



## **PLANNING & DEVELOPMENT COMMITTEE**

**29 APRIL 2021**

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

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

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 20/1346/15 (GD)  
**APPLICANT:** Lidl Great Britain Ltd  
**DEVELOPMENT:** Variation of condition 1 approved plans of planning permission 18/0366/39.  
**LOCATION:** TIRFOUNDER FIELDS, CWMBACH  
**DATE REGISTERED:** 09/12/2020  
**ELECTORAL DIVISION:** Cwmbach

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**RECOMMENDATION: Approve**

**REASONS:** The principle of the proposed development is well established in the initial grant of outline planning permission and the subsequent planning applications and approval of reserved matters in relation to the development of this site.

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#### **REASON APPLICATION REPORTED TO COMMITTEE**

- Three or more letters of objection have been received.

#### **APPLICATION DETAILS**

The application seeks to vary the approved plans condition for the reserved matters approval 98/4647 which was approved pursuant to outline planning permission 98/4284. The approved plans condition was inserted into the reserved matters consent under non material amendment 18/0366. All associated pre commencement conditions have been discharged and the previously approved details commenced on site in the partial construction of the site service road. The approved plans condition is as follows –

- 1 The consent hereby granted relates to the following plans -
  - Location Plan (Ref: AL8282(S)1(2500)
  - Layout Plan (Ref: AL8282(S500)1G)

- Elevations (Ref: AL8282(D200)1A)
- Landscape Layout Plan (Ref: AL8282(L)5A)
- Lighting Layout (Ref: AL8282(L)11)

Reason: For the avoidance of doubt as to the approved plans.

The applicants aim is to have the wording of the approved plans condition altered to read as follows –

1. The consent hereby granted relates to the following plans -
  - P101 Rev B proposed floor plan.
  - P102 Rev B proposed floor plan areas
  - P103 proposed roof plans
  - P201 Rev B phase 1 & 2 elevations
  - P202 Rev B proposed elevations
  - P400 Rev D proposed site plan
  - P401 Rev D phase 1 & 2
  - P402 Rev B phase elevation plan
  - P403 location plan
  - Proposed lighting layout DWG01

Reason: For the avoidance of doubt as to the approved plans

In essence, if Members allow this proposal along with that submitted under application 20/1345 it would result in the construction of a Lidl food store on the southern part of this site and the reconfiguration of the southernmost unit of the formerly approved block B.

The application is accompanied by the following:

- Retail Impact Assessment
- Approved and proposed plans...
- Application forms and certificates
- CIL forms.

## **SITE APPRAISAL**

The application site in this instance comprises the largely undeveloped area of land located between the established retail outlets and the railway line at Cwmbach. The site comprises the vacant land to the east of the Asda store and is the only part of the wider retail site initially granted planning permission in 1989 that is yet to be developed. The site occupies a substantial portion of the valley floor between Aberaman and Cwmbach and lies immediately south of a Persimmon housing development.

## **PLANNING HISTORY**

20/1345	Variation of condition 7 (sales of goods) of planning permission 98/4284	Not Yet Determined
18/0366	NMA to insert a condition into ARM 98/4647 to identify approved plans	Approved 8 <sup>th</sup> May 2018
98/4647	Reserved Matters retail (all except Asda) restaurant and hotel pursuant to 51/87/0244	Approved 17 <sup>th</sup> March 2008
98/4284	Variation of conditions 15 & 16 of planning permission 51/87/0244	Approved 10 <sup>th</sup> December 2007
98/4283	Variation of condition 18 of 51/87/0244 (minimum unit size)	Approved 16 <sup>th</sup> December 1998
98/4223	Variation of condition 17 of 51/87/0244 (maximum retail floorspace)	Approved 16 <sup>th</sup> December 1998
98/4120	Variation of condition 2 of 51/87/0244	Approved 3 <sup>rd</sup> June 1998
97/4289	Vary condition 3 of 51/87/0244 and condition 1 of 51/93/0428	Approved 30 <sup>th</sup> December 1997
51/96/0022	Access reserved matters under 51/87/0244	Approved 18 <sup>th</sup> March 1996
51/93/0428	Reserved matters retail park, hotel and bowls hall	Approved 19 <sup>th</sup> February 1996
51/92/0362	Vary conditions 2 & 3 of 51/87/0244	Approved 23 <sup>rd</sup> September 1992
51/87/0244	Retail park, hotel and bowls hall (outline application)	Approved 18 <sup>th</sup> December 1989

## **PUBLICITY**

The application has been advertised by means of site notices and neighbour notification letters and four objections have been received raising the following issues

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- The application is submitted under Section 73 which means that the Local Planning Authority can reconsider whether planning permission should be refused or what conditions should be imposed.
- Concerns over flooding have increased significantly and residential development has been completed nearby, sustainable drainage systems are now a priority to be addressed in development and there is nothing in the current application to suggest the proposals are supported by a Flood Consequences Assessment.
- The site does not adjoin the river Cynon but a flood overflow channel that rose significantly during wet periods over the last year. The application does not appear to acknowledge that a watercourse lies within the site nor does it address the consequences of building over it.
- The plans indicate that the level of the site would be raised which could affect any flood storage capacity that the site currently provides making vulnerable property even more vulnerable.
- The views of NRW should be sought before any decision is made in respect of this application.
- No evidence is available on the public file that indicates the development would not adversely affect the surrounding area.
- The proposals fail to demonstrate compliance with Local Development Plan Policy AW5(6) which requires compliance with national policy in respect of development within flood zone C (TAN 15).
- Policy AW6(16) requires new development to demonstrate good water management and there is nothing in the proposals to indicate this.
- There is nothing in the proposals to indicate that policy AW10(8) - flooding has been addressed.
- The application is not supported by any kind of transport assessment that takes into account traffic movements in the construction or operational phase, compared to the terms of the original consent
- Currently traffic can be queuing on the A4059 past the Asda roundabout and residents of Tirfounder Fields experience difficulty exiting on to the road. The application is not supported by any evidence that the development would not exacerbate this situation. One resident suggest that a traffic light solution is needed
- The Asda roundabout is dangerous as it is not used properly by drivers, accessing the housing development is ignored by drivers using the bypass road leading to near misses. Similarly, illegal parking on the access road is also a problem that causes difficulties and additional development will make this worse.
- Asda lorries park up on the estate road adjacent to the play area making it unsafe for the children of the area to use.
- There is no evidence that LDP policy AW5.2(c) will be complied with or that traffic congestion will not occur or be exacerbated by these proposals.
- The loss of landscaping on the original scheme fronting the highway is opposed there is no softening of the development from public views or a green barrier to

separate vehicle fumes in the adjoining car park from pedestrians using the pavement.

- The proposed layout and lack of detail submitted do not demonstrate the development accords with the requirements of LDP policy AW6(7)
- The developer has not addressed the requirements of the Environment Wales Act 2016 relating to the obligation to maintain and enhance biodiversity in development. The scrubland has recently been obliterated and its biodiversity lost with no ecological studies having been carried out within the last 2 years. Nothing is submitted with the scheme to indicate any compensatory or enhancement measures on site as a consequence of the proposed development.
- LDP policy AW6(14) promotes development that protects and enhances landscape and biodiversity, whilst policy AW8(2) requires development to have no unacceptable impact on features of importance to landscape or nature conservation and neither requirement appears to have been met.
- The site is not allocated for retail development in the LDP so presumably the development is being treated as a departure from the Local Development Plan.
- Confusion over approved plans is expressed given the difference between the plans approved under non material amendment 18/0366 and those approved for highways under 98/4647.
- Compliance with conditions of 51/87/0244 is also questioned.
- Gardens will be overlooked by delivery vehicles and the proposed buildings. Invading the fundamental human right to privacy and family life and the peaceful enjoyment of possessions.
- The completion of the service road immediately adjacent to properties which has the potential to cause damage to property and outbuildings.
- Delivery vehicles and the proposed buildings will create disruption and pollution having a negative impact on air quality
- The proposals have little or no regard to their potential to cause or worsen flood risk to existing dwellings either through the removal of the natural flood storage pond that has developed adjacent to the housing development or through the lack of details relating to proposals for the drainage infrastructure that ends in the site.
- Residents of Tirfounder Fields pay a maintenance charge to manage the flood relief channel and it is not clear how this would be affected if this site is developed.
- Developing so close to homes on a mass of water opposite where the Council have identified a need for flood prevention works (Canal Road) is not a good idea and would counteract the Council's priorities.
- The play area adjacent to the access road is now operational and the area already suffers with cars parking along the access road to visit the shops the additional access road and more vehicular traffic will have an adverse impact on road safety, making the playground too dangerous for Children to access. This again conflicts with the Council's priorities for future generations.
- The development will have a negative impact on the value of the homes that sit adjacent to its boundary.

- The long term environmental and climate impacts of the proposed development on future generations needs to be properly considered.
- Further development will result in increased littering.
- Homeowners should have a separate access/egress for the estate.

## **CONSULTATION**

Transportation Section – No objections subject to conditions

Natural Resources Wales – raise no objection to the current proposal and advise that previous advice relating to the finished floor levels for the site and the need to maintain access to the flood relief channel for maintenance purposes be carried forward.

Aberdare Chamber of Trade - No response received

Mountain Ash & Penrhiwceiber Chamber of Trade – No response received

## **POLICY CONTEXT**

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

**Policy CS1** – places an emphasis on building strong and sustainable communities in the northern strategy area

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making, including landscaping.

**Policy AW8** – sets out criteria for the protection of the natural environment that new development should meet.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity as a result of flooding.

### **Supplementary Planning Guidance**

Design and Placemaking

Design in Town Centres

Access Circulation and Parking

Shopfront Design

### **National Guidance**

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

Planning Policy Wales Edition 11 (PPW) was issued on 24<sup>th</sup> February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 6 - Town Centre First – commercial/retail/education/health/public services

Other relevant policy guidance consulted:

PPW Technical Advice Note 4: Retailing and Town Centres;  
PPW Technical Advice Note 12: Design;  
PPW Technical Advice Note 15: Development and Flood Risk;  
PPW Technical Advice Note 18: Transport;  
PPW Technical Advice Note 23: Economic Development;  
Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

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

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

In this instance the applicants are submitting an application under Section 73 of the Town & Country Planning Act 1990 to vary the approved plans condition introduced into reserved matters approval 98/4647 by the Non Material Amendment 18/0386. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in policy or any other material circumstance that might affect the proposal. If the application is successful, this results in the grant of a new permission.

The Local Planning Authority may grant the permission subject to conditions differing from those to which the previous permission was granted or refuse the application. The Local Planning Authority however do not have the power to impose conditions which could not have been imposed on the original permission nor impose conditions that would result in a fundamental alteration to the development approved by the original application. Whether the application is granted or refused the original grant of planning permission would remain.

The key determinants in the consideration of this application are that the site benefits from an extant planning permission for retail development, albeit that is with a higher degree of restriction in terms of the range of goods that can be sold, the planning policy position, and the impact that proposed changes would have on adjacent town centres. The site benefits from consent for retail development initially approved under reserved matters 98/4647 with the approved plans subsequently specified under the non-material amendment 18/0366. The consent remains extant as a result of the partial implementation of the approved service access. In planning policy terms, the site lies within the settlement limits as defined by the Rhondda Cynon Taff Local Development Plan and within the Cynon Valley River Park designation. The site is not allocated for any specific use. The presence of the site within the designation does not prevent its redevelopment but it does place a requirement on the developer to visually enhance the site through the development process, and this the current proposals would achieve. The development would take place within defined settlement limits and it would not, as one objector has suggested, represent a departure from the plan.

Because the proposed broadening of the range of goods to be sold could have an adverse impact on the retail centres of Aberdare and Mountain Ash, the applicants have supported the current applications with a retail impact assessment. The assessment has been the subject of independent scrutiny by Lichfields on behalf of the Council and the findings have been found to be robust. The reports establish that the impacts on Aberdare and Mountain Ash will not be sufficiently substantive so as to have an adverse impact.

Applications made under Section 73 of the Town & Country Planning Act 1990 allow the Local Planning Authority to do one of two things when an applicant seeks to vary the condition, it can: -

- (a) Grant consent either with or without conditions; or,
- (b) Refuse.

In that the Council can approve with or without conditions, it is also appropriate to consider the extent and nature of all the previous conditions attached and if the application is to be granted amend them to reflect current circumstances and requirements

Members will note that the objections raised in respect of the current applications covering a variety of topic areas. Keeping in mind the nature of the current application and the process that has to be followed in its determination as described above, the following comments are offered.

***Planning policy, procedural and legal issues*** – Policy AW5(6) does require compliance with Technical Advice Note 15 Development & Flood Risk and this would have been the case when retail development was proposed and approved for this part of the site.

Policy AW6(16) does require the developer to demonstrate good water management, but it does not oblige them to do so before permission is granted. On this point Members are referred to the comments on drainage below.

With regard to Policy AW10(8) relating to flooding see below.

Policy AW5.2(c) and the impact on congestion – see below.

Policy AW6(7) relates to making landscaping an integral part of the development which in the context of a commercial development the revised proposals achieve – also see below.

Policy AW6(14) aims to protect and enhance landscape and biodiversity and these issues are addressed below. Similarly concerns expressed in respect of policy AW8(2) are noted but objectors have not identified specifically what their concerns are in this regard and these issues are again addressed below

Compliance with conditions of the original planning permission 51/87/0244 is questioned. This is misplaced as the granting of application 98/4284 effectively makes that the outline planning permission the balance of the development of the site has to respond to.

The approval of the non-material amendment defining the approved plans supersedes previous approvals. In any event this is something of a moot point as details of the

proposed means of access will have to be updated and referenced should Members choose to support the current proposals.

**Highways and transportation issues** – The application is not accompanied by any kind of transport assessment or statement but it does not need to be. Members should note that the Transportation section has not requested one and have raised no objections to the current proposals. Furthermore, the objector has failed to recognise the reduced nature of the development now proposed reflected in the overall reduction in approved floorspace that the new proposals would involve (circa 1280 square metres gross less) or the fact that a food store will drive up the number of linked trips.

The accusation that the proposals will increase congestion on the A4059 is not supported with any evidence and reflects an existing problem that there is no evidence the current proposals will make any worse particularly when the fall back of an extant consent that could still be implemented is taken into account.

The behaviour of a small minority of motorists on the Asda roundabout is not a sustainable reason to resist the current proposals and neither is the behaviour of delivery lorries serving the Asda store nor the illegal parking of motorists on the access road.

The presence of the play area and the parking around it is of little consequence to the current proposals as the foodstore would be accessed from a roundabout further south

**Amenity issues** – In comparison to the original approved details for the site that could still be implemented there is no loss of landscaping, in fact there is a slight improvement with thicker planting bunds to the fringes of the site. Furthermore, whilst the objectors don't indicate what aspects of the landscape they consider important or worthy of protection historically this part of the valley floor has been considered of low landscape value which is probably a result of the fact that historically it was a tipping site

**Physical and social infrastructure issues** – On the issue of drainage, Members should note that because of the age of the initial permissions the obligation to pursue a SUDS approach to drainage does not apply and the principles that apply to flooding (including the flood relief channel) and indeed any flood consequences assessment issues, would have been dealt with previously and the applicants have every right to rely on their findings.

**Ecology** – the site has a long history of consent for retail development that dates back some 30+ years and what objectors describe as scrubland has no recognised ecological value and the owner has every right to undertake clearance and maintenance as they see fit. This could have been undertaken in any event as a consequence of the extant planning permission. As such the fact they have done so cannot be held against the current proposals. The requirements of the Environment Wales Act 2016 are reflected in Planning Policy Wales 11 as is the obligation to

maintain and enhance biodiversity as introduced through the Wellbeing of Future Generations Act but it cannot be applied retrospectively.

**Other issues** - The developer has acknowledged an initial error in that the site does not lie adjacent to the River Cynon but the flood relief channel.

The objector is unclear as to the watercourse within the site referred to in the objection. The initial intention of creating the flood relief channel amongst other things was to allow the replacement of the Cwmbach ditch which previously crossed the site. In any event the development of the site will need to develop a drainage system that is acceptable to Flood Risk Management.

It is well established that for the purposes of TAN 15 Development and Flood Risk the site falls within zone C2. However, Members should keep in mind that for the purposes of TAN15 retail development is considered a less vulnerable form of development and that in this case under previous approvals the raising of the site levels to the satisfaction of Natural Resources Wales and their predecessors has been previously agreed, and as part of that the applicants or their predecessor would have demonstrated that there would be no adverse impact on flood storage or adverse consequences elsewhere.

To suggest there is no evidence on file that the proposed development would not adversely affect the surrounding area, ignores the fact that these issues would have been fully addressed in the course of the initial approval for retail development on this site.

The service road already has the benefit of planning permission to run behind the houses to the immediate north of the site and has already been partially implemented. In this case it is worth noting that the proposed arrangement has the effect of potentially reducing its impact as the food store if allowed would service from its own car park rather than via the service road. In any event the arrangement has already been deemed acceptable in amenity terms in the earlier grant of reserved matters approval.

A number of residents have made reference to various other bodies of legislation, claiming that allowing the proposals would be contrary to their requirements. The legislation and documents cited are as follows -

- The Human Rights Act 1998
- The Wellbeing of Future Generations (Wales) Act 2015.
- The Environment (Wales) Act 2016.

The planning system by its very nature respects all legislation that influences it and the rights of the individual whilst acting in the interest of the wider community. It is an intrinsic part of the decision-making process for the Council to assess the effects that a proposal will have on individuals, and weigh these against the wider public interest in determining whether a development should be allowed to proceed. In carrying out this balancing exercise the Council will of course wish to be satisfied that it has acted proportionately. In the present case, as detailed in this report, officers have considered and balanced those material considerations relevant to the application in making the recommendation to Committee.

How the management and maintenance of the flood relief channel happens or who contributes to it has no bearing on the acceptability or otherwise of the current proposals in planning terms.

The impact of the proposed development on house prices is not a material planning consideration and cannot influence the decision to be made in respect of this application.

Whilst home owners on the estate might desire a separate access and as something of itself it might be regarded as an improvement its presence or absence cannot influence a decision in this submission.

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

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is CIL liable under the CIL Regulations 2010 (as amended). In this instance, due to the nature of the application being a Section 73 application and the proposals involving the creation of less floor space than was previously approved, under Regulation 128A the CIL charge is nil, £0.

### **Conclusion**

The application is considered to comply with the relevant policies of the Local Development Plan in respect of the variation of conditions sought. The differences between the previously approved layout and that currently proposed with the variation of conditions though substantial remain acceptable. The proposed food store is a typical Lidl custom build and the balance of retail units meet all previously stated conditional requirements and in terms of appearance and finishes are the same.

### **RECOMMENDATION: Grant**

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

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

2. The development hereby approved shall be carried out in accordance with the following approved plans/drawings/documents --

- P101 Rev B proposed floor plan
- P102 Rev B proposed floor plan areas
- P103 proposed roof plan
- P201 Rev B phase 1 & 2 elevations
- P202 Rev B proposed elevations
- P400 Rev D proposed site plan
- P401 Rev D phase 1 & 2
- P402 Rev B phases elevation plan
- P403 location plan
- LIAS design notes & luminaire schedule DWG00;
- proposed lighting layout DWG 01

unless otherwise to be approved and superseded by details required by any other condition attached to this consent

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

3. Save with the written consent of the Local Planning Authority, with the exception of the food store unit described in the approved plans, only the following goods shall be sold from any other retail units to be erected on the retail park subject of this consent: DIY and garden related goods, caravans, boats, tool hire, building goods and products, furniture and furnishings, electrical and gas goods and products, carpets, floor coverings, cars/cycles and their accessories, office goods and equipment, pets and pet supplies. Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating the effect on retail trading in Aberdare and Mountain Ash town centres.

Reason: To define the extent of the consent granted and to ensure that no adverse impact is generated on the vitality, attractiveness and viability on the nearby town centres of Mountain Ash and Aberdare.

4. All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or completion of the development, whichever is the sooner,

and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order) no unit within the development hereby approved shall be provided with a mezzanine level to increase the net sales, storage or office area of the unit.

Reason: In order to protect the vitality, attractiveness and viability of nearby town centres.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) no extensions or alterations which increase gross floorspace shall be erected or carried out.

Reason: to restrict the usable floorspace of the premises in accordance with policy CS1 of the Rhondda Cynon Taf Local Development Plan

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

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

8. The application for approval of reserved matters shall include plans at the scale of 1:200 showing the existing contours of the land and any existing physical features (buildings, structures, etc) and existing natural features (trees, hedges, streams, etc) and indicating which features are to be retained together with their relationship to the proposed development.

Reason : To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

9. No unit shall be occupied until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

10. Before the development is brought into beneficial use the means of access together with the parking and turning facilities shall be laid out in accordance with the submitted Corun amended access plan Drawing no: 20-00724 03 received 3<sup>rd</sup> January 2021 The approved details shall be implemented prior to the first occupation of the approved food store unit.

Reason: In the interests of highway safety

11. Notwithstanding the submitted plans, no works whatsoever, other than site clearance, remediation and preparation works, shall commence on site until full engineering design and details of the new road layout, sept path analysis, footpath links, street signage, removal of existing signage, street lighting, surface water drainage and highway structures, including longitudinal and cross sections have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details prior to the first occupation of the food store hereby approved.

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

12. Prior to the substantive completion of the food store hereby approved a delivery management plan for the servicing of the proposed store has been submitted to and approved in writing by the Local Planning Authority. The approved details shall remain in operation thereafter.

Reason: In the interests of highway safety to ensure the adequacy of the proposed access and circulation.

13. The vehicular access to the site shall be laid out constructed and retained thereafter with 2.4m x 40m vision splays.

Reason: To ensure that adequate visibility is provided in the interests of highway safety.

14. Surface water run off from the proposed development shall not discharge on to the public highway or be connected to any highway drainage system unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and to prevent over capacity of the existing highway drainage system and potential flooding.

15. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority to provide for -
- a) the means of access into the site for all construction traffic.
  - b) the parking of vehicles of site operatives and visitors
  - c) the management of vehicular and pedestrian traffic.
  - d) loading and unloading of plant and materials.
  - e) storage of plant and materials used in constructing the development.
  - f) wheel cleansing facilities,
  - g) the sheeting of lorries leaving the site.

The approved construction method statement shall be adhered to throughout the development process unless agreed otherwise in writing by the Local Planning Authority.

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

16. The gross retail floor space for the scale of electrical goods in phase 2 of the revised layout shall not exceed 1673 square metres (18000 sq. ft.) and for furniture and carpets shall not exceed 5576 square metres (60000 sq. ft.).

Reason: Any further change to a more comprehensive form of retailing would result in a larger unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

17. Save with the consent of the Local Planning Authority, the size of any individual retail unit shall not be less than 929 square metres (gross). Any application for consent under the terms of this condition shall be accompanied by evidence or justification (including retail impact assessment where necessary) demonstrating that the effect on retailing in Aberdare and Mountain Ash town centres respectively.

Reason: Any further change to more comprehensive form of retailing would result in a larger and unacceptable volume of trade being drawn away from the town centres of Aberdare and Mountain Ash.

18. The threshold levels of all new proposed buildings shall be set a minimum of 600mm above the Q100 level for the site as agreed with Natural Resources Wales.

Reason: The site is liable to flooding during extreme weather conditions and to ensure that the risk and consequences of flooding have been fully taken into account.