at Y Pant Comprehensive School, concerns are expressed about their safety from increased traffic along the A473 and the disruption and inconvenience caused by further building work.

## **CONSULTATION**

Transportation Section – has advised that the proposed changes have no adverse impact on highway safety or its operation and therefore no highway objections are raised subject to the re-imposition of highway conditions relating to the approved application 12/1102.

NRW - has advised that it has no comments in relation to this application.

Dwr Cymru/Welsh Water - no comments received.

Western Power Distribution - no comments received.

Wales & West Utilities - has raised no objection, but has identified the presence of their infrastructure in the vicinity of the application site and requested the applicant to contact them directly to discuss their requirements in detail and advised that any diversion works will be fully chargeable.

Public Health & Protection – no objections raised to the proposed development.

Petroleum Licensing Officer – has raised no additional observations, as the application has no relevance to the petrol filling station aspect of the development.

Countryside Section (Landscape & Ecology) – no comments received.

Land Reclamation & Engineering - the application refers to minor changes to the original submission and the previous observations are therefore applicable, with no further comments being raised.

WG (Highways) - no comments received.

Sustrans – no comments received.

The Coal Authority – no comments received.

Glamorgan Gwent Archaeological Trust Ltd – has advised that they have received an archaeological and cultural heritage assessment on the applicant's behalf, which showed that the likelihood of significant archaeology being located is not high. Therefore, it is their opinion that the proposed amendments are unlikely to reveal any hitherto unknown archaeological resource.

South Wales Fire & Rescue Service - no comments received.

South Wales Police (Crime Prevention Design Advisor) - no comments received.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

**Policy CS2** - confirms that in respect of development in the Southern Strategy Area, the emphasis will be on sustainable growth that benefits the County Borough as a whole. Key criteria that will be considered in seeking to achieve this aim are identified.

**Policy CS3** - in order to promote sustainable growth, this policy allocates a number of specific 'Strategic Sites' across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Mwyndy/Talbot Green Area is identified as site no. 7 (Policy SSA8)).

**Policy CS7** - identifies the allocation of 23,400sqm (net) of retail development floorspace at Strategic Site 7 (Land at Mwyndy/Talbot Green).

**Policy CS8** - identifies the implementation of a strategic transport corridor management system in 3 strategic corridor areas, including the A4119 / A473 Corridor.

Supporting paragraph 4.75 of the LDP confirms that appropriately sized development within the identified corridors will be required to fund the development of a strategic corridor management system.

**Policy AW2** - confirms that development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

**Policy AW4** - confirms that the Council may seek planning obligation contributions in association with new development. The policy identifies a number of areas including affordable housing, educational facilities, highway infrastructure works, recreational and leisure, management of Strategic Transport Corridors, where contributions could be sought.

**Policy AW5** - sets out criteria for new development and requires the scale, form and design of new development to have an acceptable effect on the character and appearance of the site and surrounding area and existing features of the built environment to be retained. Development must have no significant impact on the amenities of neighbouring properties, be compatible with other uses in the locality and to design out the opportunity for crime and anti social behaviour. Development must also be sustainable, have safe access and provide car parking in accordance with the Council's Supplementary Planning Guidance (SPG).

**Policy AW6** - requires development to involve a high quality design and to reinforce attractive qualities, including that they include an efficient use of land and in the public realm and key locations, the character and quality of the built form is to a high standard of design. Development should provide a high level of connectivity and accessibility to existing centres and a wide range of modes of sustainable transport and also promote the use of renewable energy.

**Policy AW7** – development proposals which impact upon sites of architectural and/or historic merit and sites of archaeological importance will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character and appearance of the site.

**Policy AW8** - only permits development where it would not cause harm to features of the natural environment and requires proposed development to demonstrate what measures are proposed for the protection, management and mitigation of potential impacts on species and habitats of ecological importance. Under this policy, Sites of Importance for Nature Conservation (SINCs) are identified

**Policy AW10** - advises that development will not be permitted where it would cause or result in an unacceptable risk of harm to health or local amenity due to various risks including air, light, noise or water pollution, contamination, landfill gas, land instability and flooding or any other identified risk to the environment, local amenity and public health or safety.

**Policy AW14** - deals with the safeguarding of minerals. It requires identified sites to be safeguarded from any development, which would unnecessarily sterilise them or hinder their extraction. Para 1 (site 'e') identifies Pant Marsh as being a resource of sand and gravel.

**Policy SSA3** - identifies criteria for both new residential and commercial development in the Principal Town of Llantrisant/Talbot Green. Criteria 5 (of 8) states "Promotes opportunities for new retail, tourism and leisure development".

**Policy SSA8** - allocates the current application site as part of the larger Mywndy/Talbot Green Area Strategic Site (as identified under Policy CS3) for 23,400sqm (net) of new retail floorspace.

Within supporting paragraph 6.138 it states that the Council would wish to see, in respect of the land with a frontage to Cowbridge Road:

'The area of land cross hatched on the indicative concept plan will accommodate a retail development of approximately 0.5 hectares and link road connecting the new town centre with the A473. The balance of the land will remain undeveloped.

a) New Town Centre on the Leekes/Staedtler/Purolite site, comprising:

- 3,700sq.m. (net) convenience retail floorspace.
- 19,500sq.m. (net) comparison retail floorspace.
- Pub/café.
- 10,000sq.m. (net) leisure floorspace.
- Library.
- Focal public space plus sensitively integrated car parking.
- Public transport hub.
- Pedestrian and cycle links over the A473 at Cowbridge Road and Glamorgan Vale Retail Park.

Main road connections at Cowbridge Road and Glamorgan Vale roundabout.

- The new town centre will be laid out in a manner that reflects the characteristics of a town centre, with a range in the size of new retail units to be provided.

b) Residential development of 100 apartments and town houses.'

Supporting paragraph 6.139 comments on the issue of Phasing and confirms that in order to reduce the risk of an over supply of comparison goods floorspace significantly in advance of the identified need for that floorspace, the retail development of the Cowbridge Road area shall be carried out in two Phases. Until 1 June 2016, the construction of new retail floorspace will be limited to a new convenience goods floorspace of 3,700sqm (net), new comparison goods floorspace of 2,000sqm (net) and the replacement of the existing Leekes floorspace with an equivalent amount of new comparison goods floorspace to that existing on those premises at the time of the adoption of the LDP.

(For Members' clarification, 'convenience goods' describes regular items such as items of food, newspapers and confectionary, etc. which are convenient for everyday living and 'comparison goods' describes largely non-food related items such as household goods, electrical goods, clothing, etc., for which more comparison between brands/retailers would be expected).

**Policy SSA16** - establishes the hierarchy of retail centres in the Southern Strategy Area. Llantrisant (including Talbot Green) is identified as a Principal Town Centre. The policy states that proposals for retail development or changes of use to retail uses inside the defined boundaries, which would maintain or enhance a centre's position in the retail hierarchy, will be permitted.

**Policy SSA17** - allows for new and improved retail (Class A1) facilities and other uses that are appropriate within the retail centres of Pontypridd and Llantrisant/Talbot Green (the 'Principal Town Centres' as identified under policy SSA16), where a number of criteria are met.

**SPG** – Nature Conservation

**SPG** – Design and Placemaking

**SPG** – Delivering Design and Placemaking: Access, Circulation & Parking Requirements.

**SPG** – Planning Obligations

### **Community Infrastructure Levy (CIL) Liability**

The application site lies within the Commercial Charging Zone for which there is a liability of £100 / sqm for Class A1 retail development (including extensions) over 100m<sup>2</sup>.

In respect of applications made under Section 73 of the Town and Country Planning Act 1990, Regulation 128A of the CIL Regulations provides for CIL liability to be triggered only where any additional liability is introduced as a result of the development. In this case, the floorspace of retail development to be provided as a result of the Section 73 application will be reduced and the chargeable amount will therefore be £0.

### **National Guidance**

In the determination of planning applications, regard should also be given to the requirements of National Planning Policy 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.

Planning Policy Wales Chapter 3 (Making and Enforcing Planning Decisions), Chapter 4 (Planning for Sustainability), Chapter 6 (Conserving the Historic Environment), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 10 (Planning for Retail and Town Centres), Chapter 12 (Infrastructure and Services) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 8: Renewable Energy;

PPW Technical Advice Note 11: Noise;

PPW Technical Advice Note 12: Design;

PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and 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 relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of the proposed development**

The principle of the development of a supermarket at this site has been previously established through the grant of a detailed full planning permission (12/1102) and it is therefore only appropriate to consider whether the proposed variation of condition 2. and the reduction in the size of the supermarket and other alterations proposed, in addition to the removal of conditions 47. 48. and 49, will raise any material considerations in relation to the overall scheme.

The application site is located within the settlement boundary, where new development is subject to assessment against a number of policy constraints. Both local and national planning policy support a presumption in favour of sustainable development and see the planning system as the key to providing for society's future needs. In identifying sites in sustainable locations, Policy AW 2 sets out a number of criteria to be taken in account including supporting locations that are within the settlement boundary, have good accessibility by a range of sustainable transport options and have good access to key services and facilities. In this case, the application constitutes the variation of a condition on the original consent resulting in a reduction in the trading floorspace at mezzanine level, changes to the appearance of the store and reduction in its overall height and other minor associated changes. These changes, together with the proposed removal of 3 conditions which were intended to ensure a sustainable construction (but which is now controlled through Building Regulations), are not considered to have any impact on the sustainability of the overall scheme which remains compliant with Policy AW2 of the Local Development Plan. Further consideration of the main issues resulting from these changes against other policy criteria is provided below.

### **Main Issues**

#### **Visual impact on the character and appearance of the area**

The proposed changes to the supermarket building shown on the revised plans submitted detail the same footprint for the store however, the reduction of the retail



floor area resulting from the removal of part of the mezzanine level has resulted in a reduction in the roof height (from approximately 10 metres to 7 metres) of the northern part of the building, or right-hand side when viewed from the car park. As a result, the building would be less bulky and its scale from the northern side when viewed from the A473 would be significantly reduced.

The effect of this change in roof height means that the southern section of the supermarket building now appears more prominent however, at the time the previous application was considered, particular emphasis was placed on the south-east corner as it was recognised that this would form an important frontage facing onto the proposed main shopping street in the adjacent new Town Centre.

With regard to the general appearance and materials, these replicate those approved in relation to the previous scheme, with areas of reconstituted stone slip panels (blue/grey pennant) and a double glazed walling system (dark grey) on the main elevations and composite flat metal cladding panels (mid-grey) on the less visible parts of the south and west elevations for practicality and maintenance. The design of the building also retains two steel column supported canopies at different levels along the front (east) elevation, to provide shelter for the pick-up point, trolley bays and bicycle parking. The roof will also be finished in a mid-grey PVC roofing membrane, but in addition to a series of rooflights over the sales floor and roof top plant, a number of photovoltaic panels are also incorporated within the roof.

The proposed amendments therefore represent a significant reduction in the scale of the building, which would result in the supermarket having less overall impact on the surrounding area, particularly when viewed from the A473. Whilst the appearance of the roof of the building has been altered through the incorporation of a number of photovoltaic panels, due to the distance of the site from higher ground in the surrounding area, it is unlikely that these structures would have any adverse impact on any views over the site including Llantrisant Conservation Area, particularly as the height of a substantial part of the roof has been significantly reduced and the panels are viewed against other roof top plant.

As a result, the proposed physical changes to the building therefore have no adverse impact on the character or appearance of the area and in fact, have less visual impact in comparison with the approved scheme and provide a high standard of design in compliance with Policy AW6 of the Local Development Plan.

### **Reduction of Retail Area and impact on retail allocation**

As detailed earlier, as a result of the removal of the trading area on the mezzanine level, the gross external area (GEA) of the supermarket would be reduced from the approved area of 10,801 sqm to 9,192 sqm and there would be a corresponding reduction of the sales area from 7,230 sqm to 5,603 sqm. This reduction is illustrated in the table included earlier in the report, which also provides a comparison of the approved floor area and the LDP allocation against what is now proposed. The

applicant maintains that the table illustrates that whilst the approved application did not fully comply with the LDP allocation in that it approved sales areas over and above the allocation (430 sqm of convenience and 1,100 sqm of comparison goods), the current proposal by providing a reduction in floorspace, removes the non-compliance, at least in relation to convenience goods.

In relation to the LDP retail allocation, the Strategic Site retail allocation in policies CS 3, CS 7 and SSA 8 is for 23,400 sqm of retail floorspace (net sales). Para. 6.138 indicates that all but 200 sqm of this should be within the New Town Centre, and that 3,700 sqm should be convenience floorspace and 19,500 sqm should be comparison floorspace. Para. 6.139 also indicates that before 1 June 2016, no more than 3,700 sqm convenience floorspace and 2,000 sqm additional comparison floorspace should be completed and this phasing was introduced on the LDP Inspector's recommendation, to better relate the LDP to the retail evidence base and so make the LDP sound.

The approved plan is for 4,130 sqm of convenience floorspace (430 sqm over the LDP allocation) and 3,100 sqm comparison floorspace (1,100 sqm over the LDP allocation), whereas the floorspace now proposed is for 3,278 sqm of convenience and 2,325 of comparison. This is therefore now 422 sqm less than the convenience allocation and 325 sqm more than the pre-2016 comparison allocation.

In relation to the convenience floorspace, the approved overprovision of 430 sqm was considered justified in 2013 by the more spacious nature of a Sainsbury store. Whilst this has now been identified as an under provision of 422 sqm, this is not considered to be significant and would also provide flexibility for a small convenience store in the Phase 2 small units of the new Town Centre development.

The approved over provision of 1,100 for comparison floorspace was previously justified in 2013 by the likely timeframe for opening the superstore, which seemed unlikely before 1 June 2016 when the comparison floorspace limit would be lifted. The proposed overprovision of 325 sq m is now considered modest and the timeframe for opening the superstore is now very likely to be after 1 June 2016.

It is also identified within the application submission that the number of jobs created in the supermarket will reduce from approximately 430 full and part-time jobs to approximately 410. It is acknowledged however that the quantum of retail trading space would be reduced to fall more in line with the LDP allocation and whilst the turnover of the store would be reduced, the implications of this reduction is not judged to be significant, as the store would continue to provide a moderately beneficial retail impact.

In conclusion, it is maintained by the applicant that the proposed alterations are more acceptable from a planning policy perspective than the approved scheme. Whilst it has been identified through the updated floorspace figures provided that the current proposal are not fully compliant with the LDP retail allocation, it is accepted that

through the proposed revised scheme, the floor areas to be provided are now closer to the limitations set out in Policy SSA8 and on that basis, no policy objection raised.

### **Removal of Sustainability Conditions**

The application also seeks to remove the three BREEAM conditions imposed on planning permission 12/1102, which was granted consent on 27 November 2013.

The removal of these conditions is sought on the basis of changes to the Welsh Government's legislation on sustainable buildings, which has resulted in national planning policy requirements for sustainable building standards being withdrawn and Technical Advice Note 22: Planning for Sustainable Buildings (TAN22) being cancelled, with all requirements relating to energy efficiency being included within Part L of the Building Regulations. As a result of the legislative changes there is no longer any requirement to meet mandatory levels of Code for Sustainable Home (Code) and BREEAM accreditation as part of the planning process.

Welsh Government Circular WGC 016/2014: The Use of Conditions for Development Management includes the 'six tests' that have been laid down by the Courts as the general criteria for the imposition of conditions on a planning permission which must be:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

It is anticipated this development will be the subject of sustainability requirements under Building Regulations and therefore, it is considered that retention of conditions 47, 48, and 49, on planning permission 12/1102 would not be necessary, reasonable or enforceable.

### **Other Issues**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Access and Highway Safety**

It is confirmed that there are no changes to the previously approved access arrangements either in relation to customer access or deliveries. As identified earlier in the report, pre-application discussions were held with the applicant during which it was suggested that 9 car parking spaces were removed in order to improve

pedestrian circulation adjacent to the south-east corner of the store. Although the applicants initially agree to this suggestion, it has been confirmed through this application submission that this was not a feasible option to Sainsbury's due to their contractual agreement with the site developer. Whilst it would have been beneficial for these spaces to have been removed, it is considered that the level of parking provided is acceptable and the reduction of retail floorspace also provides an improvement to the ratio of parking spaces.

The application details acknowledge that whilst trip attraction to the store may reduce slightly as a result of the proposed reduction in floorspace, there is unlikely to be any resulting change to the impact on road links, driver delay, impact on pedestrians and cyclists and public transport.

The Transportation Section has raised no objections to the revised scheme, subject to the imposition of the previously approved conditions and it is therefore considered that the current application is considered to remain in compliance with Policy AW 5 of the Local Development Plan.

### **Drainage**

It is confirmed that there are no changes to the footprint of the store, site levels and general layout of the site and the previously approved flood mitigation remain unaffected by the proposed amendments.

As identified above, all of the other development included in the original application including the provision of the flood bund, will continue to be provided and no objections or other issues have been raised by NRW or the Land Reclamation and Engineering section in relation to the current scheme.

### **Noise**

As a result of the reduction in the height of the roof, the roof top plant would be moved further from residential properties to the north and better screened from the south by the higher parts of the store. The minor alterations to plant within the service yard area will not have any significant impact. It is also acknowledged that whilst there may be a reduction in the amount of traffic attracted to the store as a result of its reduced floorspace, there is unlikely to be a significant reduction in traffic noise.

### **Other Issues Unaffected by the Current Application**

As detailed earlier, in relation to the reduced physical and environmental impact of the current scheme, the application provides a brief assessment of various issues which were previously including within the ES submitted in support of the original application 12/1102.

It is identified that in relation to a number of the issues previously identified (other than those already identified), as the footprint of the store and general layout of the site remains unaffected by the proposed changes, there should therefore be significant implications or changes to previous conclusions regarding likely significant environmental effect. The issues to which this assessment has been applied includes, Ecology and nature conservation, Hydrology and flood risk, Archaeology and cultural heritage, Air Quality, Geology, Hydrology and drainage, Lighting and Land Contamination.

As previously detailed, the other development included in the original application will continue to be provided in accordance with that scheme and it is considered that all of the conditions and requirements secured under the Section 106 Agreement attached to that consent remain relevant and are therefore proposed to be attached to any consent granted.

### **Issues raised by third parties**

The issues raised in the letter of objection received relate to the need for additional retail development and the impact of increased traffic along the A473 and surrounding area, both of which were considered in some detail under the previous application (12/1102), which established the principle of the development. No additional objections have therefore been raised that are relevant to the issues raised by this application.

### **Section 106 Contributions / Planning Obligations**

Section 106 of the Town and Country Planning Act (as amended) enables local planning authorities and developers to agree to planning obligations to require operations or activities to be carried out on land (in-kind obligations) or require payments to be made (financial contributions), to mitigate any unacceptable impacts of development proposals.

The Community Infrastructure Levy (CIL) Regulations 2010, with effect from 6 April 2010, state that a planning obligation (under S.106) may only legally constitute a reason for granting planning permission if it is:

- i) necessary to make the development acceptable in planning terms;
- ii) directly related to the development; and,
- iii) fairly and reasonably related in scale and kind to the development.

Planning Policy Wales (Chapter 3) advises that contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development

Plan and the Council's SPG on Planning Obligations, however it is made clear that this is intended to form the basis of negotiations between all parties.

The Rhondda Cynon Taf Community Infrastructure Levy (CIL) is anticipated to come into effect on 31<sup>st</sup> December 2014 for all existing and new planning applications. This replaces all but site specific S106 requirements and affordable housing and may mean that in some areas of the County Borough where there is a nil liability, it will no longer be appropriate to pursue contributions via Section 106 Agreements.

### **The Section 106 requirements in this case**

Members will recall that the approval of the original application was subject to the completion of a S106 Agreement requiring a package of highway and habitat management related contributions including:

#### **A Transport / Highways contribution comprising:**

- **£2.05m** for improvements to the strategic highway network (comprising improvement works to the A4119/A473 roundabout) to be paid pre-occupation of the supermarket (Sainsbury's);

#### **A Habitat / Management contribution & requirements comprising:**

- **£50k 'Habitat Management Contribution'** towards the management of Pant Marsh which will be specified in the agreement (**'Pant Marsh Maintenance'**).
- Prior to the payment of the 'Habitat Management Contribution', the owners to undertake certain **'Management Works'** including, the erection of stock proof fencing, gates and public access arrangements.
  - Following construction of the bund, the owners to maintain the structural integrity of the embankment in accordance with an **'Embankment Maintenance Regime'**.

As the current application seeks to vary the original planning permission and if approved, would result in the reissuing of a further planning permission, the applicant will need to enter into a Deed of Variation of the original Section 106 agreement, to ensure that these obligations are applied to the new planning permission. It is considered that this requirement meets all of the above tests and is compliant with the relevant legislation.

### **CONCLUSION**

The current application constitutes a small but material amendment to the original application for a supermarket and will deliver a sustainable form of development in accordance with policies of the Local Development Plan and national planning policy

and guidance. The proposed removal of conditions 47. 48. and 49. will have no impact on the sustainability of the scheme, which will still be secured through Building Regulations.

It is therefore recommended that conditions 47. 48. and 49. are removed from the application, that all of the other conditions imposed on the planning permission 12/1102 be reiterated (with condition 2. amended to reflect the amended plans submitted) and the application be approved subject to a Deed of Variation of the original Section 106 Agreement.

**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. The development hereby approved shall be carried out in accordance with the following approved plans, unless otherwise to be approved and superseded by details required by any other condition attached to this consent:

Drawings Nos: 7730\_PL 001, 7730\_PL 002, 7730\_PL 003, 7730\_PL013, 7730\_PL 014, 40116\_LP(90)002 Rev A, 40116\_LP(90)004 Rev B, 40116\_LP(90)005 Rev B, 40116\_LP(90)008, 40116\_LP(90)009, 40116\_LP(90)010 Rev A, 40116\_LP(90)011 Rev A, CD V\_C7915 C22 Rev RO, CD V\_C7915 C23 Rev RO, CD V\_C7915 C24 Rev RO, AL (90) 140 Rev G, 4449\_201 Rev P1, 5023353\_RCF\_I\_RC4 Rev P3 dated 22 October 2012;

Drawing No: 3168 / 20 dated 1 February 2013;

Drawing Nos: 40116-LP(90)001 Rev E, 40116\_LP(90)003 Rev C, 40116\_LP(90)006 Rev C, W110033/A/B/06 Rev A, W110033/A/B/05 Rev A dated 18 February 2013; and

Drawing Nos: 7730\_PL 079 Rev A, 7730\_PL 080 Rev A, 7730\_PL 081 Rev A, 7730\_PL 082 Rev A, 7730\_PL 083, 7730\_PL 084, 7730\_PL 085, 7730\_PL 086, 7730\_PL 087 dated 20 August 2014.

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

3. This permission grants the development of a supermarket with the following uses and maximum floorspace areas:

- a supermarket 10,801sqm gross/7,230sqm net of floorspace;

- an associated car park (573 spaces);
- a petrol filling station including above ground fuel tanks;
- a link road (south) from the Glamorgan Vale roundabout;
- modifications to the east and west bound exits of the Glamorgan Vale roundabout;
- a new junction onto the A473 between Glamorgan Vale roundabout junction and the A4222 Cowbridge Road;
- associated landscaping works;
- re-profiling of the land to provide an approximate level development plateau at 48m AOD;
- Flood alleviation works comprising an earthen bund of c.280m length at c.46m AOD.

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of building/floorspace keeps within the parameters assessed pursuant to the EIA in relation to the development.

4. The net sales floorspace (excluding check-outs) of the supermarket hereby permitted shall not exceed 7,230sqm net of which no more than 3,100sqm shall be used for the sale of comparison goods, unless otherwise agreed in writing with the Local Planning Authority. The store shall not be subdivided into separate retail units or any further element of mezzanine level provided without the further written consent of the Local Planning Authority.

Reason: In order that the development accords with the retail assessment undertaken and having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

5. The development hereby permitted shall provide no less than 573 car parking spaces and these shall be provided in a car park to serve the supermarket. The car park to serve the supermarket shall be completed prior to first beneficial occupation of the supermarket.

Reason: In order to ensure that a satisfactory level of car parking is provided within the development in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. Prior to the first beneficial occupation of the development hereby approved, a scheme detailing the hours of operation of all other activities (including a Deliveries and Servicing Plan) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall require:

- a) Deliveries to the service yard between the hours of 23:00 and 06:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be limited to no more than one delivery per hour.
- b) Deliveries to the service yard between the hours of 07:00 and 23:00 from Monday to Saturday and between 08:00 and 22:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard



Management Plan - (Daytime / Evening Deliveries).

c) Deliveries to the service yard between the hours of 23:00 and 07:00 from Monday to Saturday and between 22:00 and 08:00 on Sundays and Bank/Public Holidays to be carried out in accordance with a Service Yard Management Plan – (Overnight Deliveries).

d) Details which demonstrate how deliveries and service trips will be managed and shall include a routing agreement for all delivery and service vehicles accessing the site to ensure that deliveries are made via the strategic road network and not via secondary routes.

The development shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to safeguard the amenities of the occupiers of residential properties within the development in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

7. The supermarket and petrol filling station shall not be open to the public outside of the following times:

Supermarket:

Monday to Saturday: 07:00 - 22:00

Sundays and Bank Holidays: 10:00 - 18:00

Petrol Filling Station:

Monday to Saturday: 06:00 - 23:00

Sundays and Bank Holidays: 06:00 - 23:00

Reason: To protect the amenities of nearby properties in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a Construction Environmental Management Plan (CEMP), relating to the development, has been submitted to and approved in writing by the Local Planning Authority to provide for:

- the means of access into and egress from the site for all construction traffic;
- the routing of construction traffic on the public highway;
- the parking of vehicles of site operatives and visitors;
- the management of vehicular and pedestrian traffic;
- loading and unloading of plant and materials, storage of plant and materials used in the construction of the development;
- wheel washing facilities;
- the suppression of dust;
- the sheeting of lorries leaving the site;

- details of plant and equipment;
- methods and types of ground compaction;
- mitigation measures for the control of noise;
- location of site compounds;
- use of artificial lighting and details of the measures that will be put in place to reduce the impacts of light fall from construction lighting onto the adjacent Pant Marsh SINC and other habitats;
- measures to treat and remove suspended solids from surface water run-off;
- method statement for the working on the retained areas of Pant Marsh SINC;
- the temporary protection of trees and/or hedgerows to be retained during periods of construction.

The approved Construction Method Statement Management Plan shall be adhered to throughout the development process unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free flow of traffic and in order to ensure that the amenities of residents in proximity to the site are not unduly impacted upon in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. Any facilities for the storage of oils, fuels and chemicals associated with the construction compounds 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 are multiple tanks, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of inter-connected tanks plus 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 pipe work 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.

Reason: In order to prevent pollution of the water environment in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to its installation a full specification of all fixed building plant shall be submitted to and approved in writing by the Local Planning Authority. Installation shall be in full accordance with the approved details.

Reason: In order to ensure that the plant is not of nuisance to nearby residential occupiers having regard to policy AW5 of the Rhondda Cynon Taf Local Development Plan.

11. Construction of the development, with the exception of prior agreed highway works, shall not take place other during the following times:

- Monday to Friday: 0800hrs to 1800hrs
- Saturday: 0800hrs to 1300hrs
- Not at any times on Sundays, Bank or Public Holidays

Unless otherwise first 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 AW10 of the Rhondda Cynon Taf Local Development Plan.

12. No development hereby permitted shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: In order to identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

13. Details of the finished floor levels for buildings and finished site levels (for all hard surfaced and landscaped areas) in relation to existing site levels shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the supermarket building. The minimum slab levels for the development shall be 46.5m AOD. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development having regard to the surrounding area and to ensure that the floor levels of any proposed buildings are above the flood level in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Prior to import to site, soil material or aggregate used as clean fill or capping material shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Planning Authority: no other fill materials shall be imported to the site.

Reason: To ensure that the site is safe and suitable for its proposed use in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

15. No development shall commence on site, unless otherwise agreed in

writing by the Local Planning Authority, until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- a Desk-top Study carried out by a competent person 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. A copy of the Desk-top Study shall be submitted to the Local Planning Authority without delay on completion.
- a site investigation shall be carried out by a competent person 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 completed satisfying the requirements of paragraph a) above.
- a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

16. No development hereby permitted shall be occupied and/or operated until the measures approved in the scheme (referred to in condition 15.) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

17. If during development works any contamination should be 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 revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

Reason: To ensure that the site is safe and suitable for its proposed use, in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

18. No construction of the supermarket, petrol filling station or car park shall commence until such time as details of all materials and finishes to be used

externally (including the provision of site sample panels where appropriate) have been submitted to, and approved in writing by the Local Planning Authority. The materials used shall be in accordance with the details as may be 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.

19. Details indicating the positions, design, materials (including, where necessary, samples) and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details as soon as practicable following the completion of the development and prior to the first beneficial use of the development.

Reason: In the interests of the security of the site, the visual amenities of the area and to safeguard the standards of amenity occupiers of properties in that area can reasonably expect to enjoy in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

20. Notwithstanding the details submitted as part of the application, no development shall be occupied until such time as details of all external lighting, including lighting within the entrance of the retail unit and details of measures that will be put in place to reduce impacts of light fall from the supermarket, access and associated infrastructure onto the adjacent Pant Marsh SINC and other habitats, have been submitted to and approved in writing by the Local Planning Authority.

Any lighting installed shall be carried out and operated in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that residents and wildlife living in close proximity to the site are not unduly affected by the levels of light emanating from the proposed development. In accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

21. Prior to the beneficial occupation of the supermarket hereby approved, details of the temporary panel to be provided on the southern elevation of the development and the timescale for its installation and retention, shall be submitted to and agreed in writing by the Local Planning Authority. The panel shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development integrates with its surrounding and having regard to policies AW 6 and SSA8 of the Rhondda Cynon Taf Local Development Plan.

22. Prior to occupation of the development, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority, detailing measures to be incorporated into the design, construction and operation of the development for the prevention of crime. The development shall comply with the details contained in the approved scheme.

Reason: In order to comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan and the requirements of TAN12: Design and Planning Policy Wales.

23. Prior to the beneficial occupation of the development hereby permitted, the footpath shown to the north of the supermarket on plan reference W110033A/B/05 Rev A, shall be constructed in accordance with details relating to its design and method of construction, which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

24. The timetable for the full implementation of the areas of public realm, shall be agreed in writing by the Local Planning Authority, prior to the occupation of the development and the identified area/s shall be carried out in accordance with the timetable and thereafter used for no purpose other than as areas of public realm.

Reason: To ensure that the new development makes the necessary and appropriate provision for public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

25. There shall be no beneficial occupation of the development, until a Management Strategy for the maintenance of all areas of public realm has been submitted to and approved in writing by the Local Planning Authority. The Management Strategy shall be implemented in accordance with the approved details.

Reason: To ensure that the new development makes the necessary and appropriate provision for areas of public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

26. No development comprising the erection of commercial development (buildings) shall commence before a scheme for the provision and implementation of a sustainable urban drainage system to serve the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved scheme and maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure the proper drainage of the site in accordance with policies AW6 and AW10 of the Rhondda Cynon Taf Local Development Plan.

27. No development comprising the erection of commercial development (buildings) shall commence, until foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works have been completed in accordance with the approved scheme.

Reason: In order to ensure adequate disposal of foul and surface water drainage in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

28. No beneficial occupation of any commercial building hereby approved shall occur until all necessary improvements to the public sewerage system to accommodate the development have been completed and this has been confirmed in writing to the Local Planning Authority.

Reason: To protect the existing community and the environment from the adverse affects of sewerage flooding and pollution and to ensure the development is effectively drained.

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

Reason: To protect the integrity of the public sewerage system.

30. 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.

Reason: 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.

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

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.

32. 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.

Reason: To protect the integrity of the public sewerage system and sustain as essential effective service to existing residents.

33. A surface water regulation system, the details of which shall be first submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent the increased risk of flooding.

34. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings associated with construction compounds, shall be passed through an oil and petrol interceptor, the capacity and design of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The interceptor shall be installed prior to the parking areas and hard standings being used and retained thereafter and maintained in accordance with the manufacturer's instructions.

Reason: In order to prevent water pollution in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

35. No development whatsoever shall be allowed to commence until measures to protect the existing private sewerage crossing the site have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing private sewerage does not increase as a result of any development activities.

36. No development whatsoever shall be allowed to commence until the structural condition of existing culverted watercourses crossing the site has been determined and measures to protect such culverted watercourses have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that flood risk associated with the existing culverted watercourses does not increase as a result of any development activities.

37. Notwithstanding the details submitted and considered as part of this application the landscaping of the site shall be carried out in the first planting and seeding season following the completion of the development in accordance with a scheme to be first approved in writing by the Local Planning Authority, which shall include the suitable replacement of the TPO trees proposed to be removed under this application. Any vegetation planted which within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season with other(s) of similar size and species unless the Local Planning Authority gives its 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.

38. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning



authority prior to the beneficial use of the development. The landscape management plan shall be carried out as approved.

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.

39. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012) and the following mitigation measures detailed within the FCA:

- Minimum slab levels to be no lower than 46.5m Above Ordnance Datum (AOD) for the development area;
- A proposed mitigation scheme in the form of a raised earthwork embankment on the Pant Marsh, as outlined in section 3 and figure 3.3 of the FCA.

Reason: To reduce the impact of flooding on the proposed development and future occupants and prevent flooding by ensuring the satisfactory storage of fluvial floodwater.

40. No development shall commence until a scheme detailing the phasing of the earthworks proposed to be carried out on site, including the re-profiling works and construction of the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc dated August 2012), has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policies AW 8 and AW 10 of the Rhondda Cynon Taf Local Development plan.

41. Prior to any works commencing on site, a strategy confirming how it is proposed to maximise mitigation opportunities for the areas of SINC habitat that are removed within the development site, for use within the landscaping of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be implemented in full in the course of the development.

Reason: In order to minimise impact on the natural habitat in accordance with policy AW8 of the Rhondda Cynon Taf Local Development Plan.

42. No works shall commence in relation to the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences

Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012), until a Bund Construction Scheme has been submitted to and approved by the Local Planning Authority which provides the following details:

- Details of the method of construction;
- Proposed materials to be used in construction;
- Method statement including cross sectional details of how the existing public right of way will be incorporated into the bund;
- Method statement which demonstrates how the public right of way will remain open, accessible and unobstructed throughout the course of the construction and a schedule of the measures, which will be employed to ensure that the public right of way is not damaged by the construction.

All works shall be carried out in accordance with that scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policies AW8 and AW10 of the Rhondda Cynon Taf Local Development plan.

43. No development shall take place until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- A timetable to show phasing of construction activities required in the Wildlife Protection Zone(s) to minimise, as far as practicable, works during periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles, etc.);
- Details of specific species and habitat mitigation measures;
- Persons responsible for:

- 1) Compliance with legal consents relating to nature conservation;
- 2) Compliance with planning conditions relating to nature conservation;
- 3) Installation of physical protection measures during construction;
- 4) Implementation of sensitive working practices during construction;
- 5) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- 6) Specific species and Habitat Mitigation measures;
- 7) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

All construction activities shall be implemented with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority'.

Reason: To enhance and afford protection to animal and plant species in accordance with Policies AW 5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

44. No development shall take place until details of the Flood Bund Habitat Mitigation Plan have been submitted to and approved in writing by the local planning authority.

The Flood Bund Habitat Mitigation Plan shall include details of;

- a) Purpose, aim and objectives of the scheme;
- b) A review of the plans ecological potential and constraints;
- c) The method statement for the careful stripping and (if necessary) storage of SINC grassland soil/vegetation/seed sources to be lost to the Supermarket development, including timescales and plans showing areas from which habitat material will be salvaged and where material will be stored;
- d) The method statement for the replacement of SINC grassland soil/vegetation/seeds onto the newly constructed flood bund;
- e) A 5 year aftercare plan for the translocated flood bund grassland, to include:
  - i) Techniques and methods of vegetation establishment;
  - ii) Method statements for site preparation and establishment of target habitat features;
  - iii) Extent and location of proposed works;
  - iv) Aftercare and long term management;
  - v) Personnel responsible for the work;
  - vi) Timing of the works;
  - vii) Monitoring;
  - viii) Disposal of waste arising from the works;

All construction activities shall be carried out in accordance with the Flood Bund Habitat Mitigation Plan approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of nature conservation in accordance with Policies AW5 and AW8 of the Rhondda Cynon Taf Local Development Plan.

45. Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to

ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread from the development there would be the risk of an offence being committed, and avoidable harm to the environment occurring. Its effective management is considered to be in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

46. No works of construction comprising the erection of commercial development (buildings) shall commence before a Sustainable Development Strategy (SDS) report has been submitted to and approved in writing by the Local Planning Authority. The SDS report shall have regard to matters of energy efficiency and the efficient use of other resources and seek to minimise the use of non-renewable resources and minimise the generation of waste and pollution, where practically possible and viable; the conclusions of the report shall be implemented in full within the development.

Reason: In order to secure accordance with policy AW6 of the Rhondda Cynon Taf Local Development Plan.

47. Condition removed

48. Condition removed

49. Condition removed

50. Within 6 months of the first beneficial occupation of the development hereby permitted a "Green 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 "Green 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 mitigation measures if targets are not achieved. The "Green 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 in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

51. Prior to the commencement of any of the development hereby approved the

following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) 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.
- 2) 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.
- 3) 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.
- 4) 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 require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In order to take account of controlled waters at this site and their high environmental sensitivity and the potential contamination of both soil and groundwater at the site from the historic site use associated with the former Purolite works and Staedtler factory sites.

52. No development hereby permitted shall be occupied and/or operated until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been 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.

Reason: To demonstrate that the remediation criteria relating to controlled waters have been met and (if necessary) to secure longer-term monitoring

of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

53. 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.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

54. 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. Any further remediation measures required shall be carried out in accordance with the amended remediation strategy.

Reason: Given the size/complexity of the site, and its historic use, it is considered highly likely that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

55. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling, and also a risk that piling or other foundation excavations could disturb and mobilise residual soil contamination, providing preferential migration pathways to groundwater.

56. Notwithstanding the submitted plans, details of the design of the service yard junction with the A473 shall be submitted to and approved by the Local Planning Authority. The junction shall be constructed in accordance with the approved details prior to beneficial use of the development and shall be operated as a 'left in, left out' junction only.

Reason: In the interests of highway safety and the free flow of traffic along the A473 in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

57. The development hereby permitted shall not be occupied until the following transportation infrastructure has been completed in accordance with details that shall have been agreed with the Local Planning Authority prior to any other works commencing:-

- Improvements to the A473 Glamorgan Vale Retail Park Roundabout and the Southern Link Road and new roundabout serving the proposed Sainsbury's Car Park and petrol filling station including pedestrian linkage toward the Glamorgan Vale Retail Park.
- Pedestrian and cycle linkage (temporary) between the proposed Sainsbury's and existing pedestrian provision at the A473/A4222 junction.
- New junction serving the Sainsbury's service yard from A473 which shall be left in / left out only.
- A scheme of signage appropriate to Phase 1 of the development to inform road users of the location of the site and to inform pedestrians and cyclists of routes to and from key local destinations.

The details of the above infrastructure shall include full engineering design and details including drainage, longitudinal and cross sections, street lighting, highway structures, highway verge, public/community transport facilities, swept path analysis and relevant Road Safety Audits with designer's response. These proposals shall be in compliance with the current requirements of the Designed Manual for Roads and Bridges (HMSO).

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

58. No part of any sign or lighting unit shall be less than 2.3m above any adjacent footway or within 450mm of a vertical line above the edge of any adjacent carriageway.

Reason: For safety of all highway users.

59. Details of a geotechnical site investigation and appropriate mitigation measures in relation to highway infrastructure shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be incorporated in the highway infrastructure design and implementation of the works prior to beneficial use of the roads associated with Phase 1 of the development.

Reason: To ensure the adequacy of the proposed development, in the interests of highway safety.

60. Detail and Method Statement of a car park and on-site traffic management and operation system must be submitted to and agreed in writing by the Local Planning Authority prior to beneficial occupation of the development. The scheme shall include opportunities for annual monitoring of the

effectiveness of the layout and measures by which amendments can be secured. The approved management and operation system shall be implemented to the satisfaction of the Local Planning Authority prior to development of Phase 1 being brought into beneficial use. The management arrangements shall be subject of a review and monitored to the satisfaction of the Local Planning Authority.

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

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