



## **PLANNING & DEVELOPMENT COMMITTEE**

**19 SEPTEMBER 2019**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

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

Members are asked to determine the planning application outlined below:

<b>APPLICATION NO:</b>	17/0559/15	<b>(DJB)</b>
<b>APPLICANT:</b>	<b>Talbot Green Developments Limited</b>	
<b>DEVELOPMENT:</b>	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 foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq 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.	
<b>LOCATION:</b>	<b>LAND ADJACENT TO COWBRIDGE ROAD AND A473, TALBOT GREEN, CF72 8XU</b>	
<b>DATE REGISTERED:</b>	<b>27/09/2017</b>	
<b>ELECTORAL DIVISION:</b>	<b>Talbot Green</b>	

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**RECOMMENDATION:** Approve, subject to a Supplemental Section 106 Agreement.

**REASONS:** The principle of this significant retail led, mixed use development was accepted in the grant of outline planning permission in respect of the initial application 11/1330 in December 2014. The current s.73 application submission seeks to vary condition 2 of the permission, in order to allow for an extended period in which to submit reserved matters and commence development.

**The application site lies within a larger strategic site (SSA8) allocation within the Rhondda Cynon Taf Local Development Plan and is supported by LDP policy.**

**It is recognised that there have been changes in national planning policy, through the publication of a new editions of Planning Policy Wales (the current version being PPW10, December 2018), since the initial grant of permission. However, it is not considered that any changes in national policy, or any other change in material circumstances raise issues of such significance that would justify such a considerable shift in the overall assessment of the scheme that would result in a different view of the development being reached.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The application proposes a scale of development for which determination powers have not been delegated to the Director of Prosperity and Development.

## **APPLICATION DETAILS**

This is a 'section 73 application'. This type of application is made where an applicant who has previously gained planning consent wishes to amend the consent by varying one (or more) of the conditions attached to that consent. This is a common type of application and avoids the need to resubmit the whole application.

In this case application is made to vary condition 2, as imposed on outline planning permission 11/1330 granted on 24 December 2014. Condition 2 reads as follows:

“The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved , whichever is the later.

Application for approval of all the reserved matters required for the implementation of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.”

The application is, in effect, seeking the approval of the Local Planning Authority for additional time to be given for the submission of reserved matters and the commencement of development.

A successful s.73 application results in the grant of a new permission and the LPA may impose new/additional conditions, although any such conditions should only be ones which could have been imposed on the original grant. Case law has established that amendments permitted should not amount to a fundamental alteration of the proposal put forward in the original application.

## Background

The development scheme approved in outline under 11/1330 was for a large scale retail led development on a site which lies immediately south of the A473 and east of Cowbridge Road (A4222), incorporating the former Purolite and Staedtler factory sites together with the site of the Leekes department store and an area of the Pant Marsh. The site has an area of approximately 19 hectares (47 acres).

All matters, with the exception of “access”, were reserved for future consideration. The application put forward a phased approach to the development, given its scale and as recognised within the Rhondda Cynon Taf Local Development Plan (LDP). The scheme was therefore presented in two phases, comprising:

Phase 1 – a supermarket (Sainsbury’s) with car parking, associated petrol filling station (PFS) and associated access and infrastructure.

The approved outline permission 11/1330 indicated that the supermarket would provide 10,801sq.m. (gross external floor area) of which 7,230sq.m. (or 67%) would comprise net sales floorspace, with 4,130sq.m. (or 57%) being convenience floorspace and 3,100sq.m. (or 43%) being comparison floorspace.

However, further to the submission of 11/1330 a separate application (12/1102) seeking full planning permission for the supermarket, together with ancillary works, element was submitted jointly by TGD and Sainsbury’s. This application was approved, subject to a S.106 Agreement (which included a financial contribution which enabled the, now completed and functioning, improvements to the A4119/A473 strategic highway network traffic light controlled roundabout junction as well as a habitat management contribution and other infrastructure maintenance regimes) and conditions on 27 November 2013.

Following the approval of 12/1102 a further application (14/1128) was submitted by Sainsbury’s in August 2014 for the supermarket element of the scheme, seeking amendments planning permission 12/1102 to allow for 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.

This further application was originally reported to the Council’s Development Control Committee on 18th December 2014 with a recommendation of approval. At that meeting, Members resolved to agree 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.

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. However, the Agreement was not completed.

Despite numerous attempts by Council officers to secure a resolution of this matter and no further progress was made until a request was received (on 20 October 2017), on behalf of Sainsbury's, seeking the issuing of the decision on this outstanding application (14/1128). However, the LPA after considering the changes that had occurred within the 3 year period since the original resolution was made, concluded that the application should be reported back for Members further consideration.

Accordingly, the application was further considered at the meeting of the Planning & Development Committee on 18 April 2018. At that meeting Members re-affirmed the resolution made by Committee on 18<sup>th</sup> December 2014 - to approve the application, subject to the applicant entering into a Deed of Variation of the original S106 Agreement and also to include appropriate amendments to enable the Habitat Management Contribution to be brought forward and the maintenance of Pant Marsh to commence. The permission notice for application 14/1128 was issued on 31 August 2018.

It should be noted that the supermarket scheme (as approved under the first application 12/1102) has been implemented through the operational works (although not works on the store building itself or the PFS) that have been undertaken. These works were completed by TGD L in January 2017, at which point this part of the site was handed over to Sainsbury's on a 999 year lease. Sainsbury's 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 'second' 14/1128 application is that it would enable Sainsbury's 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.

The first phase also included the creation of a new link road forming a southern arm from the Glamorgan Vale roundabout on the A473. This will provide access to the supermarket and PFS via an internal roundabout. A new priority junction will also be created to the A473 between the Glamorgan Vale roundabout and the Cowbridge Road (A4222) junction to allow for access/egress to the supermarket's (Sainsbury's) service yard. These works have been undertaken and completed.

## Phase 2

Phase 2 encompasses the remainder of the town centre development.

Overall the scheme would include 35,522sq.m. (gross internal floor area) of Class A1 retail floorspace (including the new/replacement Leekes store), and in addition 600sq.m. of Class A1 café floorspace; elements of Class A3 (food and drink), Class A2 (financial and professional services), Class B1 (offices) and Class D1 (non residential institutions) floorspace. An 8 screen cinema and 80 bed hotel is also included, together with parking for 2,632 cars (in a deck car park and two multi storey car parks). This figure also includes the 573 spaces within the supermarket

(Sainsbury's) car park, but excludes the dedicated 69 residential units spaces. In addition a residential element provides 64 dwellings (comprising a mix of flats and houses).

The second phase will also propose the completion of the new link road providing a through route between the Glamorgan Vale roundabout on the A473 and Cowbridge Road (A4222).

Members initially considered application 11/1330 at the meeting of the Council's Development Control Committee on 28 February 2013. At that meeting Members resolved to grant outline planning permission subject to conditions and the applicant first entering into a Section 106 Agreement to secure a minimum package of planning contributions.

Further to Members resolution the applicant's agent wrote to the Council on 31 May 2013 to formally respond to the Committee resolution in planning and financial terms, in respect of the financial contributions as they related to transport/highway obligations. This resulted in the application being taken back before a second meeting of Development Control Committee on 18 July 2013.

The report to the 18 July 2013 meeting explained that within their letter of 31 May 2013 the applicant confirmed that they were now willing to commit the full £2,050,000 for improvements on the strategic highway network within phase 1 (originally £1.5m of this sum was proposed to be paid under Phase 2). At that meeting Members again resolved to grant outline planning permission, subject to a Section 106 Agreement (in revised terms to that agreed at the 28 February 2013 meeting, given the changes to the transport/highways contributions payment structure) and conditions.

Following Members resolution to grant outline planning permission the application was notified to Welsh Government, under the requirements of the 'Shopping Direction' (Welsh Office Circular 61/93). Welsh Government confirmed in their response letter of 22 August 2013 that in their opinion the application did not raise issues of more than local importance and consequently the Council could issue the permission.

### Environmental Impact Assessment

Application 11/1330 was subject to Environmental Impact Assessment (EIA) and the application was accompanied by an Environmental Statement (ES). The ES sets out the results of the EIA undertaken to consider the likely significant environmental effects of the proposed scheme and is split into three volumes:

Volume 1 – the document which contains the main text and figures (October 2011).

Volume 2 – contains the technical appendices 1.1 to 7.1 referred to in Volume 1 (October 2011).

Volume 3 – contains the technical appendices 8.1 to 15.2 referred to in Volume 1 (October 2011).

A separate Environmental Impact Assessment Non -Technical Summary (NTS) was also produced, giving a summary and overview of the key issues contained within the individual chapters of the main ES (October 2011).

On receipt of the application in November 2011 the following documents, in addition to the suite of plans, were also received in support:

Planning Statement (ref: A064211 WYG Group)  
Design and Access Statement (DAS) (Holder Mathias Architects, October 2011)  
Statement of Community Involvement (Warwick Emanuel PR, September 2011)

A Transport Assessment (TA) (dated October 2011) was submitted with the application and this forms Technical Appendix 5.1 of the ES (within Vol. 2).

In addition, and further to the initial submission of the application the applicant provided an Environmental Statement: Addendum (2012) and Design and Access Statement (DAS) Addendum (Holder Mathias Architects, August 2012). In addition to the August 2012 documents mentioned the applicant also submitted a number of revised plans, which in some cases superseded previously submitted plans.

Since outline planning permission was granted for the development on 24 December 2014 the Town & Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 have come into force and these now supersede the 1999 EIA Regulations in force at the time the previous application was considered.

As a consequence of the 2017 EIA Regulations and in the context of the part implementation of the consented Phase 1 element, the applicant has been required to re-visit the previously prepared and submitted EIA so as to ensure that the submission of this current s.73 application is compliant with statutory EIA Regulations. Accordingly, the current application is accompanied by an Environmental Statement Addendum, dated September 2017 and this document has been considered in conjunction with the previously submitted (with 11/1330) EIA documents.

This document describes the changes to the site and surroundings since the original 2011 ES (and subsequent 2012 Addendum) was prepared. These changes principally comprise the infrastructure works on site and the improvements to the A473/A4119 roundabout junction. In addition the 2017 Addendum reviews the findings of the 2011 ES (and the Technical Appendices, together with the 2012 Addendum) and assesses whether there is the need for further consideration on specific topics/issues and/or whether the conclusions of the initial ES can still be relied upon. In addition the 2017 Addendum includes information which is now required by the 2017 EIA Regulations, but was not previously required by the 1999 Regulations.

The 2017 Addendum includes a 'Statement of Expertise', which is a specific requirement of Regulation 17 of the 2017 EIA Regulations and is a confirmation that the EIA has been prepared by persons who have sufficient expertise to ensure the completeness and quality of the ES.

In addition, the 2017 Addendum is structured to include a reconsideration of the site and proposed development and updated commentary on the following, together with a summary of conclusions:

- the baseline conditions at the site;
- the legislative and policy context and methodological approach adopted in assessing the likely significant environmental effects of the proposed development;
- the assessed effects of the proposed development pre and post mitigation;
- where assessed residual effects remain significant conclude whether additional assessment may be required.

## **SITE APPRAISAL**

The defined site area comprises approximately 19 hectares, which comprises part of the larger SSA8 allocation in the Council's LDP.

The main bulk of the site sits between the A473 immediately to the north and the 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, with beyond that the further retail area of the Tesco Extra store and the Talbot Green Retail Park.

The site itself includes an area of Pant Marsh and a field used for grazing pasture at its eastern side. At its western extent the site fronts onto Cowbridge Road and is currently occupied by the currently trading and operational Leekes store, together with its associated car parking facilities. The now demolished Staedtler factory stood to the south of the site. The ground floor slabs of these buildings however have not been broken up and are still visible on the surface. The former Purolite factory stood on what is the north western part of the site. These buildings were demolished and cleared some years ago now and works of site ground remediation undertaken. This part of the site appears as currently vacant open land.

The roundabout on the A473, from/to which a new southern spur access has been created lies at the eastern extent of the application site. The northern arm of this roundabout currently provides access to/from the Glamorgan Vale Retail Park.

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 follows the northern (side) linear extent of the Y Pant site. However, at its south western corner it adjoins the boundary of the Post Office Delivery Office site boundary and that of the single detached residential property called 'Pontyclun Fach', which fronts directly onto Cowbridge Road (A4222). 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.

A narrow projection of land 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 a flood embankment has been created. A well used public footpath runs east-west across Pant Marsh, this then follows a line between the Afon Clun and the southern boundary of the Y Pant site before it reaches Cowbridge Road (A4222).

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. The highest level of around 50.0m AOD is at the junction of Cowbridge Road (A4222) and the A473, whilst at the eastern end of the site on the Pant Marsh the level falls to under 45.0m AOD. There is currently a fall of between 2.0m to 2.5m down from the Glamorgan Vale roundabout onto the Pant Marsh where the new access road has been constructed.

## **PLANNING HISTORY**

There are a relatively large number of planning application references going back to 1974 which relate to the former Purolite and Staedtler uses/buildings on the site, together with some minor applications (small additions and advertisements etc) relating to the Leekes site/buildings. These are not listed below. Reference below is only made to those applications which it is considered are of greater relevance to this current application.

16/0451	Sewer connection and attenuation works including provision of a vehicular access track and turning area, installation of four attenuation tanks, laying of sewer connection pipe, extension of culverts, installation of manhole covers and drainage of ditch (amended plans received 25 May 2016)	Cond. Perm 22/07/16
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14/1128	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.	Cond. Perm. 31/08/18 with S.106
12/1102	Erection of a supermarket (Class A1), service yard, car park, petrol filling station (PFS), new customer access road from A473, with associated development. (land to the south of the A473 and east of the Leekes Dept. Store site).	Cond. Perm. 27/11/13 with S.106
11/1330	Development of new town centre comprising: a 10,801sq m gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sq m gross retail floor space (Class A1); 600sq 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	Cond. Perm. 24/12/14 with S.106
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. 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. 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. 09/03/95
93/0705	Outline application for Business (Class B1) and Warehousing (Class B8) Development.	Withdrawn 22/07/94

(land south east of Talbot Green, south of New Park and west of the A4119).

91/0636	Class B1, B2 and B8 development. (outline). (part of Springfield Farm, land R/O former Staedtler site).	Cond. Perm. 06/12/91
90/0836	Roundabout to be incorporated in a new highway – Talbot Green Bypass. (land south of Talbot Green and west of the A4119).	Cond. Perm. 21/12/90
89/0664	Roundabout together with adjacent land for industry, business and warehousing uses. (land south east of Talbot Green, south of New Park and west of the A4119).	Cond. Perm. 26/11/90
87/0560	Single and dual carriageway road, junctions and access roads. (land at A473 west of Talbot Green)	No objections 28/07/87

## **PUBLICITY**

The application has been advertised by means of direct neighbour notification letters, site notices and a press notice.

A letter of objection has been received from a planning agent (Geraint John Planning) on behalf of their client, Leekes. The objections raised in the letter are summarised as follows:

- there has been a fundamental change in circumstances since the granting of 11/1330 in as much as there regards the certainty as to whether the development (in particular Phase 2 of the development) can be delivered in the manner shown;
- Leekes (whilst supportive of the scheme) have no established position or agreement with TGDG in respect of the sale of their premises and/or participation in any 'replacement' store and scheme. Despite protracted dialogue over an extended period, prior to, and post, the previous grant of outline planning permission, the offer (of an exchange of land for the construction of a new store as part of the wider scheme) was withdrawn by TGDG and associated dialogue terminated by them some time ago. As such there is no agreement in place to enable the proposals to be progressed and delivered;
- The omission of the Leekes land from the scheme would result in the need for substantial revisions to the scheme as it is critical to the whole access arrangement. In addition a new/replacement Leekes store is an essential anchor for the development and accordingly lack of support from and

participation by Leekes means that the development of the scheme is no longer viable or achievable;

- The inability to deliver the access road should result in the need for a fresh stand alone application for a fresh scheme;
- The scheme is not deliverable and therefore a grant of permission would lead to economic uncertainty.

## CONSULTATION

The same consultees as consulted in respect of the initial application were consulted and the following responses have been received.

**Transportation Section – no objection** is raised with regard to the granting of the additional time subject to re-imposition of all previous conditions and the inclusion of new and/or redrafted conditions to reflect changes in national planning policy highlighted in PPW10.

Subsequent to publication of PPW10, which was post receipt of this application, the applicant was required to provide further information and clarification demonstrating how the proposed scheme responded to the policy requirements of PPW10. The highway comments have been updated to reflect the applicant's response in this regard. The revised highway observations essentially require imposition of the original conditions and additional (or re-drafted) planning conditions requiring the following: -

- a strategy to provide for electric vehicle charging for all vehicles attracted to the site including but not limited to:
  - 1.0 Cycles, motorcycles and scooters.
  - 2.0 Cars and taxis.
  - 3.0 Buses and coaches.
  - 4.0 Service and delivery vehicles.

The strategy should have regard to the type of vehicle and nature of charging required which will include consideration of appropriate charging speeds, standard, fast, rapid, ultra-rapid, and shall be capable of upgrading over time to keep with evolving technology;

- 10% of the car parking spaces to incorporate electric charging point (when considering levels of parking within the scheme this should provide at least 264 parking spaces with charging points for electric vehicle users;
- the shared cycle and footway from A4119/A473 Roundabout should be extended along the southern boundary of A473 to link with shared cycle and footway at Glamorgan Vale Retail Park Roundabout/eastern access to the site, which would facilitate safe and satisfactory pedestrian/cycle connectivity

between the site and Mwyndy, Cefn yr Hendy, Groes-faen, Creigiau and Cardiff Northwest developments;

- The upgrading of Cowbridge Road (A4222) along the site frontage to include a public transport hub which should incorporate Active Travel Routes to encourage sustainable modes of travel.

It is noted that the highway improvements to the A473 and the Glamorgan Vale Retail Park Roundabout to provide access to Phase 1 (Superstore and service yard) Proposals approved by application 12/1102 and have been implemented in preparation for construction of the superstore and opening of the service yard with exception of surfacing works to the internal access roads in order to prevent damage during construction of the superstore, however, the service yard access has been completed to operate as a left in and left out arrangement for the Phase 1 superstore development, however, the access has not been brought into operational use.

**Natural Resources Wales** – We have **no objection** to the proposed development. We have reviewed the information submitted in support of the variation of condition 2 and have no adverse comments to make.

**Dwr Cymru/Welsh Water** – We have **no objection** to the Variation of Conditions and we ask that any drainage Conditions on the original consent are brought forward.

**Wales & West Utilities** – have **no objections** to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

**Public Health & Protection** – I refer to the above planning application and write to confirm that I raise **no objections** to the proposed variation.

**Countryside Section (Landscape & Ecology)** – **no objection** is raised subject to the re-iteration of the requirement for the previous package of mitigation, through conditions and the S.106 Agreement being imposed.

**RCT Flood Risk Management** – **no objections** raised. As the applicant has proposed a variation in time for the proposed works I would not offer any further comment in relation to Flood risk Management/land drainage.

**Regeneration Manager** – comments as follows.

The proposal represents a significant private sector led proposal which should have a positive economic impact.

The proposal offers the potential to realise significant job opportunities both in the construction sector, retail sector and leisure sector. There will also be potential employment opportunities in the professional services field.

The proposal will not only provide a local retail/leisure focus to the area but has the potential to attract a wide user base from the surrounding areas thereby increasing economic activity and visitors to the area.

Development of this nature is supported by the aims outlined in the Council's Community Plan to the Economy, Place and People themes. It also meets the aims of the Council's Strategic Opportunity Area – The A4119 Corridor, Regional Rhondda Gateway which supports development supporting growth and jobs in this corridor.

Overall this development represents a significant opportunity to contribute positively to the economic regeneration aspirations and priorities of Rhondda Cynon Taff.

**WG (Highways)** – advise that the Welsh Government (Transport) would have **no objection** to this Section 73 variation application that represents an extension of time to the reserved matters.

**The Coal Authority** – The Coal Authority commented on planning application reference 11/1330/13 in a letter to the LPA dated 6 December 2011. In this letter we noted that the investigations carried out on site had revealed no evidence of shallow mine workings and no specific remedial measures were therefore required. On the basis of the above the Coal Authority has **no specific comments to make** on the variation of Condition 2 as proposed.

**Cadw** - having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. We therefore have **no comments** to make on the proposed development.

**Glamorgan Gwent Archaeological Trust Ltd** – **no objections** are raised to the application. However, the need for archaeological mitigation is noted.

As we have noted in our previous correspondence, and in our letter of letter of 14th September 2012 in response to the application 11/1330/13, the archaeological and cultural heritage assessment, undertaken by WYG Consulting, studied the known archaeological resource and the potential for the discovery of further sites, and the potential impact of the development on the archaeological resource. The assessment showed that there are no recorded archaeological features within the application area itself and that the likelihood of significant archaeology being located is not high. Whilst development has disturbed part of the application area, there are areas where disturbance has not occurred, and features have been identified that will require recording as mitigation. These are a section of tramway, denuded elements of ridge and furrow, and the potential remains of Springfield House, of 19th century origin.

There is therefore the potential for archaeological remains to be located during any ground disturbing works, including geotechnical works as well as soil stripping and foundations, and the installation of services. Subsequently, a written scheme of investigation was submitted by WYG in 2014 and proposes detailed mitigation in two parts, a pre-commencement recording of the features detailed, and an intensive watching brief, during all ground disturbing works, with contingency arrangements to provide for sufficient time and resources to record and excavate any features that are located. There has been no change to our understanding of the archaeological resource we therefore re-iterate our previous advice and recommend that a condition requiring the applicant to implement the written scheme of investigation for the archaeological resource should be attached to any consent granted by your Members.

The results of all the mitigation and fieldwork and any post excavation analysis will be contained in a report to be submitted and approved. To ensure adherence to the stated mitigation strategy we recommend that a condition should be attached to any consent granted by your Members and be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

**South Wales Police (Design Out Crime Officer)** – South Wales Police have **no objection** to proposed development but would make the following recommendations:

- All access routes are overlooked well lit and given location of cinema traffic calming features designed into access road layout to reduce speeds;
- Any social housing layouts should comply with Secured by Design which includes overlooked parking, secured rear or communal gardens, PAS24 2016 compliant windows and entrance doors, exterior utility meters and access control on doorways which serve 4 or more flats;
- In order to prevent crime, anti-social behaviour and possible terrorism South Wales Police would recommend Cinema and retail are covered by CCTV;
- Consideration of designing in features such as bollards, planters, street furniture or raised curbs to separate vehicles and pedestrians especially areas where groups of people or crowds could gather reason to prevent injury from collisions between vehicles and pedestrians.

South Wales Police are happy to work with developers to ensure all the development meets secure by design standards which has been shown to reduce crime by up to 75% and would ask that these comments be passed to the applicant/developer.

**Bridgend County Borough Council** - has **no objection** to the variation of condition 2 of RCT's planning permission 11/1330/13.

**Cardiff County Council** - **no objection** has been raised to the proposed development.

**Pontyclun Community Council** - **object** to the application and believe that the prospect of this development going ahead at this time is slim and the planning should

be allowed to lapse. We would prefer if expressions of interest were then sought for alternative uses such as office space, residential or mixed-use as there is far more demand in this area for such development.

## **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 CS4 – sets down the requirement for the development of new dwellings within the County Borough during the plan period. Of the 5,000-5,450 units identified to be provided across the Strategic Sites the Mwyndy/Talbot Green Area site should provide 500.

Policy CS5 – confirms the need for the housing requirements identified in Policy CS4 to contribute to the provision of affordable housing over the plan period.

Policy CS7 – identifies the allocation of 23,400sq.m. (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. Paragraph 4.78 advises that further guidance in respect of this issue is contained in the Supplementary Planning Guidance (SPG) on Access, Parking and Circulation and Planning Obligations).

Policy AW1 – identifies the requirement for the provision of 14,385 new dwellings within Rhondda Cynon Taf within the plan period. It is confirmed that this will be met, in part, (1.) by the allocations of the LDP.

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 – identifies design criteria (under the headings of Amenity and Accessibility) for new development.

Policy AW6 – supports development that promotes high quality design which makes a positive contribution to place making. Developers will be required to submit comprehensive masterplans for commercial developments of 10,000sq.m. (net) and over. Masterplans must have regard to the need to create high quality, sustainable and locally distinct places.

Policy AW7 – seeks to protect and enhance the built environment.

Policy AW8 – seeks to protect and enhance the natural environment. Under this policy Sites of Importance for Nature Conservation (SINCs) are identified

Policy AW10 – confirms that development will not be permitted where it would cause or result in an unacceptable risk of harm to health and/or local amenity (identified issues include air pollution, light pollution, noise pollution, 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. At 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 23,400 sq.m. (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.

- 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

- a) 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
- 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 3,700sq.m.(net), new comparison goods floorspace of 2,000sq.m.(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.

Policy SSA11 – identifies the need for new residential development to achieve satisfactory levels of build density. (Justification has to be provided for a build density of <35 dwellings per hectare).

Policy SSA12 – identifies the need for new developments of 5 dwellings or more to provide 20% affordable housing.

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 A) 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.

Rhondda Cynon Taf LDP SPG – Planning Obligations (March 2011)

Rhondda Cynon Taf LDP SPG – Design and Placemaking (March 2011)

Rhondda Cynon Taf LDP SPG – Delivering Design and Placemaking: Access, Circulation & Parking Requirements (March 2011)

Rhondda Cynon Taf LDP SPG – Nature Conservation (March 2011)

## **National Guidance**

### **Planning Policy Wales (Edition 10, December 2018)**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. The document highlights the fact that a well functioning planning system is fundamental for sustainable development and achieving sustainable places.

It is considered that the current proposals meet the seven WBoFG Act goals inasmuch as they relate to the proposed development and the site is being brought forward in a manner consistent with the five ways of working ( as set out in the introductory chapter 1 of PPW).

It is considered that the proposed development is consistent with the key principles and requirements for Placemaking as defined by chapter 2 of PPW, People and Places: Achieving Wellbeing Through Placemaking.

In the main the proposed development is considered to meet and satisfy the aims and objectives of PPW10, with particular reference to:

Chapter 3: Strategic and Spatial Choices;

Chapter 4: Active and Social Places (section 4.3, within chapter 4 specifically relates to 'Retail and Commercial Development');

Chapter 5: Productive and Enterprising Places;

Chapter 6: Distinctive and Natural Places

(At the time the initial application 11/1330 was considered (at the Development Control Committee meetings in February and July 2013) PPW, Edition 5 was in force and so there have been a further five editions published since that time. As part of their application submission the applicant has been asked to provide a note/assessment which demonstrates that they have fully considered the updated PPW position as part of their current s.73 submission)

### **Planning Policy Wales Technical Advice Notes (TANs):-**

TAN 2: Planning and Affordable Housing (2006)

TAN 4: Retail and Commercial Development (2016)

TAN 5: Nature Conservation and Planning (2009)

TAN 8: Planning for Renewable Energy (2005)

- TAN 10: Tree Preservation Orders (1997)
- TAN 11 : Noise (1997)
- TAN 12 Design (2016)
- TAN 15: Development & Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18 : Transportation (2007)
- TAN 23: Economic Development (2016)
- TAN 24: The Historic Environment (2017)

Welsh Government WGC 016/2014: The Use of Planning Conditions for Development Management (October 2014)

## **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.

## **PLANNING CONSIDERATIONS**

The key consideration in the determination of this application is whether the variation of condition 2, in order to allow a further period for the submission of reserved matter details and the commencement of development, remains compatible with planning policy considerations. In addition, however, it is also incumbent on the LPA to consider whether there have been any change in material circumstances affecting the development since the original grant of planning permission (in this case 24 December 2014).

Members are advised that the illustrative masterplan layout which accompanied application 11/1330, identifies seven key character areas or 'urban quarters':

- Cowbridge Road – it is proposed to create a new shared surface high street environment along this western end of the site, with an area of urban open space/market square, the provision for public transport stops and taxi ranks together with smaller scale retail units which would traditionally be found in a high street environment;
- Retail Quarter – an ‘L’ shape of pedestrian streets with the central focus of a central square, which would lie outside a new department store;
- Eastern End – essentially providing the setting for the two large format stores and their associated car parking. These being the Phase 1 supermarket (Sainsbury’s) store and the new replacement Leekes store;
- Entertainment Quarter – the area which would connect the central square and Cowbridge Road (A4222), providing a 8 screen cinema and restaurant and bar uses;
- Residential Quarter – towards the south western corner of the site an area of town centre type accommodation providing town houses and apartments. This area would link through to a south facing square which itself would be lined with a 80 bed hotel and small cafes/bars;
- Southern Boulevard – which is in effect the new link road from Cowbridge Road (A4222) to the Glamorgan Vale roundabout. It is proposed that this link will be heavily landscaped and provide both pedestrian and cycle access;
- Northern Boundary (A473) – it is proposed to create an ‘urban edge’ to this road, with larger scale buildings and landscape treatment.

Within the development it is intended that there will be ‘landmark’ buildings and ‘key corners’. Certain buildings, such as the supermarket (Sainsbury’s) and the Leekes store, will be landmarks almost by default because of their size. However, other ‘landmark buildings’, which are identified because of their location, function and massing will be the subject of a somewhat bolder and individual architectural treatment than the surrounding ‘background’ development. Buildings standing at key or significant corners within the development would also be the focus of greater architectural and design focus in order to create a distinctive and high quality environment.

As has previously been indicated the scheme proposes a 2 Phase approach to the development.

Phase 1 comprises the provision of the supermarket (with associated PFS), the first element of the new link road (the element coming down from the Glamorgan Vale roundabout) and the flood embankment works across Pant Marsh, together with some other ancillary drainage works. The works to create the first part of the new link road and the flood embankment, together with other drainage works have been undertaken and completed. The works to build the supermarket (and PFS) have not commenced.

In effect Phase 2 of the development represents everything other than the provision of the supermarket (Sainsbury's), the first element of the new link road and the flood embankment across the Pant Marsh.

At the time 11/1330 was considered there was considerable debate around the highway considerations and issues that the proposed development presented. Ultimately, no highway objection was raised to the application subject to the imposition of conditions and the requirement for the applicant/developer to provide a suite of measures, through the provision of a financial contribution (under the terms of the associated S.106 Agreement). Elements of this financial contribution were to be paid under Phase 1, with the remainder under Phase 2.

Ultimately, the Phase 1 contributions were delivered under the initial full planning application 12/1102 for the Sainsbury's supermarket. The secured works providing for the improvements at the A473/A4119 roundabout junction on the strategic highway network. Also constructed as part of the Phase 1 works has been a new access to the A473, which within Phase 1 will only serve the dedicated supermarket (Sainsbury's) Service Yard, but within Phase 2 will also serve the whole Northern Service Yard and the northern multi storey car park. As part of Phase 1 all the physical works to create the off-slip road from the southern (travelling towards the west) lane off the A473 and other A473 carriageway improvement works (around the area of the new junction and also on the southern lane when leaving the Glamorgan Vale roundabout are required.

The Phase 2 highway works comprise

- the completion of the Southern Boulevard link road;
- the signalisation and improvement work works at Glamorgan Vale roundabout;
- the creation of a new signalised junction on Cowbridge Road (A4222) to tie in with the Southern Boulevard;
- the 'rebranding' of Cowbridge Road from the new junction, north to its existing junction with the A473;
- the provision of the pedestrian footpath through the Coed y Hendy woodland;
- completion of the capacity enhancements to A4119/A473 junction.

In respect of parking provision within the development it is proposed that the overall scheme will provide 2,632 car parking spaces (inclusive of disabled and parent/child spaces).

These would be provided as follows:

- 573 spaces within the Phase 1 supermarket (Sainsbury's) car park;
- 328 spaces within the Phase 2 decked car park;
- 731 spaces within the Phase 2 southern multi storey car park;
- 1000 spaces within the Phase 2 northern multi storey car park;
- (the 69 spaces to serve the residential properties are not included in the total figure given above).

It is considered that the parking provision is distributed around the town centre and enables clear access from whichever direction vehicles may approach the development. The two multi storey car parks will serve the main retail area, with the southern car park also expected to cater for users of the 'entertainment quarter' bars/restaurants and cinema together with people staying at the hotel (which does not have its own car park). A scheme of variable message signs on each approach will direct visitors to car parks with available capacity.

The residential properties within the development will have their own dedicated parking.

### Retail and Economic Issues

In respect of the retail issues the Council requested that the applicant submit an updated Retail Impact Assessment (RIA) as part of this current s.73 application. This was provided in January 2019 and the Council commissioned Lichfields (who also reviewed the RIA in respect of the initial 11/1330 application) to review the applicant's submission.

It was considered reasonable to request a new RIA given the period of time that has elapsed since the original RIA was prepared, together with the recognition that the UK retail climate has seen changes in the recent few years.

Prior to undertaking the work to prepare the updated RIA Lichfield's were asked to review the applicant's proposed methodology and as a consequence prepared a retail impact scoping note. This note confirmed that a quantitative assessment of need was not required if the scale of development is considered acceptable in terms of impact, because the proposed development is within an LDP allocation for a new town centre. The note also advised that there was no need to undertake a sequential assessment for the same reason. In addition it was also clarified that there was no need to assess the impact of the non-retail elements (e.g. Class A3 food and drink, Class C1 hotel and Class D2 Cinema) of the scheme.

A RIA (dated January 2019) has been prepared by WYG on behalf of the applicant to support this application and that assessment examines the convenience and comparison goods retail elements of the development.

The primary catchment area (PCA) identified within the updated RIA is as was agreed for the initial application, and extends to the outskirts of Bridgend to the west; Cardiff and Barry to the south; and, Aberdare to the north. The use of Experian data for estimations of population increase within the PCA, projected levels of expenditure and turnover and shopper survey trends is a standard using accepted data information sources.

Inevitably, as was accepted when the previous application was considered and approved the development would result in the diversion of trade in both convenience and comparison goods trade from surrounding centres. The highest impacts on town centres fall on Talbot Green (15.2%) and Pontypridd (7.6%), with impacts on smaller centres being around 5-6%.

In Talbot Green the trade diversion to Phase 1 (the supermarket) will be focused on the Tesco Extra store and to a lesser extent the M&S store. It is concluded however, that the Tesco Extra would still continue to trade healthily. Phase 2 trade diversion will be focused on the larger stores on Talbot Green Retail Park, whilst trade diversion and impact on the smaller shops in the retail core of Talbot Green is likely to be insignificant.

In Pontypridd it is considered that trade diversion will be offset by expenditure growth between 2019 and 2024 and in addition expenditure growth will offset or mitigate trade diversion in other centres.

Overall it is considered the submitted RIA adequately demonstrates that the anticipated levels of trading impact will not be so significant as to cause shop closures within town centres of the county borough.

### Planning Policy

#### Local Planning Policy

Local planning policy, as set out in the Rhondda Cynon Taf LDP remains as was the position when Members considered the initial application (in February and July 2013) prior to the outline permission being issued on 24 December 2014. The development site remains as part of the larger Mywndy/Talbot Green Area Strategic Site allocation, as identified under policy SSA8. Accordingly, it is considered that LDP policy remains entirely supportive of the proposals.

#### National Planning Policy

As mentioned earlier in this report when this application was previously considered the relevant Planning Policy Wales (PPW) document was Edition 5 (November 2012). The most recently published version of PPW is Edition 10 (December 2018) and it is against this that the scheme should now be considered.

In addressing the need to consider the scheme against the most up-to-date policy and guidance the applicant was asked to provide a further piece of work demonstrating that the application proposal had been properly assessed against and adhered to the policy and guidance principles set out in PPW10 and updated/new Technical Advice Notes (TANs).

The Five Key Principles set out in PPW10 set out Welsh Government's guiding vision and support the culture change required to embrace what is now termed 'placemaking'. These principles enable the goals and five ways of working set out in the Well-being of Future Generations Act to be realised through land-use planning.

However, issues such as sustainability, social, economic, environmental and cultural considerations have long been material planning issues properly considered as part of the planning assessment process and were addressed with in the preparation, consideration and determination of the initial (11/1330) application.

The applicant has submitted a National Sustainable Development Placemaking Appraisal Framework using the criteria matrix incorporated as Appendix B to PPW10, as well as the RCT Well-being Objectives of Economy (building a strong economy); People (promoting independence and positive lives for everyone); and, Place (creating neighbourhoods where people are proud to live and work).

It is considered that the assessment process undertaken demonstrates that notwithstanding the fact that the design of the scheme pre-dates the specific goals and themes identified in PPW10 it performs well against the criteria set out at Appendix B of PPW10 and RCT's own Well-being Objectives.

In terms of the PPW10's Five Key Principles it is considered that the Design and Access (DAS) submitted as part of the initial application package sets out the vision in respect of 'creating and sustaining communities' and identifies ways in which the scheme will address 'facilitating accessible and healthy environments'. In respect of 'making best use of resources' it is recognised that the proposed development would utilise a site that has been allocated through the LDP site selection process.

The DAS submitted with the initial report comments on the scheme in terms of accessibility ('facilitating accessible and healthy environments').

In respect of 'growing our economy in a sustainable manner' the submitted ES confirms the economic benefits arising from the scheme; whilst the same ES document provides an assessment of the environmental impact and steps for appropriate mitigation when having regard to the principle of 'maximising environmental protection and limiting environmental impact'.

It is recognised that cutting across the Five Key Principles of PPW10 is the need to properly consider and assess a scheme's implications in respect of sustainable transport. Particular emphasis is given to this issue under Chapter 4 Active and Social Places of PPW10 and it is within the chapter that the sustainable transport hierarchy for planning is set out. The key principle of this hierarchy strategy is that provision for walking and cycling is to be given the greatest emphasis, followed by public transport, ultra low emission vehicles (ULEV) and lastly other private motor vehicles.

In respect of car parking para 4.1.39 of PPW10 specifically states that “where car parking is provided for new non-residential development planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. This point has been identified within the observations of the Transportation Section and the imposition of an appropriate condition is recommended.

In respect pedestrian and cyclist provision then it is considered the scheme, as initially consented did recognise the importance of and make adequate provision for such interests by incorporating new pedestrian and footway links and crossings (inc. through the S.106 agreement requirement for a new woodland footpath through the Coed yr Hendy woodland and across the Afon Clun), and new cycle route and cycle parking facilities.

However, since the initial application was approved a significant amount of new residential development has been granted within a wider proximity to the site. This Council granted outline consent (16/1385) on 8 February 2018 for approx. 460 new dwellings on the northern side of the Cefn yr Hendy estate. In addition the area to the north west of Cardiff has seen some considerable growth of new housing over the last few years. Having regard to the policy in PPW10 and in the interests of pedestrian and cyclist connectivity/accessibility the Transportation Section consider that as part of this development the applicant be required to provide a shared cycle and footway from the A473/A4119 roundabout along the southern side of the A473 to link with the shared cycle and footway at the Glamorgan Vale roundabout. This link element would then connect with the provision required as part of the outline approval (16/1385) for the 460 new houses which ran down from the site to the A473/A4119 roundabout.

The applicant in responding to the requirement for this ‘new’ element of works has disputed that there has been sufficient change in circumstances to justify such provision. However, through their agent the applicant has agreed to such provision and a suitable condition is recommended to ensure the delivery of such provision.

It is considered that the additional planning statement (which the applicant has indicated can be considered as an addendum to the initial submission DAS) together with the information provided in the initial submission DAS and updated ES adequately demonstrate that the proposed scheme accords with the fundamental requirements of current policy and guidance.

### **Other Issues**

The ES Addendum (September 2017) provides a full and thorough review of the original EIA in respect of issues of

- Traffic and Transport
- Ecology and Nature Conservation
- Hydrology and Flood Risk
- Socio-Economic, Retail and Leisure
- Landscape and Visual Impact

- Archaeology and Cultural Heritage
- Air Quality
- Geology, Hydrogeology and Drainage
- Noise/Light/Contamination

It is considered that in respect of these issues the ES Addendum (September 2017), together with the ES assessment information and additional supporting information submitted with the initial application can be relied upon to form a judgement as to the likely environmental impacts of the proposed development at this time.

In respect of traffic and transport matters it is recognised that two of the ES assessment years have now passed. However, the methodological approach accounts for further traffic growth and the third assessment year (2021) remains extant.

Elements of phase 1 development (through the granting of the stand alone full planning permissions) has commenced on site with mitigation being delivered in line with ES recommendations. The S106 mechanism ensures the potential for additional highways contributions should this be required.

It is considered that the initial Transport Assessment, submitted with the 11/1330 application, can still be relied upon to form a judgement of likely traffic impacts of the development and provides an assessment up to 2021, albeit it is acknowledged that there is a degree of uncertainty as to how traffic levels will change over time. However, the Transportation Section have raised no objections to the application subject to the imposition of appropriate conditions and S.106 mitigation requirements.

In respect of ecology and nature conservation it is noted that the majority of the impacts arising from the development do so in Phase 1. As a consequence of the separate full permissions granted for the supermarket element mitigation measures in respect of Pant Marsh have now been put in place or are awaiting the appropriate funding trigger points.

The ES Addendum (September 2017) concludes that the original ES can still be relied upon to form a judgement of likely significant effects and the fact that the Phase 1 development has been carried out, permanently affecting the ecology of the site, coupled with the absence of likely significant residual effects means that no further additional assessment is considered necessary.

With regard to hydrology and flood risk the significant adverse impact predicted by the original ES prior to mitigation was reduced to negligible as a result of raising the minimum slab levels to 46.5m AoD and constructing a raised flood embankment in the south-east part of the site. The flood embankment has now been completed and the phase 1 development plateau has been constructed to achieve the 46.5m AoD. The condition attached to the outline planning permission 11/1330 is recommended to be further attached to any s.73 approval to ensure the minimum slab level

is achieved for the remaining phases of development.

In respect of socio-economic, retail and leisure impacts it is considered that the creation of construction and operational jobs will remain largely unaffected. Accordingly, the moderate beneficial impact of the development predicted in the original ES in this regard can still be relied upon. In terms of retail impacts the applicant has submitted an updated RIA, as referenced earlier in this report.

In respect of landscape and visual impact it is recognised that partial impact has already been experienced by the implementation of some phase 1 works. However, it is not considered that there have been any material changes to visual receptors or landscape character and accordingly no additional assessment is considered necessary.

In terms of interests of archaeology and cultural heritage it is considered that the original assessment can still be relied upon and that no further assessment is considered necessary.

In respect of issues of air quality, noise, light and contamination information was submitted with the initial application with enabled the LPA to conclude that, subject to the imposition of conditions (requiring approval of a Construction Environmental Management Plan; targets relating to traffic and active travel movements through a Travel Plan; approval of drainage details; and, ground works of investigation and required remediation) that the environmental impacts were not significant. It is recommended that such conditions again imposed in this case.

#### Affordable Housing, Education and Play Provision

It is proposed that the required contributions for these elements are carried forward via this s.73 application. However, in essence the delivery of such contributions is entirely dependent on the coming forward of the residential element of the application.

This outline application proposes 64 residential units (inc. the option of Class C2 and/or Class C3). The affordable housing contribution would in accordance with LDP policy be 20%, so 13 units on site. If provided off-site the contribution was calculated at £768k at the time of the granting of the initial application (this figure would need to be re-calculated for inclusion in the S.106 Agreement).

A full contribution in respect of education provision, in accordance with the Council's Planning Obligations SPG will be required in this case. This equates to a total financial contribution of £559k. The requirement for play provision would be the provision of a play area, which is not indicated on the illustrative masterplan or the payment of a contribution of £1k per unit, so in this case a total of £64k.

No objections have been raised to the application in respect of these issues and the proposed level of contributions is in accordance with LDP and SPG requirements.

## 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. In determining large residential developments for example most local planning authorities will seek planning obligations for affordable housing, education facilities, recreational/leisure facilities, highway/transport provisions etc.

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:

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

Having regard to national planning policy and guidance the Council adopted, as part of the suite of SPG (in March 2011, in conjunction with the Rhondda Cynon Taf LDP) the SPG document 'Planning Obligations'. The aim of the SPG, in accordance with the clear steer from WG, is to provide a clear picture of what types of obligations developers may be expected to contribute towards, the likely amounts of these obligations and the trigger points at which different obligations will be sought by the Council. It is intended to form the basis of negotiations between all parties.

Policy AW4 (Community Infrastructure & Planning Obligations) of the Rhondda Cynon Taf LDP confirms that planning obligations may be sought where development proposals require the provision of new, improved or rely on existing services, facilities, infrastructure and related works, to make the proposal acceptable in land use planning terms (the policy also includes a list issues in respect of which contributions may be sought).

## Overall scheme conclusions

It is disappointing that progress in the delivery of the 11/1330 permission has not secured development on the site to the extent that could reasonably have been expected by this point in time, given that the initial 11/1330 permission was granted in December 2014. Other than initial phase 1 highway and associated physical drainage etc works the site still remains devoid of built development. However, the applicant has indicated that they remain confident about the delivery of the scheme.

This is a major application which represents a significant economic investment in the County Borough, which it is expected to retain a significant element of the amount of retail expenditure currently being spent outside of Rhondda Cynon Taf.

The scheme itself is considered to remain be in broad accord with the policies of the LDP and updated national planning policy and guidance. It is considered that the development will deliver a sustainable form of development that will bring forward a key strategic site allocation within the LDP. It will deliver a new town centre development, the principle of which has already been found to be sound by the LDP Inspector.

## **Recommendations**

That Committee resolve to **APPROVE** the application, subject to:

- the applicant first entering into a Supplemental S.106 Agreement to carry forward from the initial 11/1330 outline permission the package of agreed planning obligations that have not already been delivered (for clarity those contributions already paid are the Phase 1 Highways contribution of £2,050,000 and the £50k Pant Marsh ecology management contribution). In addition since the initial outline permission was granted the Council have adopted Supplementary Planning Guidance in relation to Employment and Skills and as a consequence the requirement for the applicant/developer to submit for agreement an Employment and Skills Plan is added into the S.106 requirements identified below;
- the imposition of the conditions set out below;
- that the Director of Prosperity and Development be authorised to add, remove, amend or vary any condition before the issuing of the planning permission, providing that such changes do not affect the nature of the permission or development.

*(Note for Members: When Committee resolved to grant the initial application at the meeting in July 2013 the Council was required to notify the matter to Welsh Government under the requirements of the 'Shopping Direction' (Welsh Office Circular 61/93) before the permission could be issued. However, Members are advised that as a consequence of para. 6 of Welsh Government Circular 07/12 (and the associated Town & Country Planning (Notification)(Wales) Direction 2012) the Shopping Direction is cancelled. The Circular also confirms the threshold for notification criteria and retail floorspace is no longer a relevant factor).*

### A summary of the agreed planning obligations:

#### Transport/Highways

An overall Transport/Highways contribution capped at **£4.1m**, comprising at

Phase 1:

- **£2,050,000** for improvements to the strategic highway network (works to the A4119/A473 roundabout) to be paid in accordance with the following payment structure:
- Payment of the first £50k within 10 days of completion of the latest of the three elements comprising, i) signing of the S.106 Agreement; ii) expiration of the JR period, and iii) signing of the S.278 Agreement for the works for the servicing of the supermarket (Sainsbury's) store;
- Payment of £2m within 6 weeks of commencement of development.  
(Note for Members: This £2,050,000 contribution has already been paid).

#### Phase 2:

- Pre commencement of Phase 2 (excluding Leekes): **£250k** to mitigate against local highway and transportation impacts;
- Within 12 months of occupation of Phase 2 (excluding Leekes): **£200k** to mitigate against local highway and transportation impacts;
- **£1.6m (max)** of 'Top Up' payment to deal with any unexpected highway matters should they arise post opening (it is anticipated that the scheme will be monitored over a number of years and an assessment structure developed by negotiation with the applicant/developer).

#### Affordable Housing

20% of the dwellings on the site shall be affordable housing units unless the Council elect to receive a financial contribution in lieu of the onsite provision. If a financial contribution is required, this shall not exceed the sum of £768k (based on 64 C3 dwellings) to be calculated on a pro-rata basis and shall be used towards the provision of affordable housing in the County Borough.

The contribution would be forthcoming as part of any residential dwellings within Phase 2.

#### Education

The requirement on the basis of 64 dwellings would be a maximum requirement for a financial contribution of **£559k**.

The contribution would be forthcoming as part of any residential dwellings within Phase 2.

#### Provision of Play Area

A financial contribution of **£64k** or an on site play area provision.

The contribution would be forthcoming as part of any residential dwellings within Phase 2.

## Ecology and Biodiversity Interests

Within Phase 1 a sum of **£50k** would be paid for the management of the Pant Marsh and within Phase 2 a sum of **£205k** would be paid for the maintenance of the woodland (including the woodland walk referred to below).

*(Note for Members: The £50k Pant Marsh contribution has already been paid).*

## Other Contributions

The payment of a financial contribution of **£150k** in order to mitigate impacts to the business/commercial centres of Pontyclun and Talbot Green.

As referred to above the provision of a pedestrian 'Walk Through the Woods' route through the Coed y Hendy woodland together with the provision of a pedestrian bridge over the Afon Clun.

Whilst not a contribution as such it is recommended that the S.106 Agreement include a requirement for the applicant/developer to undertake an annual survey and provide an annual report in respect of the structural integrity of the flood embankment across Pant Marsh.

Whilst not a contribution as such it is recommended that the S.106 Agreement include a requirement for the applicant/developer to undertake an annual survey and provide an annual report in respect of the structural integrity of the flood embankment across Pant Marsh.

## Employment and Skills Plan

The submission of an Employment and Skills Plan prior to the commencement of construction works.

*(Note for Members: For clarity and ease of reference the same condition numbering is used below as for the conditions imposed on 11/1330 (albeit the wording of some conditions has changed). Condition 6 as imposed on 11/1330 restricted the opening of retail trading floorspace before 12 June 2016. As this date has now passed, there is no need to repeat Condition 6, so therefore there is no Condition 6 below intentionally. It has not been missed in error).*

## **RECOMMENDATION: Grant**

1. Approval of the details of the appearance, layout and scale and the landscaping (hereinafter called "the reserved matters") of the development shall be obtained from the Local Planning Authority in writing prior to the commencement of any development within the relevant phase(s) covered by the reserved matters: the development of each phase shall be carried out in accordance with the approved details.

The submitted 'reserved matters' details shall accord with the principles, parameters and objectives laid out in the Illustrative Masterplan/Indicative Site Plan set out in the Environmental Statement and the Design and Access Statement and its Addendum (August 2012), unless any deviation is first agreed in writing by the Local Planning Authority.

Reason: To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Application for approval of all the reserved matters required for the implementation of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development hereby approved shall be carried out in accordance with the following approved plans/drawing nos. :
  - AL(90) 100A Red Line Plan
  - AL(90) 251 Link Road Sections
  - W110033A\_B\_03 Proposed Highway Layout (1 of 2)
  - W110033A\_B\_04 Proposed Highway Layout (2 of 2)
  - W110033A\_B\_05 Proposed Highway Layout Phase 1 (1 of 2)
  - W110033A\_B\_06 Proposed Highway Layout Phase 1 (2 of 2)
  - CD V-C7915 C14/R1 Longitudinal Section Sheet (1 of 3)
  - CD V-C7915 C15/R1 Longitudinal Section Sheet (2 of 3)
  - CD V-C7915 C16/R1 Longitudinal Section Sheet (3 of 3)
  - CD V-C7915 C17/R1 Typical Cross Sections
  - CD V-C7915 C18/R1 Cross Sections (1 of 3)
  - CD V-C7915 C19/R1 Cross Sections (2 of 3)
  - CD V-C7915 C20/R1 Cross Sections (3 of 3)

Reason: In order to define the extent of the permission hereby granted and in order to ensure that the development is carried out in accordance with the approved plans.

4. This permission grants the development of a new town centre development with the following uses and maximum floorspace areas:

- a supermarket (as further defined under condition 9 of this permission) comprising 10,801sq.m. gross/7,230sq.m. net of floorspace, together with an associated car park and petrol filling station;
- Class A1 retail development comprising 35,522sq.m. gross/26,013sq.m. net of floorspace;
- Class A1 café floorspace comprising 600sq.m. (gross);
- Class A2 financial and professional services floorspace comprising 1000sq.m. (gross);
- Class A3 food and drink floorspace of 2,390sq.m. (gross)
- Class B1 office floorspace of 1,400sq.m. (gross)
- A multi screen cinema;
- A 80 bed hotel;
- 64 residential (Class C2 and/or C3) units
- Class D1 floorspace comprising 750sq.m. gross;
- Car parking facilities.

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.

5. This permission grants the development of a new town centre development with the following uses and maximum floorspace areas:

- a supermarket (as further defined under condition 9 of this permission) comprising 10,801sq.m. gross/7,230sq.m. net of floorspace, together with an associated car park and petrol filling station;
- Class A1 retail development comprising 35,522sq.m. gross/26,013sq.m. net of floorspace;
- Class A1 café floorspace comprising 600sq.m. (gross);
- Class A2 financial and professional services floorspace comprising 1000sq.m. (gross);
- Class A3 food and drink floorspace of 2,390sq.m. (gross)
- Class B1 office floorspace of 1,400sq.m. (gross)
- A multi screen cinema;
- A 80 bed hotel;
- 64 residential (Class C2 and/or C3) units
- Class D1 floorspace comprising 750sq.m. gross;
- Car parking facilities.

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.

6. (there is no Condition 6 applicable)

7. The replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan (drawing no. AL(90)100 rev B) attached to this Certificate to be provided within Phase 2 of the development hereby permitted shall not exceed 12,450sq.m. gross/8,715sq.m. net floorspace

Reason: In order that the overall development delivers the quantum of retail development that has been assessed within the application and having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

8. This consent permits a town centre development with the constituent elements as identified under condition 4. The only floorspace to be created:
- within Phase 1 shall be the supermarket development;
  - within Phase 2 the other elements of the development as identified under condition 4.

Reason: In order that the scope of each Phase is clearly defined having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

9. The net sales floorspace (excluding check-outs) of the Phase 1 supermarket hereby permitted shall not exceed 7,230sq.m. net of which no more than 3,100sq.m. 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 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.

10. No development shall take place within any phase (or part thereof) until a Construction Environmental Management Plan (CEMP), relating to that phase the subject of the development, has been submitted 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.

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.

11. 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 pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

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

12. Construction on the development, with the exception of prior agreed highway works, shall not take place other than 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.

13. An Urban Design Statement shall accompany each reserved matters application that shall be submitted for approval in writing by the Local Planning Authority. The statement should demonstrate how the design of that Phases (or parts thereof), the subject of the submission, comply with the relevant design principles, parameters and objectives set out in the approved Design and Access Statement.

Reason: To ensure that a co-ordinated and consistent approach and high design standards and materials are used in the interests of visual amenity in the locality in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

14. The reserved matters to be submitted for the approval in writing by the Local Planning Authority pursuant to Condition 1 above shall for each development phase(s) (or part thereof) of the development include details of finished floor levels for building and finished site levels (for all hard surfaced and landscaped areas) in relation to existing site levels. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development having regard to the surrounding area.

15. No phase of development (or part thereof) shall commence on site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with contamination within that development phase (or part thereof) 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) 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.
- B) 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.

- C) 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.

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 phase of the development (or part thereof) hereby permitted shall be occupied and/or operated until the measures approved in the scheme (referred to in condition 15) for the relevant phase (or part thereof) have been implemented. A suitable validation report of the proposed scheme is to be submitted and approved in writing 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. The landscaping of the relevant phase (or part thereof), the subject of the particular reserved matters submission pursuant to condition 1, shall be carried out in accordance with a scheme to be first approved in writing by the Local Planning Authority in the first planting and seeding season following the completion of that phase of the development. 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.

19. The reserved matters referred to in condition 1 shall include, where relevant, details of all areas of public realm and works of public art within the development. These areas shall be provided in accordance with the approved details. The timetable for the full implementation of the areas of public realm and the provision of works of public art shall be agreed in writing by the Local Planning Authority prior to the occupation of the first floorspace within the relevant phase (or part thereof) and the identified area/s shall be used for no other 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.

20. There shall be no beneficial occupation of any floorspace in relation to any phase (or part thereof) of development, until a Management Strategy for the maintenance of all areas of public realm and works of public art for that phase (or part thereof) 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.

21. No works of construction comprising the erection of residential and/or commercial development (buildings) shall commence in respect of any phase (or part thereof) before a Sustainable Development Strategy (SDS) report has been submitted to and approved in writing by the Local Planning Authority, in respect of the construction element of either that phase or the whole development. 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.

22. No development comprising the erection of residential and/or commercial development (buildings) shall commence in respect of any phase (or part thereof), 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.

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

23. Foul and surface water drainage arrangements for the relevant phase (or part thereof) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling or any other 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.

24. 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.

25. 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 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.

26. 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.

27. The reserved matters referred to in condition 1 where this relates to Class A3 uses and Class A1 café uses (as defined under the Town and Country Planning (Use Classes) Order 1987 as applicable to Wales on the date of this planning permission) on the site shall include details of ventilation and extraction equipment together with intended proposals for the prevention of waste cooking oils, fats, grease and solid waste, such as food waste entering the foul drainage system. Prior to first use of any such Class A3 or Class A1 café unit, the ventilation and extraction equipment and method of 'grease trap' operation shall be installed in accordance with the approved details and thereafter maintained as such.

Reason: In the interests of neighbouring amenity and in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

28. Notwithstanding the submitted plans, details of the design of the service yard junction with the A473, for the duration of Phase 1, 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 (until such time as that element of the service yard associated with development other than Phase 1 supermarket commences construction at which point the junction shown on the submitted plans may be implemented, unless an alternative layout is first approved in writing by the Local Planning Authority).

Reason: In the interests of highway safety and the free flow of traffic along the A473.

29. The overall development hereby permitted shall provide no less than 2,632 car parking spaces (excluding required provision for the residential units within the development). These shall be provided in a decked car park and two multi storey car parks (within Phase 2) and a car park to serve the supermarket (within Phase 1). A timetable for the provision of parking within Phase 2 shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of works within Phase 2 (or part thereof). The car park to serve the supermarket in Phase 1 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.

30. Prior to the first beneficial occupation of each phase of the development hereby approved, a Deliveries and Servicing Plan, which shall include details of the servicing hours, shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall relate to the service yard associated with the phase of development and 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.

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.

31. Notwithstanding the proposal to develop the site in two phases no development shall commence within Phase 2 until such time as a more detailed phasing plan building upon the second phase principle has been submitted to and been approved in writing by the Local Planning Authority. These phasing details shall include details of proposed sub-phases and include details of the relevant phase in which it is proposed to incorporate the provision of the replacement footbridge/at-grade crossing over the A473, as referred to in condition 53 and No development shall begin on any phase of the plan (as maybe approved) until such time as any pre-commencement conditions relating to that phase have been complied with. The development shall be implemented in accordance with the phasing plan.

Reason: To ensure that all details relating to a phase of development are submitted and approved prior to any works commencing on that phase and to comply with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

32. A plan (at a scale to be first agreed) indicating the positions, design, materials (including, where necessary, samples) and type of boundary treatments to be erected on any given phase (or part thereof) 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 that phase, or in any event prior to the first beneficial use of that phase (or part thereof).

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.

33. No construction of any Class A1/A2/A3/B1/C1/C2/C3/D1/D2 or Car Parking (decked or multi storey) building shall commence on any phase (or part thereof) until such time as details of all materials and finishes to be used externally (including the provision of site sample panels where appropriate) on that building 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.

34. Notwithstanding the details submitted as part of the application, development on any phase (or part thereof) shall be occupied until such time as details of all external lighting (including lighting within the entrance atrium of any retail or other commercial units adjacent to the Pant Marsh SINC) relating to that phase (or part thereof) and details of measures that will be put in place to reduce impacts of light fall from the unit(s), 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 operated in accordance with the approved scheme.

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.

35. 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.

36. Prior to the commencement of any phase of development (or part thereof) a detailed method statement for the removal or long-term management

/eradication of Japanese knotweed on that part of the site 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.

37. Prior to occupation of any phase of development (or part thereof), 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 phase (or part thereof) for the prevention of crime (by design). 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.

38. Within 6 months of the first beneficial occupation of any element 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.

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

39. Prior to the occupation of any floorspace within Phase 2 of the development (excluding the replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan (drawing no. AL(90)100 rev B) attached to this Certificate) details of a customer/visitor information point/facility shall be provided for the written approval of the Local Planning Authority. This facility shall be provided in a form and timescale as shall be first agreed in writing by the Local Planning Authority.

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

40. Prior to any works commencing on site a strategy confirming how it is proposed to maximise mitigation opportunities for soil/grassland from areas of unimproved grassland for use within the site and development 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.

41. 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:

- b) minimum slab levels to be no lower than 46.5m Above Ordnance Datum (AOD) for the development area;
- c) 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.

42. No phase of development (or part thereof) shall commence on site until the following components of a scheme to deal with the risks associated with contamination of the site associated with that phase of development 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.

43. No phase of development (or part thereof) 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 shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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.

44. 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.

45. 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.

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.

46. 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.

47. The residential units development hereby permitted within Phase 2 shall be acoustically insulated in accordance with a scheme to be previously submitted to and approved in writing by the Local Planning Authority prior to beneficial occupation. The development shall thereafter be implemented in accordance with the approved scheme.

Reason: In order to ensure a satisfactory form of development in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

48. No beneficial occupation of any commercial building or dwelling hereby approved shall occur until necessary off-site improvements (in accordance with the requirements as outlined in Dwr Cymru's Hydraulic Modelling Report, ref: RT-CA-1369) to the public sewerage system have been completed and this has been confirmed in writing by the Local Planning Authority.

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

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

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

50. 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.

51. 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.

52. 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.

53. The development hereby approved shall include the provision of a new footbridge over the A473 at its junction with Cowbridge Road (A4222), to replace the existing footbridge and to cater for pedestrians and cyclists, or the reconfiguring of the junction to create at grade pedestrian/cycle crossing facilities (the preferred option to be determined by the Local Planning Authority at the relevant reserved matters stage identified under condition 31 of this consent. It will be for the Local Planning Authority, not the applicant/developer, to determine what is the 'relevant reserved matters' submission/phase). Design details shall be provided for the written approval of the Local Planning Authority, including the timing of its construction, as part of the relevant reserved matters application. The footbridge/crossing shall be constructed in accordance with the agreed details and timetable.

Reason: To ensure a satisfactory choice of appropriate pedestrian access is available to serve the development.

54. Prior to the commencement of any works in Phase 2 (excluding the replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan attached to this Certificate) a detailed strategy indicating the form and detailed treatment of the public transport hub

along Cowbridge Road and a timetable for its implementation and provision shall be submitted to and be agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed Strategy.

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.

55. Prior to the commencement of any works in Phase 2 (excluding the replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan attached to this Certificate) a scheme showing improvements to the public right of way which runs between the southern boundary of the Y Pant School site and the Afon Clun shall be submitted for the written approval of the Local Planning Authority. The improvements as shall be agreed are to be implemented prior to the occupation of any floorspace in Phase 2 (excluding the replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan (drawing no. AL(90)100 rev B) attached to this Certificate).

Reason: To ensure a satisfactory choice of appropriate pedestrian access is available to serve the development.

56. Prior to occupation of any phase 1 development the following transportation infrastructure shall be 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, the length of the Southern Boulevard Link Road from the Glamorgan Vale Retail Park Roundabout to the new roundabout (serving the proposed Sainsbury's car park and petrol filling station) 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 in Phase 1
- 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.

57. Prior to occupation of any floorspace in Phase 2 details of the Southern Boulevard Link Road shall be submitted for the written approval of the Local Planning Authority. The required details 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 Design Manual for Roads and Bridges (HMSO).

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

58. Prior to occupation of any Phase 2 development the following transportation infrastructure shall be completed in accordance with details that shall have been agreed with the Local Planning Authority prior to any other phase 2 works commencing:-

- Signalisation of the A473 Glamorgan Vale Retail Park Roundabout and completion of the Southern Boulevard Link Road to connect to Cowbridge Road (A4222) by a signal controlled junction.
- Full signalisation of the new junction off the A473 serving the proposed service yards and multi storey car park.
- Upgrading of Cowbridge Road (A4222) along the site frontage to include a public transport hub and Active Travel Route designed to promote public transport use and accommodate passenger interchange and enhanced public realm to facilitate and encourage active travel.
- A scheme of signage appropriate to the scale of the completed 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.

A shared pedestrian and cycle linkage between the Roundabout on the A473 and A4119 and the Glamorgan Vale Retail Park along the southern boundary of the A473

59. 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 Design Manual for Roads and Bridges (HMSO).

Reason: To ensure the adequacy of proposed development, in the interests of highway and pedestrian safety and to ensure that adequate public transport infrastructure is provided, to encourage the greater use of more alternative sustainable modes of travel to and from the development.

Detail and Method Statement of a car park and on-site traffic management and operation system for each phase (or part thereof) must be submitted to and agreed in writing by the Local Planning Authority prior to occupation of any Phase 2 development. The scheme shall provide for measures that traffic attracted to the development does not form queues that are detrimental to the safe and efficient use of the public highway. 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 on a phased basis to the satisfaction of the Local Planning Authority in conjunction with each phase 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.

60. Notwithstanding the submitted details, a Variable Message Sign and Car Park Guidance System shall be provided at the following locations:

- The proposed signalised junction on the A4222 Cowbridge Road;
- Junction of the A4222 Cowbridge Road with the A473;
- A473 Glamorgan Vale Retail Park roundabout junction;

in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation of any buildings (excluding the replacement/relocation of the Class A1 floorspace shown for identification purposes shaded blue on the plan (drawing no. AL(90)100 rev B) attached to this Certificate) within Phase 2 of the development.

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

61. Details of a geotechnical site investigation and appropriate mitigation measures in relation to highway infrastructure within each phase (or part thereof) shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the relevant phase. The approved

mitigation measures shall be implemented in accordance with the approved details and incorporated into the highway infrastructure.

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

62. Prior to the submission of reserved matters for layout and scale of any phase relating to retail or leisure uses (excluding the Phase 1 supermarket), a schedule of unit sizes shall be submitted to and approved in writing by the Local Planning Authority. The unit sizes should be appropriate to the town centre nature of the development. Reserved matters for scale and layout within any phase relating to retail and leisure uses (excluding the Phase 1 supermarket) shall be in accordance with the approved schedule.

Reason: To ensure a range of retail and leisure uses is provided, appropriate to the town centre development, and to ensure that impact is as assessed by the Local Planning Authority, having regard to policy SSA8 of the Rhondda Cynon Taf Local Development Plan.

63. Prior to its installation a full specification of all fixed building plant (within Phases 1 and 2, or part thereof) 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.

64. No phase of development shall take place affecting the Pant Marsh (or part thereof) until a Species and Habitat Protection and Mitigation Plan for Construction has been submitted and approved in writing by the Local Planning Authority in relation to that phase. The plan shall include:

a) an appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;

b) details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;

c) 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.)

d) details of specific species and habitat mitigation measures

e) persons responsible for:

i) compliance with legal consents relating to nature conservation;

ii) compliance with planning conditions relating to nature conservation;

- iii) installation of physical protection measures during construction;
- iv) implementation of sensitive working practices during construction;
- v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- vi) specific species and Habitat Mitigation measures
- vii) 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: In the interests of ecology and biodiversity and having regard to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

65. 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 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 striping 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 interests of ecology and biodiversity and having regard to policy AW8 of the Rhondda Cynon Taf Local Development Plan.

66. Prior to commencement of development of the flood bund, constructional details, including cross sectional details, shall be submitted to and approved in writing, which demonstrate the line and edge of the flood bund in relation to the adjacent Public Right of Way. A method statement shall also be submitted which demonstrates how the Public Right of Way will remain open, accessible and unobstructed through the course of the construction, in addition to a schedule of the measures which will be employed to ensure that the foot path is not damaged by the construction, unless agreed otherwise in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual amenity and to ensure the protection of the Public Rights of Way in accordance with policy AW7 of the Rhondda Cynon Taf Local Development Plan.

67. Full details of a new pedestrian access across the new Southern Boulevard Link Road serving Y Pant School shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the timing of its provision prior to the commencement of any works within Phase 2 of the development.

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

68. No works shall be carried out under this planning permission on the land shown for identification purposes shaded blue on the plan attached to this Certificate unless and until all parties with any legal or equitable interest in that land have been joined as parties to the Section 106 Agreement on the basis of which this permission is granted and the title to such land shall have been properly deduced to the Council.

Reason: To ensure that the whole application site is bound by the terms of the Section 106 Agreement prior to being developed.

69. Prior to the commencement of development of any element within Phase 2 the developer shall submit to the Local Planning Authority an overall strategy to provide electric vehicle charging for all vehicles attracted to the site including but not limited to:

- (a) Cycles, motorcycles and scooters.
- (b) Cars and taxis.
- (c) Buses and coaches.

(d) Service and delivery vehicles.

The strategy should have regard to the need to achieve a minimum of 10% of the total number of car parking spaces within the scheme to incorporate an electric charging point, together with the type of vehicle and nature of charging required which will include consideration of appropriate charging speeds, standard, fast, rapid, ultra-rapid, and shall be capable of upgrading over time to keep with evolving technology. The strategy shall be implemented in accordance with a phasing strategy to be agreed with the Local Planning Authority and shall thereafter be maintained to provide electric vehicle charging facilities for all vehicles attracted to and associated with the development.

Reason: To ensure the adequacy of the proposed development and provision for electric charging facilities for all vehicles attracted to and associated with the development, having regard to policy AW6 of the Rhondda Cynon Taf Local Development Plan.