

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2013-2014

**DEVELOPMENT CONTROL
COMMITTEE
18 JULY 2013**

**REPORT OF: SERVICE
DIRECTOR PLANNING**

	Agenda Item No. 4
APPLICATION RECOMMENDED FOR APPROVAL	

1. PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined in Appendix 1.

2. RECOMMENDATION

To approve the application subject to the conditions outlined in Appendix 1.

1. Application No:12/1102 - Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development (Amended vehicular and pedestrian accessibility, landscaping and elevation plans received 18/02/13), land south of A473, Talbot Green (North - east of Leekes Dept Store)

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APPLICATIONS RECOMMENDED FOR APPROVAL

APPLICATION NO: 12/1102/10 (SF)
APPLICANT: Talbot Green Developments Limited and Sainsbury's Supermarkets Limited
DEVELOPMENT: Erection of a supermarket (class A1), service yard, car park, petrol filling station, new customer access road and new access from A473 and associated development (Amended vehicular and pedestrian accessibility, landscaping and elevation plans received 18/02/13).
LOCATION: LAND SOUTH OF A473, TALBOT GREEN (NORTH - EAST OF LEEKES DEPT STORE).
DATE REGISTERED: 22/10/2012
ELECTORAL DIVISION: Talbot Green

APPLICATION DETAILS

This is a full application for the erection of a supermarket, service yard, car park, petrol filling station, new customer access road and new access from the A473 and associated development on 8.65 hectares of land, to the south of the A473 at Talbot Green.

The applicants, Talbot Green Developments Ltd & Sainsbury's Supermarkets Ltd, propose the following development:

- A Sainsbury's supermarket measuring 10,801sqm gross external area with a net sales area of 7,230sqm of which 4,130sqm (57%) will be convenience floorspace and 3,100sqm (43%) will be comparison floorspace; (For Members' clarification, 'convenience goods' describes regular items such as items of food, newspapers and confectionary, etc. which are convenient for every day living and 'comparison goods' describes largely non-food related items such as household goods, electrical goods, clothing, etc., for which more comparison between brands/retailers would be expected).
- An eight-pump Petrol Filling Station (PFS) with jet wash facilities;
- A 573 space surface level car park;
- A link road forming a southern arm from the Glamorgan Vale roundabout providing vehicular access to the PFS, supermarket car park and bus stop via an internal roundabout;
- Minor modifications to the east and west bound exits from the Glamorgan Vale roundabout as necessary, associated with the above;

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

Supermarket Building, Car Park and Service Yard Access

The proposed supermarket is a two storey rectangular building measuring approximately 106 metres wide by 70 metres deep. The front elevation features a large glazed lobby area, which serves as the principal entry point into the store. The main elevation from the car park to the east is also mainly glazed with reconstituted stone panels towards the southern end. The southern elevation features a balconied area leading from the 'JSR' restaurant, which is accommodated at the first floor mezzanine level, with an additional sales area. This will be the main elevation seen by people arriving from the proposed town centre and act as a feature of visual interest to visitors arriving from the south and west.

The supermarket building is of a modern design and will be sited towards the western boundary of the site, in an area, which previously accommodated buildings used as part of the Purolite chemical works. The building is orientated towards the east and the back of house facilities and service yard is therefore located in the western part of the site. To assist Members in visualising the proposal in relation to existing surrounding development and also the future development, for which a resolution to approve was recently made in respect of outline application for the town centre which was considered on 28th February 2013 (ref - 11/1330), a plan has been attached as **APPENDIX 1**. Further plans will be available during the Committee meeting presentation.

The store proposes to utilise a number of different materials including reconstituted stone slip panels (blue/grey pennant) and a double glazed walling system (dark grey) on the main elevations. Composite flat metal cladding panels (mid-grey) will be used on the less visible parts of the south and west elevations for practicality and maintenance. The design of the building includes two steel column supported canopies at different levels along the front (east) elevation, to provide shelter for the pick-up point, trolley bays and bicycle parking. The roof of the main store is slightly convex when viewed from the north and south and is approximately 10 metres at its highest point. This will be finished in a mid-grey PVC roofing membrane but also incorporates a series of rooflights over the sales floor and roof top plant in two grey steel enclosures.

Pedestrian access into the store will be via the main entrance from the car park to the east and also via a footpath, which wraps around the northern elevation of the store. This connects with Cowbridge Road to the west and the pedestrian footbridge, which crosses the A473 and links through to Talbot Green to the north.

A surface level car park providing 573 car parking spaces is to be located to the east of the store, which is the main front elevation. Of the 573 spaces, 35 will be dedicated for the use of disabled visitors and 35 allocated for parents with children. Cycle parking for 46 cycles will be provided under the front canopy and also a dedicated area for motorcycles in the north-west corner of the car park, together with a customer recycling facility. The car park will also accommodate a covered walkway and 12 trolley bays, which will be constructed from galvanised steel frames and polycarbonate roofs.

Deliveries to and from the site are proposed to be made via a new priority junction, which will be provided to the A473 between the Glamorgan Vale roundabout and the Cowbridge Road (A4222) junction to allow for access/egress to the supermarket's service yard.

Petrol Filling Station and New Link Road

The new petrol filling station (PFS) will be located to the east of the car park and will consist of an 8 pump facility together with a kiosk and jet wash facilities. The fuel tanks serving this facility are required to be above ground due to groundwater levels in this part of the site and will be located to the east of the forecourt within a recessed concrete bund and screened with a 3m high fenced enclosure. The PFS will include a flat canopy which is approximately 5.1 metres high and a kiosk building of approximately 110sqm.

Vehicular access to the supermarket and PFS will be via the provision of a new link road that will form a southern arm from the Glamorgan Vale roundabout on the A473 and will provide access via an internal roundabout. A new bus stop is also proposed to the north of the link road and will enable access to the store using the public transport network, as well as by foot, by cycle and by car. The new link road will provide two east bound exit lanes, although provision will be made to increase this to three lanes for the future town centre development. Minor modifications to the east and west-bound exits are also proposed.

Landscaping

The submitted scheme of landscaping provides details for the areas surrounding the store including, the land immediately adjacent to the A473, the petrol filling station (PFS), the above ground fuel tanks located to the east and the area adjacent to the southern boundary of the car park. The details include a schedule of tree, hedge

and shrub planting around the north, south and east boundaries and 8 trees towards the eastern end of the car park.

Hard landscaping included in the scheme includes, a 3 metre high timber fence around the Sainsbury's service yard area and the PFS storage tank area and 1.8 high timber fencing to the north of the recycling area, to provide screening from the A473. The northern and eastern boundaries are shown to be defined by a 1.1 metre timber post and rail fence. The southern boundary of the site which encloses the car park, is proposed to be surrounded by 2.4 metre high black weldmesh fencing.

Re-profiling of land to provide an approximately level development plateau at 48m AOD.

As part of the flood risk management strategy, it is proposed to raise low lying land out of the extreme flood outline. The Flood Consequences Assessment submitted with the application as part of the Environmental Statement Addendum (August 2012), recommends minimum slab levels of 46.5m AOD.

The existing levels across the site range from 48.8m AOD at the western boundary to its lowest point, 46.46mAOD at the east of the site. The level of land also slopes down from the A473 at around 49m AOD to its lowest point at 46.65m AOD, in Pant Marsh. This part of the scheme will therefore accommodate the existing changes in level that currently exist across the site, in order to provide a level plateau for the development to take place and will also ensure that the development is not at risk of flooding.

Flood embankment works

Flood alleviation works comprising an earthen bund of 280m length at 46m AOD to the east of Y Pant School are also proposed as part of the flood risk management strategy. This is required to compensate for the loss of storage in the Pant Marsh flood plain and to avoid a detrimental effect on surrounding areas, namely the school and areas of housing downstream. The bund will serve to reduce and impede the conveyance of water downstream during flood events.

The bund is shown to run in a line north-south from the south-east corner of the car park and edge of the road that will link to the A4222 Cowbridge Road in Phase 2. After approximately 110 metres, the bund then curves around towards the east to run adjacent to the Afon Clun. The width and height of the bund varies along its length, according to ground levels, however its average width is 8 metres and height is 1.5 metres.

Other Details

- Sainsbury's estimate that approximately 430 jobs will be created within the store and even when the store is closed to the public, there will still be employees on

site, re-stocking shelves, taking deliveries, providing security and cleaning. A large number of Sainsbury's staff are female and approximately 1 in 5 are over the age of 50. There is also a high proportion of part-time and temporary staff, who generally work flexible and irregular hours.

- Sainsbury's propose their (public) opening hours of the supermarket will be:

Monday to Saturday: 7.00 am – 10.00 pm

Sundays and Bank Holidays: 10.00 am - 6.00 pm (subject to Sunday Trading Laws)

The opening hours of the petrol filling station are proposed to be:

Monday to Saturday: 6.00 am – 11.00 pm

Sundays and Bank Holidays: 6.00 am – 11.00 pm

- It is likely that deliveries to the supermarket site will operate outside of these hours, but will be made via the new A473 junction.
- The application is submitted with an Interim Travel Plan, with the intention that a Full Travel Plan will be prepared and implemented in the future. The purpose of the Plan will be to reduce the number of single purpose car trips to the store by staff.
- Additional information regarding environmental sustainability has also been submitted, which identifies the various energy efficiency and renewable or low carbon elements, which are proposed to be introduced. The current pre-assessment review under the Building Research Establishment Environmental Assessment (BREEAM) has provided a standard of 'Very Good', however the development is committed to achieving a higher 'Excellent' rating.

Relationship to Outline Planning Application - 11/1330

At a special meeting of the Development Control Committee held on 28 February 2013, Members considered an outline planning application (11/1330) on land adjacent to Cowbridge Road and the A473, Talbot Green relating to the development of new town centre comprising - a 10,801sqm gross foodstore (Class A1); 8 pump petrol filling station; 35,522sqm gross retail floor space (Class A1); 600sqm gross cafe space (Class A1); 1,000sqm financial/professional service space (Class A2); 2,390sqm gross food and drink space (Class A3); 1,400sqm gross office space (Class B1); 750sqm gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works.

As part of that application, which deals with the principle of the town centre development, it was proposed that development would be provided in two phases,

with 'Phase 1' comprising the supermarket, the petrol filling station and other related works, whilst the remaining development (retail, leisure, business and residential), would be provided under 'Phase 2'. This current proposal for a supermarket, whilst constituting an entirely separate and stand alone planning application, in effect comprises the full details of the development which has been identified under 'Phase 1' of the wider town centre application and LDP allocation.

At the Committee meeting on 28 February 2013, it was resolved to approve the outline town centre application, subject to the applicant entering into a legal agreement under Section 106, to secure a package of contributions towards transport/highways, affordable housing, education, provision of play area, ecology and biodiversity interests and to mitigate the impact on business/commercial centres in Pontyclun and Talbot Green. In addition to the highway improvements that had been identified under Phase 1 and Phase 2 of the development and supported by officers, Members considered that further improvements to the strategic highway network were needed at an earlier stage in particular, that the improvement works to both the A4119/A473 roundabout and the A473 Glamorgan Vale roundabout identified under Phase 2, should be brought forward and required under Phase 1.

Following that meeting, a further submission has been made by the applicant regarding the Committee's resolution and offering an alternative package of contributions and Section 106 Agreement, which would enable further highway improvements to the strategic highway network to be secured at Phase 1. It has been confirmed that these improvements are also offered in relation to the Sainsbury's application under consideration in this report and this matter has been reconsidered in relation to both applications. A further report in respect of the outline town centre development application (11/1330) has therefore been prepared and appears elsewhere on this agenda. Further details of the revised submission in relation to the package of contributions and Section 106 Agreement, which relate exclusively to highway matters, is also addressed in the Traffic and Transportation Section of this report.

Whilst this current application comprises the details of the development, which has been identified under 'Phase 1' of the wider town centre development (11/1330), Members will appreciate that as this is a full application, it needs to be determined on its individual merits. In considering this application, the Committee's previous resolution in relation to the outline application is however a significant material consideration, as the principle of the development has previously been accepted. Any further resolution by Members in relation to the outline town centre application (reported elsewhere on this agenda), will be similarly material in its determination.

Environmental Statement

The applicant has undertaken an Environmental Impact Assessment (EIA) under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 in connection with their outline proposal for a

wider town centre development (11/1330) and has submitted an Environmental Statement (ES) (October 2011), with that application. This has been written to enable the likely significant environmental effects of Phase 1, comprising all of the elements included in this application, to be determined separately from the effects of the whole town centre.

The entire ES has therefore been submitted in connection with the current application, but is supplemented by an Environmental Statement Addendum (August 2012). This provides further assessment of the likely effects of the scheme resulting from the changes to the Phase 1 (supermarket and PFS) elements of the town centre development that have taken place, following discussions with Council officers and other stakeholders. Such assessments are necessary if a development is likely to have significant effects (be they positive or negative) on the environment. The ES sets out the results of the EIA undertaken in order to consider the likely significant environmental effects of the proposed scheme and consists of the following documents:

- 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).
- Environmental Statement Addendum – provides an update of the main report (August 2012).

A separate Environmental Impact Assessment Non-Technical Summary (NTS) (September 2012) has also been provided, giving a summary and overview of the key issues relating to Phase 1 only, contained within the main ES (October 2011) and Addendum (August 2012). This includes chapters on traffic and transportation; ecology and nature conservation; hydrology and flood risk; socio-economic and retail; landscape and visual impact; archaeology and cultural heritage; public health issues of air quality, noise, lighting and contamination; and geology, hydrology and drainage. The early chapters of the NTS also detail the site and its location, the proposed development and the main reasons for this, having regard to other alternatives.

Other Supporting Information

In addition to the submitted plans, the application is accompanied by the following:

- A Design and Access Statement (DAS) (WYG - September 2012);
- Statement of Community Consultation (JBP PR - July 2012);
- BREEAM Pre-Assessment (Atkins - July 2012);
- Renewable Energy Efficiency Report (Synergy - August 2012):

- Sainsbury's specific Interim Travel Plan (Connect Consultants - September 2012);
- Soft Landscaping Specification (Stride Treglown - July 2012);
- Landscape Maintenance and Management Strategy (Stride Treglown - July 2012);

In accordance with Article 10 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the applicant has formally notified the Council as the owner of land to the north of the site (A473) and the Welsh Government, as the owner of the land to the south and east of the site (Pant Marsh), of the proposed development and has submitted the appropriate Certificate with the application.

The applicant also recently submitted further details relating to the PFS kiosk and canopy and a number of revised plans, which supersede some of those previously submitted. These seek to address issues raised by officers in relation to pedestrian and vehicular accessibility, landscaping and the elevational treatments of the supermarket. Following their receipt, further publicity and the re-consultation of selected consultees has been undertaken.

It should be noted that all signage relating to the Sainsbury's store shown on the submitted plans does not form part of the current application and the submission of a further application for advertisement consent will be required.

SITE APPRAISAL

The extent of the planning application site is shown on the plan attached as **APPENDIX 1** and this comprises approximately 8.65 hectares, which forms part of the larger SSA8 allocation in the Council's Local Development Plan, attached as **APPENDIX 2**.

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

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

At its western extent, a small part of the site which is proposed to provide a temporary footpath adjoins Cowbridge Road and the Leekes store is located immediately to the south, together with its associated car parking facilities. The area of land in between, to the west of the application site, previously accommodated the former Purolite chemical works. These buildings were demolished and cleared some years ago and works of site ground remediation undertaken. This part of the site appears as currently vacant open land. The previous Staedtler factory (now demolished), stood to the south-west of the site. The ground floor slabs of these buildings have not however been broken up and are still visible on the surface.

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

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

As can be seen from the plan attached at **APPENDIX 1**, 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 it is proposed to create a flood embankment (bund). A well-used public footpath runs east-west across Pant Marsh and then follows a line between the Afon Clun and the southern boundary of the Y Pant School site, before it reaches Cowbridge Road (A4222).

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

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

Ground levels across the site are relatively consistent but generally the higher levels are on the brown field land at the western end of the site and the lower levels on the Pant Marsh at the eastern end of the site. The highest level of around 49.7m AOD is adjacent to the A473, whilst at the eastern end of the site on the Pant Marsh the level falls to under 46.0m AOD. There is currently a fall of between 2.0m to 2.5m

down from the Glamorgan Vale roundabout onto Pant Marsh, where the new access road will be created.

PLANNING HISTORY

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

11/1330	Outline application for development of new town centre comprising: a 10,801sqm gross foodstore (Class A1); 8 pump petrol filling station; 35,522 sqm gross retail floor space (Class A1); 600sqm gross cafe space (Class A1); 1,000sqm financial/professional service space (Class A2); 2,390sqm gross food and drink space (Class A3); 1,400sqm gross office space (Class B1); 750sqm gross Class D1 space; 8 screen cinema; 80 bed hotel; 64 dwellings (Class C2/C3); multi storey and surface level car parking; associated access infrastructure, re-profiling of land, landscaping and flood alleviation works.	Further report on this agenda - (previously resolved to approve subject to S106 Agreement)
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. (land south east of Talbot Green, south of New Park and west of the A4119).	Withdrawn 22/07/94
91/0636	Class B1, B2 and B8 development. (outline). (part of Springfield Farm, land R/O former	Cond. Perm. 06/12/91

Staedtler site).

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 sent to approximately 300 commercial and residential properties, a press notice and site notices, which were placed in locations surrounding the site, the wider residential and retail areas in Talbot Green and also in Pontyclun.

In response to the public consultation in October 2012

2 letters of objection were received which raise the following issues:

Impact on Talbot Green

- The scale of development is inappropriate in the area;
- Questions the need for another retail site;
- In terms of supermarket provision, there is already more than required;
- The proposal will only compound existing problems caused by the Glamorgan Vale Retail Park and the New Park District Centre Green Park;
- Talbot Green has lost its character and will possibly die completely, with no outlets being occupied near the bus station or along the main road;
- The proposal will detract from the centre of Talbot Green and become another 'out of town' shopping estate;
- The outlets in the New Park Centre will be affected, as they have caused units in Talbot Green to become redundant.

Local Highway Infrastructure

- The local infrastructure is completely unsuitable to deal with a site of this scale;
- The whole dual carriageway from the M4 to Talbot Green is all but grid-locked by the volume of traffic, which is only normal commuter traffic;
- The site will bring more traffic to the area and the A473 would not be wide enough to deal with the extra traffic flow, which would be brought to a standstill due to the traffic lights at the Cowbridge Road junction;

- The entrance to the Glamorgan Vale Retail Park is often queued onto the A473 and there is insufficient parking for existing shopping facilities here and elsewhere in Talbot Green;
- Concern that the additional traffic will affect access to Y Pant School and the fire station;
- Although the proposal includes new accesses from the A473, concern is expressed over the impact on the A4119 and A473 which will be increased as a result of the petrol station;
- The parking facilities may be used by commuters who currently park on the road side in order to car share into Cardiff.

Local Residents

- Residents on the New Park residential estate already experience difficulties at certain times of the year and even with car parking, this proposal will affect residents' movements and access to residential estates and the A4119 by emergency services;
- Residents on the New Park Estate will be affected by the visual change and may also experience privacy and security issues resulting from people trying to access the woodland and the Tesco store.

Noise Pollution

- Concerns that the noise pollution for properties will be considerable and residents already experience problems from the Glamorgan Vale Retail Park and Tesco store;
- This area (Fanheulog) is a quiet residential area and concerns are expressed that the noise disturbance from the volume of traffic expected and new road junction will cause disruption to residents;
- There has been a major increase in road noise since the by-pass has opened and particularly from emergency vehicles at night;
- There are already problems during the night resulting from where the McDonald's drive-thru is located and this will be made worse by traffic accessing the petrol station and tankers delivering fuel;
- There is a risk to residents from the petrol station in terms of petrol fires and explosions;
- Noise pollution from deliveries to the supermarket at night will be increased.

Other issues

- There is already light pollution from the McDonald's restaurant and this will increase as a result of the petrol station;
- Concerns that this previously semi-rural area is becoming an extension of Cardiff City Suburbs, without any financial benefit to the people who already live in the area;
- One of the letters received, does however acknowledge the need for more petrol filling stations in the area.

In response to the further public consultation in February 2013

Following the receipt of amended plans in February 2013, further publicity has been undertaken however, **no further responses have been received.**

Other Publicity

As part of the application submission, it has been confirmed that Sainsbury's undertook their own public consultation in June 2012. This included:

- Distributing 6,500 invitations to a public exhibition;
- Hosting a 1-day public exhibition on 30 June 2012; and,
- A meeting with Mick Antoniw AM at the Welsh Assembly on 12 June 2012.

CONSULTATION

Transportation Section (Original Submission) -

Confirms that a Transport Assessment (TA) has been submitted as part of the town centre outline application 11/1330, which has been considered acceptable subject to mitigation measures and a transport tariff contribution.

The proposed new link road forming a southern arm from the Glamorgan Vale roundabout to provide vehicular access to the PFS, supermarket car park and bus stop and the minor modifications proposed, are acceptable in principle subject to a detailed design and relevant road safety audits. Further improvements to and the signalisation of this roundabout are proposed as part of the town centre development.

The new priority junction onto the A473 between Glamorgan Vale roundabout junction and the A4222 (Cowbridge Road) junction will allow access/egress to the supermarket's service yard only and be designed and constructed to facilitate in the short term left in/left out movements off the A473. This will be further signalised as part of the town centre development to accommodate access to the northern town centre service yard and a multi-storey customer car park.

In relation to parking, the proposed supermarket development would require a maximum of 784 on-site parking spaces, according to the SPG, however the layout gives a shortfall of 211 parking spaces. It is however considered that the parking provided is adequate for the operation of the store, the proposal will be part of the new town centre and within walking distance of public transport and the 46 cycle spaces proposed, would reduce the level of car borne trips. On balance, the shortfall in the parking provision is considered to be acceptable.

Pedestrian access would be provided from the Glamorgan Vale Retail Park as well as a temporary access from the A4222 Cowbridge Road adjoining the A473. It is

also anticipated that a new pedestrian access would be provided from the A4119/A473 roundabout running along the southern boundary of the A473 to join the footway at Glamorgan Retail Park roundabout.

The provision of public transport infrastructure by means of a bus lay-by close to the site access with a direct pedestrian link into the site is acceptable in principle, subject to its detailed design and approval.

A Travel Plan, together with a car park and on-site traffic management is required as part of this development in accordance with SPG guidelines and conditions are suggested accordingly.

A transport tariff contribution of £550,000 towards improvements to the strategic highway network comprising improvements to the roundabout at the junction of the A473 and A4119 is requested in respect to this application.

No objections are raised to the original submission, subject to conditions.

Transportation Section (Amended Submission)

In light of the amended submission put forward on behalf of the applicant, the updated observations of the Transportation Section have been requested. They have considered this further submission and have commented as follows:

In respect of the proposed re-phasing of transport contributions, it is accepted that the offer to bring forward a significant element of Phase 2 funding as part of the Phase 1 development provides the opportunity to deliver improvements to the strategic highway network at an earlier point in time than would otherwise have been possible within the parameters of the original payment framework. Officers were content with the original phasing but Members were not and it is recognised that the present proposals are an improvement on the earlier ones.

The payment of a tariff accords with the Councils supplementary planning guidance.

Consequently, there is no objection to the proposed re-phasing of infrastructure payments.

In terms of specific impacts and issues;

A4119/A473 Junction

From a transportation perspective, the main area of concern relates to the A4119/A473 roundabout, accordingly payments under the tariff will be prioritised to provide improvements to this key junction.

In ongoing communications with the developer, officers have continued to highlight the fact that the timing of the payments do not allow physical improvements to be implemented in advance of the proposed food store opening as the payments would be made prior to store opening.

The developer has responded to this matter by offering advanced payments to allow scheme design and construction to take place in parallel with construction of the store. This increases the likelihood that the improvements will be delivered at or around the time of store opening. On the basis that the anticipated improvements will have sufficient capacity to mitigate additional traffic generated by the entire development, this is considered preferable to the previous situation that envisaged improvements to the roundabout potentially being delivered in two phases

Consequently officers consider that the risk of the store opening ahead of completion of the improvements to the A4119/A473 roundabout is substantially reduced and is considered acceptable as no further works will be needed to mitigate Phase 2. No objection is raised to the timing of the payments

In terms of delivering improvements to the A4119/A473 roundabout, hours of operational works and traffic management would be restricted due to the traffic sensitive nature of the roundabout, such works would have to be undertaken primarily during seasons and at times of the day and days of the week when traffic flows are lower.

The developer has submitted plans for potential Phase 1 and Phase 2 improvements to the A4119/A473 roundabout. The proposed single, advanced payment of the £2.05m contribution reduces potential additional disruption to traffic as it will be possible to implement a single improvement to the junction rather than 2 stages of improvement with 2 periods of disruption. It also eliminates potential abortive work and reduces the overall cost of improvements due to the efficiencies that accrue from a single construction project.

These proposals are at an early stage and require further design and development prior to implementation. Officers are satisfied that the offered contribution will be sufficient to deliver a significant improvement to the roundabout although it should be acknowledged that there remains a risk that the proposed improvements included in the planning application may not be deliverable with the contribution offered by the developer. In those circumstances either an alternative lower cost and potentially less effective solution may need to be delivered or the Council may need to access additional funding to provide such an improvement. This could create further delays to the delivery of improvements to the A4119/A473 junction. However, the tariff approach has been accepted rather than direct construction and officers consider that this risk is acceptable.

Glamorgan Vale Roundabout

The submission from Vectos primarily considers 2 issues in respect of the Glamorgan Vale Roundabout;

- *whether Phase 2 improvements are necessary in order to mitigate traffic generated in Phase 1, and*
- *the potential disruption to the network as a result of the Phase 2 improvements being carried out at the same time as improvements to the A4119/A473 junction and the construction of the new access to the food store service yard off the A473.*

In consideration of their comments;

In respect of capacity, it is accepted that the Phase 1 proposals are capable of dealing with Phase 1 traffic and that existing problems occasionally encountered at the roundabout are as a result of queues extending from the Glamorgan Vale Retail Park onto the roundabout. These issues will not be resolved by the Phase 1 or Phase 2 improvements however there is no evidence that either Phase 1 or Phase 2 would exacerbate the problems. If anything by diverting demand from the Retail Park, they will be eased.

Further, officers are satisfied that the proposed Phase 2 improvements which include the provision of traffic signals on the roundabout could actually be detrimental to the free flow of traffic under Phase 1 traffic conditions. Accordingly there is no material benefit or substantive need to bring forward Phase 2 proposals to mitigate Phase 1 traffic.

In respect of the disruption arising from work on three junctions taking place at the same time, the Vectos paper advances this as a reason to defer Phase 2 works to the Glamorgan Vale Roundabout. The Highway Authority is satisfied that improvements to the A4119/A473, Phase 1 improvements to Glamorgan Vale Roundabout and the creation of the access to the service yard could be undertaken in tandem subject to appropriate traffic management and control.

Countryside Council for Wales (CCW) - confirms that a number of previous issues raised in relation to the outline application (11/1330), have been addressed in the current submission. Following clarification on how mitigation and the long term management of Pant Marsh is intended to be provided and funded - **no objections** are raised, subject to the imposition of appropriate conditions and the applicant first entering into a S.106 Agreement in order to ensure that:

- the ongoing appropriate management of these areas and the retained areas of SINC habitat are managed in the long term (25 yrs or more) and are properly funded and enforced through appropriate conditions and a S.106 Agreement.

Environmental Agency Wales (EAW) – advice is provided on flood risk and the Flood Consequences Assessment (FCA) prepared by Atkins (May 2011) and no objection is raised on flood risk grounds subject to a condition requiring the mitigation

measures detailed in the FCA. Further advice provided on land contamination and pollution prevention; biodiversity; and, water resources. **No objections** are raised subject to the imposition of conditions and informative notes.

(Whilst the two responses above now fall within the remit of Natural Resources Wales (NRW), consultations with these organisations were carried out prior to 1 April 2013, when NRW became operational.)

Dwr Cymru/Welsh Water - **no objections** are raised subject to the imposition of conditions and informative notes.

Western Power Distribution - no comments have been made.

Wales & West Utilities - a plan has been provided showing existing apparatus in the vicinity of the site and standard advice regarding the risk to apparatus. **No objections** have been raised.

Public Health & Protection – advise on matters of demolition of existing buildings; noise; dust; disposal of waste; contaminated land; air quality; lighting and odours. **No objections** are raised, subject to the imposition of appropriate conditions.

Petroleum Licensing Officer - In respect of the PFS element of the application a separate response has been received from the Petroleum Licensing Officer (within PH&P). It has been confirmed that there are **no observations at this stage**, subject to the PFS being designed in accordance with the APEA/IP publication 'Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (3rd Edition) June 2011'.

Countryside Section (Landscape & Ecology) – the EIA undertaken, which includes the full scope of ecological surveys required, in support of the application has underlined the ecological importance of the Pant Marsh. There is a 31.6 % loss of habitat on Pant Marsh SINC to the supermarket, access road and flood bund which is acknowledged in the EIA as a significant impact. The proposed development has a significant impact on this habitat and the mitigation package to address these impacts will need to be robust and effective.

In respect of statutory protected species, adequate species surveys have been undertaken and there appears to be no over-riding constraints to development, although a series of species mitigation measures are identified.

In respect of the impacts of the scheme and the proposed mitigation measures, it is noted that the impact on the marsh will be somewhat greater than anticipated at the LDP examination hearing, given that a flood bund is now required across the marsh. The need for mitigation to offset the impact of increased public use, disturbance and lighting and maintain the high conservation status of the Pant Marsh is a firm commitment of the LDP.

It is understood that the owner/applicant will covenant via a S106 Agreement for the Council to manage Pant Marsh for a 25-year period and to act as the management company to the applicant/owner in realising compensatory mitigation. The S106 for Phase 1 should require the production of a Management statement/plan between the owner/applicant and Council. There is also the need for an agreed scheme of habitat re-use in the construction of the flood bund and grassland that will be lost to the proposed supermarket development being re-located onto the new flood bund surface and a 5 year after-care condition.

There may be some potential for mitigation within landscape planting for the loss of all of TPO G1, 2008, (7 Welsh oak trees) resulting from this development, but the loss of the TPO is a direct and largely unmitigated impact of the scheme. There are implications on the use of PROW Llantrisant 313 and conditions are therefore required.

Subject to comprehensive Habitat Management and Landscaping Maintenance Agreements for Pant Marsh, to be covered within a S.106 Agreement and the imposition of conditions **no objections** are raised.

Land Reclamation & Engineering (Drainage) - **no objections** are raised subject to the imposition of conditions.

WG (Highways) - no comments have been made.

Sustrans - no comments have been made.

The Coal Authority - the ES has been informed by various different sources of information however, no further investigations or specific remedial measures are proposed. **No objections** are raised and no mitigation measures are required.

Glamorgan Gwent Archaeological Trust Ltd - assessments undertaken show that the likelihood of significant archaeology being located is not high. **No objections** are raised, but recommends a condition requiring the submission of a detailed written scheme of investigation.

South Wales Fire & Rescue Service - no objection has been raised to the application. However it has been indicated that at an early stage, the developer should consider the need for the provision of a) adequate water supplies on site for fire fighting purposes and b) access for emergency fire fighting appliances.

South Wales Police (Crime Prevention Design Advisor) – has raised **no objections**, but has made a number of community safety recommendations in relation to lighting, CCTV coverage, use of laminated glass, fitting of alarms, installation of a barrier gate, installation of features to control access and Secured by Design

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

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

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

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

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

(Supporting paragraph 4.75 of the LDP confirms that appropriately sized development within the identified Corridors will be required to fund the development of a strategic corridor management system. 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 AW2 - confirms that development proposals will only be supported in sustainable locations, including sites within the defined settlement boundary, which would not unacceptably conflict with surrounding uses, have good accessibility by a range of sustainable transport options, have good access to key services and facilities and support the roles and functions of the Principal Towns.

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

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

Policy AW6 - outlines the types of development criteria that will be supported, including the following:

- A high standard of design;
- Design appropriate to the local context;
- Landscaping which enhances the scheme and wider context;
- An efficient use of land;
- Connectivity and accessibility to existing centres by sustainable transport modes;

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

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

Policy AW10 - 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 23,400sqm (net) of new retail floorspace. (A copy of the SSA8 Strategic Site Allocation Plan from the LDP is attached as **APPENDIX 2**).

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

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

- a) New Town Centre on the Leekes/Staedtler/Purolite site, comprising:
- 3,700sq.m. (net) convenience retail floorspace.
 - 19,500sq.m. (net) comparison retail floorspace.
 - Pub/café.
 - 10,000sq.m. (net) leisure floorspace.
 - Library.
 - Focal public space plus sensitively integrated car parking.
 - Public transport hub.
 - Pedestrian and cycle links over the A473 at Cowbridge Road and Glamorgan Vale Retail Park.
 - Main road connections at Cowbridge Road and Glamorgan Vale roundabout.
 - The new town centre will be laid out in a manner that reflects the characteristics of a town centre, with a range in the size of new retail units to be provided.
- b) Residential development of 100 apartments and town houses.

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

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

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

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 5, November 2012)

Chapter 3 of PPW sets out the fundamental principles of Making and Enforcing Planning Decisions.

Section 3.6 advises on the use of Planning Conditions and the fact that the proper use of conditions can improve the quality of development and enhance public confidence in the outputs of the planning system.

Section 3.7 advises on the use of Planning Obligations and acknowledges that they are a useful tool to overcome obstacles, which may otherwise prevent planning permission from being granted. Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits, which will make development more sustainable.

Para 3.7.6 highlights the fact that a planning obligation must meet all of the following tests:

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

Para 3.7.10 confirms that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Planning permission may not be bought or sold and negotiations should be conducted in a way that is seen to be fair, open and reasonable.

Chapter 4 sets out Welsh Government policy in respect of Planning for Sustainability.

Para. 4.4.3 sets out a number of considerations, which both planning policies and development proposals should seek to achieve in addressing sustainable development.

Section 4.7 identifies the issues to be considered in the provision and location of new development. It is made clear that development plans should promote a sustainable settlement strategy and reflect the goals of the Wales Spatial Plan.

Section 4.9 sets out a preference for the reuse and development of previously developed land in preference to greenfield sites, particularly those of high agricultural or ecological value.

Section 4.11 seeks to promote sustainability through good design. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales. The objectives of

good design cover such considerations as access, character, community safety, environmental sustainability and movement.

Section 4.12 sets out the policies relating to planning for sustainable buildings stating that development proposals should mitigate the causes of climate change with a move towards zero carbon buildings in Wales through the Code for Sustainable Homes and BREEAM regimes.

Section 6.5 sets out policy in respect of development control and the historic environment. At para 6.5.4, it is confirmed that local planning authorities may impose condition/s requiring that an archaeological watching brief is carried out.

Chapter 7 sets out Welsh Government objectives in respect of Economic Development.

Under section 7.1 Economic Development is defined as 'development of land and buildings for activities that generate wealth, jobs and incomes'. It is clarified that economic land uses not only include traditional employment land uses (offices, industry, warehousing etc) but also uses such as retail, tourism and public services.

Para 7.1.3 confirms that the planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development.

Para 7.6.1 states that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- The numbers and types of jobs expected to be created or retained on the site;
- Whether and how far the development will help redress economic disadvantage or support regeneration policies, for example by enhancing employment opportunities or upgrading the environment;
- A consideration of the contribution to wider spatial strategies, for example for the growth of regeneration of certain areas.

Chapter 8 of PPW sets out Welsh Government objectives in respect to Transport.

Section 8.1 requires that development is accessible by means other than the private car. At para. 8.1.3, it is confirmed that Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles.

Section 8.2 identifies that walking should be promoted for shorter trips and that planning authorities should promote specific measures to assist pedestrians including the provision of safe, convenient and well-signed routes. In addition cycling should also be encouraged for short trips and as a substitute for shorter car journeys.

Section 8.3 requires local authorities to promote public transport as a means to achieve environmental objectives, to assist in relieving congestion and to encourage social inclusion. Appropriate measures could include improved facilities and services for railway and bus passengers.

Section 8.4 states policy in respect of managing traffic and parking issues. It should be considered how different measures can complement one another and contribute to the achievement of wider planning and transport objectives. Within town centres priority should be given to walking, cycling and public transport.

Section 8.7 sets out a number of considerations to be assessed by local authorities when considering development proposals that have transport implications.

Paragraph 8.7.5 supports, where necessary, the use of planning conditions and planning obligations to secure on-site transport measures and facilities and/or off-site improvements.

Chapter 10 sets out Welsh Government policy in respect of Planning for Retail and Town Centres.

Section 10.1 sets out the Welsh Government's broad objectives for retailing and town centres.

Section 10.2 requires local planning authorities through their development plans to consider whether new centres for retail development should be identified and if there is the need for additional provision.

Paragraph 10.2.6 states that good access to, and convenient movement within, town centres are essential. Development plans should encourage the provision of good access to town and other centres for walkers and cyclists and for public transport.

Section 10.3 sets out a number of criteria that local planning authorities should consider when determining planning applications for retail, leisure or other uses best located in a town centre. These are:

- compatibility with any community strategy or up-to-date development plan strategy
- need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan
- the sequential approach to site selection

- impact on existing centres
- net gains in floorspace where redevelopment is involved and whether or not it is like-for-like in terms of comparison or convenience
- rate of take-up of allocations in any adopted development plan
- accessibility by a variety of modes of travel
- improvements to public transport
- impact on overall travel patterns
- best use of land close to any transport hub, in terms of density and mixed use.

Chapter 12 sets out Welsh Government policy in respect of infrastructure and services.

Para. 12.1.5 the planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development, so as to minimise risk to human health and the environment and prevent pollution at source. This includes minimising the impacts associated with climate change.

Para. 12.1.6 the capacity of existing infrastructure, and the need for additional facilities, should be taken into account in the preparation of development plans and the consideration of planning applications. In general, local planning authorities should seek to maximise the use of existing infrastructure and should consider how the provision of different types of infrastructure can be co-ordinated.

Section 12.4 (Development Control and Water) makes it clear that the adequacy of water supply and the sewage infrastructure are material in considering planning applications. Development proposals in sewered areas must connect to the main sewer and it will be necessary for developers to demonstrate to local planning authorities that their proposal site can connect to the nearest main sewer.

Section 12.10 (Development Control and Sustainable Energy) makes it clear that in determining planning applications for any form of development, local planning authorities should encourage developers to integrate energy efficiency and conservation measures into the design of new development.

Chapter 13 sets out Welsh Government policy in respect of minimising and managing environmental risks and pollution.

Section 13.4 (Development Control and Flood Risk) requires local planning authorities to work closely with the EAW and other drainage bodies to ensure that the development does not increase the risk of flooding or the problem of surface water run-off, which should preferably be controlled by the use of sustainable urban drainage systems (SUDS). The advice of the EAW is to be given due weight as a material planning consideration by local planning authorities when determining individual planning applications.

Section 13.7 (Development Control and Contaminated Land) requires that planning decisions need to take account of:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Section 13.9 (Development Control and Unstable Land) requires that planning decisions need to take into account

- the potential hazard that instability could create to the development itself, to its occupants and to the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the stability of the ground and to identify any remedial measures required to deal with any instability.

Section 13.12 (Development Control and improving the quality of Water and Air) confirms that the potential for pollution affecting the use of land will be a material consideration in deciding whether to grant planning permission.

Section 13.15 (Development Control and Noise and Lighting) confirms that noise can be a material consideration. Local authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems and prevent light pollution.

Planning Policy Wales Technical Advice Notes:

TAN 4:	Retailing and Town Centres (1996)
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 (2009)
TAN 15:	Development & Flood Risk (2004)
TAN 18:	Transportation (2007)
TAN 22:	Planning for Sustainable Buildings (2010)

Welsh Office Circular 35/95 - The use of Conditions in Planning Permissions

People Places Futures - The Wales Spatial Plan (2008)

PLANNING CONSIDERATIONS

Background

As advised earlier in this report, the current application comprises 'Phase 1' of the wider town centre development, the principle of which Members previously considered at the 28th February 2013 meeting under outline application 11/1330. The resolution of Committee to approve that application (subject to an appropriate Section 106 Agreement) is an important material consideration as the principle of the town centre development and many elements of the Phase 1 development (which have been brought forward in more detail under this application), have been accepted in that resolution. It should therefore be expected that this assessment of the planning considerations for the supermarket and associated development will contain some repetition of the issues considered by Members at the 28 February 2013 meeting.

The outline application for the development of the new town centre (11/1330) received in November 2011, has been the subject of significant revision following detailed discussions with consultees and meetings with Council officers, the outcome of which has been brought forward in the current application, supporting Environmental Statement (October 2011) and Environmental Statement Addendum (August 2012).

Following consideration of the outline application and Members' resolution in relation to the proposed highway works, a further submission has been made by the applicant, which has been the subject of further consideration by officers in consultation with the Transportation Section. The implications of this submission in considering the current application, are explained in the Traffic and Transportation section below.

The Current Application

This application seeks the redevelopment of the former Purolite chemical works and adjoining land forming part of the Pant Marsh Site of Importance for Nature Conservation (SINC) to provide a supermarket and associated car park, service yard, accesses, petrol filling station and landscaping. Under Policy SSA8 of the Local Development Plan, the current application site is allocated as part of the larger Mywndy/Talbot Green Area Strategic Site (as identified under Policy CS3) for 23,400sqm (net) of new retail floorspace.

The majority of the site (6.7 hectares) is located within the settlement boundary of Llantrisant/Talbot Green, where the details of the application confirm that the proposed development is easily accessible to pedestrians and cyclists as well as by car. Bus services along Cowbridge Road are identified, as well as the particular bus route that is intended to stop at the site. The sustainability of the site has already been identified through the LDP process and the details submitted with the current application provide further evidence of this. Both local and national planning policy support a presumption in favour of sustainable development and the application site,

which is considered to have good access to Talbot Green and Pontyclun, is considered to fulfil the relevant policy criteria.

Taking into account the recent Committee resolution in respect of the outline application (11/1330) and having given consideration to the full details of the proposal now submitted, it is considered that the main considerations in the determination of application are as follows:

- Design of the Phase 1 elements and their impact on surrounding area.
 - Traffic and Transportation Considerations.
 - Retail and Economic Issues.
 - Hydrology and Flood Risk.
 - Ecology and Nature Conservation.
 - Visual and Landscape Impacts.
 - Other Issues.
-
- **Design of the Phase 1 elements and their impact on surrounding area.**

This comprises a supermarket (Sainsbury's) with car parking, associated petrol filling station (PFS), access and infrastructure works, which include the provision of a flood embankment structure.

Supermarket (Sainsbury's) and Car Park

The proposed supermarket is shown sited towards the eastern end of the site and orientated so that its front elevation faces towards the east, with the car park to the front. The building is of a modern, purpose built design that incorporates a mixture of different materials on each elevation including glazing, reconstituted stone and composite panels. The main front elevation is mainly glazed with a large lobby area, which contributes to its modern appearance and will enable the sales floor and customer café to benefit from natural lighting. A canopy supported by steel columns is proposed along the front façade which will provide shelter for customers and the proposed bicycle parking, as well as adding some visual interest to the building.

In considering the original design submitted and following consultation with the Council's Urban Design Officer, a number of amendments have been incorporated into the design in order to take account of the fact that the south elevation of the building will also be approached from the south and west, at such time as the town centre is developed and to add greater interest. These include, the introduction of a balcony to serve the café at mezzanine level, which is visually prominent on the south-east elevation and the introduction of stair core glazing at ground level. It is also proposed that the southern elevation would be used to incorporate a 'town centre information panel' at ground level, although this would not be appropriate until the town centre development comes forward. In the meantime, it has been agreed

that this area could be used to provide a welcome sign relating to the Sainsbury's store and this will be controlled by an appropriate condition.

It is concluded that the overall design of the supermarket is appropriate in its local context and consideration of its location within the future town centre development, has been incorporated into its design and layout. The current scheme is therefore considered to be compliant with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

Pedestrian access to the supermarket from the north (i.e. Talbot Green) will utilise the existing footbridge, which crosses over the A473 at a point by the former Council Depot site on the northern side and by the Cowbridge Road (A4222) and A473 junction on the southern side. Accordingly, it is proposed that a temporary pedestrian footpath will be created to the store. The section of the pedestrian access which runs to the north of the store adjacent to the southern boundary of the A473 has now been widened to 3m, in order to provide better access. This footpath extends along and adjacent to the A473 and Cowbridge Road however, this is only intended to provide temporary access, until such time as Phase 2 of the town centre development comes forward but is acceptable as a permanent link should Phase 2 not proceed. It is recommended that a condition requiring the full details of this proposed link and a timetable for its implementation is imposed. (It is proposed that the existing footbridge over the A473 will be replaced with a new footbridge at Phase 2).

Pedestrian access will also be provided by way of a footpath from the Glamorgan Vale retail park to the north-east along the new link road which will also accommodate a new bus stop. It is therefore considered that the surrounding infrastructure that has been incorporated into this scheme will provide good connectivity and accessibility to existing centres and a range of sustainable transport modes, in this case, by foot, bicycle and bus, as well as by car. The scheme is therefore considered to comply with policy AW6 of the Rhondda Cynon Taf Local Development Plan.

The supermarket car park which is located immediately to the east of the store is accessed via the proposed new internal roundabout leading from the new link road, south of the Glamorgan Vale roundabout and is shown to provide 573 spaces. The access road into the car park also serves the PFS. The car park is set out on one level, with 6 lines of parking and further parking around the boundaries. The spaces that have been identified for disabled customers and parents with children are located towards the western end, closest to the store and a covered walkway approximately 72 metres long is centrally located over the disabled spaces. The layout incorporates 23 cycle racks, making provision for 46 bicycles under the canopy and a customer recycling centre is also located in the north-east corner. The car park is shown to incorporate the planting of 8 trees which are spaced out towards the eastern end and further landscaping is shown around the northern and southern

boundaries. Further consideration of the number of spaces is provided later in this report under the Traffic and Transportation section.

The submitted plans indicate the provision of 2.4m high security fencing around the boundary to the Sainsbury's site. It is not considered that such a treatment would be entirely appropriate and therefore it is recommended that a condition be imposed requiring that full boundary details be submitted and agreed.

The Sainsbury's supermarket service yard is situated to the rear (west) of the store and sits within the 'Northern Service Yard', which would also be used for servicing of the associated retail units in Phase 2 of the development. The reconfiguration of the dedicated Sainsbury's service yard has reduced the overall size of the Northern Service Yard by a small amount. It is not considered however, that the remaining area would affect further uses and remains sufficient to meet the anticipated servicing needs of those Phase 2 users, who would utilise this service yard.

Petrol Filling Station (PFS)

The PFS facility is to be sited to the east of the supermarket and will be separated from the store's car park by the internal access/link road and provide 8 fuelling bays/pumps. The PFS will include a flat canopy approximately 5.1 metres high, a kiosk building of approximately 110sqm, jet wash, vacuum and air/water facilities. Because of groundwater levels the fuel storage tanks will be above ground in order to satisfy the requirements of the Environment Agency Wales. The tanks will therefore be located to the east of the forecourt within a recessed concrete bund and are shown to be screened with a 3m high fenced enclosure.

Whilst the landscaping arrangement for the site shows some tree planting outside of the enclosure, further consideration will need to be given to ensure that these tanks are effectively screened, however this will be covered by the general landscaping condition. The detailed specification for this facility has been provided by the Council's Petroleum Officer and can be addressed through an appropriate condition. Therefore, subject to the provision of an appropriate scheme for screening the tanks, it is considered that the arrangement is acceptable and complies with policies AW5 and AW10 of Local Development Plan.

A473 Service Yard Access

Vehicular access to the Sainsbury's service yard will be from/to the A473, immediately to the north. The access to be created at this point will not only serve the dedicated Sainsbury's service yard, but also the later Phase 2 elements of the Northern Service Yard and the northern multi storey car park.

The complete new junction arrangement to the A473, which includes the provision of a new off-slip lane to the southern side (westerly travelling), will be built to allow access to the Sainsbury's service yard. The application proposes that this junction

would operate to allow left in and right out (exit) movements, with temporary physical measures being installed on the ground to ensure that only these vehicular movements will be able to be undertaken.

The Highway Authority however, do not consider that right out (exit) movements should be allowed at this stage (Phase 1). It is considered that the only movements within Phase 1 at this junction should be left in and left out, from and to the A473. Therefore, Sainsbury's service vehicles approaching the store from the east, i.e. travelling from the A4119/A473 roundabout towards the store would turn left off the A473 at the new junction and into the service yard. On leaving the site the vehicles would have to turn left and travel in a westerly direction and continue to the Lanelay Hall roundabout to turn round in order that it could then return back in an easterly direction towards the A4119/A473 roundabout. The applicant has recently submitted indicative details and swept path analysis to demonstrate how this could be achieved and it is recommended that a condition be imposed to secure the agreement of this detail.

At such time as the Phase 2 town centre development comes forward, it is proposed that the proposed junction to the A473 (serving the Sainsbury's service yard, the Phase 2 Northern Service Yard and northern multi storey car park) will be signalised. Therefore at that time, cars will be able to make both left and right turns when exiting the multi storey car park and service vehicles right turns when exiting the service yards.

New Access Link Road

It is proposed to construct a new link road forming a southern spur from the Glamorgan Vale roundabout. This new link road will, via a new roundabout within the site, provide access to the Supermarket (car park and bus stop) and the associated PFS.

In order to facilitate the provision of this new link road ground levels will need to be raised. These levels vary in height as the new link road alignment sweeps down from the Glamorgan Vale roundabout. At the maximum, at a point approximately adjacent to the proposed PFS, the new carriageway level would be some 3m above the existing level of Pant Marsh. The face of the newly created link road embankment would be tied back into the Pant Marsh level with sloped banks of varying angles of steepness.

Both a pedestrian footpath and a cycleway will be incorporated on the southern side of the new link road which will tie in with improvements to the Glamorgan Vale roundabout and will provide for pedestrian crossing movements across to/from the Glamorgan Vale Retail Park. The proposed improvements to the Glamorgan Vale roundabout include a pedestrian linkage, are proposed to become a formalised signalised crossing at Phase 2 of the development.

This new link road is shown to terminate at a point some 50m beyond the new internal roundabout which is acceptable in highways terms in relation to Phase 1. However when the Phase 2 development comes forward, this link road would then be extended to the west to create a new junction with Cowbridge Road (A4222).

Re-profiling works

The majority of the application site lies outside the flood extents for the 0.1% annual chance event and only an area of 2.2 hectares, in the eastern part of the site, is currently affected by extreme floods in the Afon Clun. In mitigation, it is proposed to ensure that slab levels are set at a minimum of 46.5m AOD throughout the development (and also at Phase 2), which will ensure that the development will remain flood free for the 0.1% annual chance event.

The re-profiling of the land has therefore arisen directly out of the Flood Consequences Assessment, which has been submitted as part of the updated ES Addendum package (August 2012). The submitted plans indicate that existing site levels range from 46.46m AOD at the east of the site, to the highest point, which is 49.7m AOD (adjacent to the A473). The proposed levels are therefore required in order to comply with the requirements of the FCA and will create development plateau at levels between circa 47-49m AOD. The submitted details do not indicate a significant change in levels will be required resulting from this requirement or that this part of the scheme will have an adverse impact on the area.

Flood Embankment (Bund)

It is proposed to provide additional flood storage by raising levels during extreme flood events within the Pant Marsh, which will have no detrimental impact on existing development. It is also proposed to increase flood levels within Pant Marsh by constructing a raised embankment close to the western and southern boundary. Members can see the alignment of the proposed bund by the curving projection of the application site red line boundary at its south-eastern corner on the plan attached as **APPENDIX 1**. The bund is approximately 280m metres in length.

Two existing open shallow ditches which cross the line of the proposed embankment will be culverted beneath the embankment using 600mm diameter pipe culverts. The height of the crest of the bund is 45.9m AOD (which represents a height of approximately 1.5m above the existing level of Pant Marsh) for most of its length. However, this does reduce to 45.75m AOD at its southern extent where closest to the Afon Clun. The width of the base of the embankment is not consistent for its entire length and it narrows particularly at its northern end. However, for the majority of its length the base of the embankment is approximately 8m in width.

At Phase 2 of the development, it is intended that the embankment will fulfil a dual role in that as well as its primary function of flood mitigation it will also provide a

pedestrian footpath along its length which will link the town centre development to a new footpath link from the south, through the Coed y Hendy woodland.

Whilst the embankment will be clearly visible from PROW running adjacent to the Afon Clun to the south, Pant Marsh and the open countryside to the east including the Special Landscape Area, the structure is not of such a height that it would be visually detrimental to the surrounding landscape. It is anticipated that with careful maintenance, the surface on the bund will over time, blend in with the adjacent marshland. Subject to conditions and the applicant first entering into a S.106 Agreement in order to secure an annual safety inspection regime for the embankment neither the EAW, CCW nor the Council's Drainage Officer have raised objection to the creation of the embankment.

- **Traffic and Transportation Considerations**

Members will be aware that in considering the outline town centre application (11/1330), very lengthy negotiations have taken place with the applicant and their agents regarding the traffic and transportation considerations associated with this development. Whilst Members will appreciate that the start of these negotiations significantly predate the submission of the current application, the chronology of events and documents submitted relating to traffic and transport considerations are relevant to the determination of this application, in so far as they explain the current position and are therefore outlined below:

Chronology of TA related documents

The applicant provided a Transport Assessment (TA) dated October 2011, which was included as Technical Appendix 5.1 of the ES, as part of the outline planning application submission. The TA was produced on behalf of the applicant by Savell Bird & Axon, now known as Vectos. The Council, as Highway Authority commissioned Capita Symonds Limited (Capita) to undertake an audit of this TA.

In response to initial points and issues raised by Capita and the Highway Authority, Vectos submitted a further Technical Note called 'Clarification of Post Submission Discussions with Rhondda Cynon Taf Council' which was dated August 2012. This document was incorporated as ES Addendum Appendix 2.1 within the ES Addendum package submitted by the applicant in August 2012. Section 2 of that ES Addendum report deals with Traffic and Transportation matters. This document has also been submitted as part of the current application.

In response to this further information Capita produced, on behalf of the Highway Authority, a Transport Assessment Audit (TA Audit) (dated September 2012). Within this document they concluded that the applicant had not yet addressed all the material traffic and transportation issues required. This TA Audit document set out 15 Action Points to be addressed.

The applicant submitted a Transport Assessment Addendum (TAA) document in January 2013. This document seeks to respond to the points and issues raised by the Highway Authority and Capita, on their behalf.

An audit of this further TAA document resulted in Capita, on behalf of the Highway Authority producing a TAA Technical Note Response (dated February 2013). This concludes that Vectos (for the applicant) have addressed a number of the earlier 15 Action Points, but that a number of actions remain outstanding.

This in turn has resulted in the submission of a further document (Transport Assessment Addendum – Supplementary Note (Feb 2013) from the applicant, which seeks to address those outstanding actions.

Capita have considered this further response and have within the Transport Assessment Addendum Updated Technical Note Response (February 2013) confirmed that the five outstanding actions have now been addressed.

Following the decision of this Committee in relation to the outline application (11/1330) and its resolution in relation to the Phase 2 strategic highway network works being brought forward to Phase 1, the applicant has provided as part of its further submission, a note prepared by Vectos in relation to the proposed highway works to the A473 Glamorgan Vale roundabout being brought forward which has undergone further consideration by the Council's Transportation Section as outlined in the Consultation section of this report.

Taking into account the revised submission and contributions proposed, the formal response of the Transportation Section to both the outline application (11/1330) and the current application for the Sainsbury's store and other Phase 1 development, is that no objection be raised on traffic and transportation grounds subject to the imposition of appropriate conditions and the applicant first entering a S.106 Agreement, to secure appropriate works of highway mitigation.

The physical highway works proposed as part of the application

These works comprise:

- the creation of the eastern end of the Southern Boulevard to a point approximately 50m beyond the new internal roundabout, from which access to the supermarket (Sainsbury's) and its associated PFS (from the Glamorgan Vale roundabout) will be achieved;
- a new access to the A473, which within Phase 1 will only serve the dedicated supermarket (Sainsbury's) Service Yard, but within Phase 2 would also serve the whole Northern Service Yard and the northern multi storey car park;
- the creation of a temporary pedestrian linkage from the footbridge at the western end of the site.

Extensive discussions have taken place in respect of the principle of creating the new A473 access. Ultimately, its provision has to be considered against the need to balance the primary function of the A473 as a strategic highway with the need to secure a well designed town centre, of which this application forms part. It is considered that in this case, the general presumption against the creation of new access points to the County's strategic highway network is outweighed by the need to secure an accessible, well functioning and legible town centre development, which ultimately secures a significant development on one of the LDP Strategic Sites. In these circumstances, the Highway Authority has recognised the persuasive arguments in favour of the provision of such a junction and has been satisfied that their initial concerns in this regard can be addressed.

As part of this application which would constitute Phase 1, all the physical works to create the junction will be provided, including the off-slip road (approx 180m long) 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. However, as noted earlier in this report at Phase 1, the only use of this junction will be by service vehicles visiting the Sainsbury's Service Yard and these movements will be conditioned to be a left movement in and a left movement out only, following the concerns raised by the Highway Authority in respect of right out (exit) movements.

For Members' information, at Phase 2, the physical barriers that will be required will be removed and this junction would operate to also provide full vehicular access to the Northern Service Yard and the northern multi storey car park. At this stage, it is intended that the junction would be signalised to allow for both left and right turning movements, from both the service yards and the multi storey car park on exit. On entering the site however, traffic would only be able to turn left in. It would not be possible to turn right from the northern (travelling towards the east) lane of the A473, across the southern lane and into the site.

The development also makes provision for a bus stop to be provided on the northern part of the new link road running south from the Glamorgan Vale roundabout, which is adjacent to the car park. The Interim Travel Plan (ITP) submitted proposes that the number 47 bus is diverted into the development to serve the Sainsbury's store. This service runs locally and incorporates different routes which begins at Talbot Green Bus Station every 20 minutes and visits each stop every 120 minutes Monday to Saturday. It is also advised in the ITP that there are currently 5 bus services that operate from the bus stops in Cowbridge Road, from where pedestrians could access the store via the new footpath link to the north.

In terms of pedestrian works within this development, a pedestrian crossing will be established on the eastern side of the Glamorgan Vale roundabout and a temporary footpath will be created from the existing footbridge, along the verge of the A473 to give access to the supermarket, from Cowbridge Road and Talbot Green.

Parking provision within the development

Members will recall, from considering the outline application, that the car park originally intended to provide 610 spaces however, the minor repositioning carried out to the footprint of the supermarket building in order to provide a larger service yard prior to the submission of this application, has resulted in a decrease in that original number by 37 spaces. The Transportation Section has identified that this gives a shortfall of 211 parking spaces, based on the SPG parking guidelines however, it should be noted that these figures are based on the maximum requirement.

It is however concluded by Transportation that the parking provided is considered to be adequate for the operation for the store, the proposal will, as part of the town centre development, be within walking distance of public transport and the 46 cycle spaces would reduce the level of car borne trips. The level of parking to be provided is therefore considered to be acceptable and to comply with national and local planning policy in particular, Policy AW5 of the Local Development Plan and the Council's SPG relating to Delivering Design and Placemaking: Access, Circulation and Parking Requirements.

In relation to the potential impact of the development on nearby residential streets, a number of third parties expressed concerns during consideration of the town centre development, that this would lead to the parking of both workers' and shoppers' cars in nearby residential streets. No such concerns have been raised in relation to the current application and it is not anticipated that this will be the case. However, Members will be aware that in order to guard against such an eventuality, the Highway Authority has sought an element within the Planning Obligation transport contribution in relation to Phase 2, which would be used for the designation of resident only parking restrictions, if needed.

Traffic Flows and Proposed Mitigation

The existing peak traffic flows in the vicinity of the site are recognised and the Council acknowledges that on the County Borough strategic highway network the A4119/A473 roundabout junction is under significant pressure. The concerns expressed by individuals, both in connection with this application and by various parties previously in connection with the town centre application, are acknowledged and have been carefully considered by the Highway Authority. These concerns identify that the proposed development would add significantly to traffic pressures in the surrounding area, not only on the strategic network itself, but also within the communities of Pontyclun, Miskin, Talbot Green and Llantrisant and the wider area, extending beyond the County Borough boundary.

There has been a significant amount of highway 'trips' modelling undertaken and this has been assessed by the relevant highway consultants in order to establish as accurately as possible the likely levels of traffic movements that would be associated

with the proposed town centre proposals, including the current supermarket development (Phase 1).

As a result, improvement works for both the A4119/A473 roundabout and Glamorgan Vale roundabout have been proposed at both Phase 1 and Phase 2 of the development.

At the time the town centre application (comprising both Phase 1 and Phase 2) was considered at the 28th February 2013 Committee, Members identified a number of concerns including:

- The level of congestion in the area;
- The amount of traffic that may be diverted to the new supermarket; and
- The level of disruption that would be caused by the Phase 2 highway works taking place on the strategic network after the network had already been disrupted by the Phase 1 works, as this could have a significant impact on travel in and out of the County Borough with implications for economic well-being, which was clearly not good practice/value for money.

As a result, the Committee resolved to approve the application subject to an amendment to the planning obligation contributions and conditions in respect of Transport / Highways to require:

Phase 1

- **£2.05m** for improvements to the strategic highway network (works to the A4119/A473) to be paid pre-occupation of the supermarket (Sainsbury's): and
- The full scheme of physical alterations to the Glamorgan Vale roundabout (i.e. signalised arrangement).

Phase 2

- **£250k** to mitigate against local highway and transportation impacts to be paid pre-occupation of Phase 2;
- **£200k** to mitigate against local highway and transportation impacts to be paid within 12 months of occupation of Phase 2

Further payment:

- **£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).

Therefore, a contribution of **£2.05m** would be required pre-occupation of Phase 1, rather than the £550k previously recommended at Phase 1 (and £1.5m at Phase 2).

Revised Submission for Section 106 Agreement Contributions and Highway Works

In response to the resolution of Committee in relation to the town centre application set out above, the applicant has offered an alternative Section 106 Agreement in respect of highway matters and has confirmed that this relates to both the outline town centre application and the current Sainsbury's supermarket application.

In relation to the supermarket (Phase 1) contributions, the applicant agreed to meet the Committee's requirements which would secure a contribution of **£2.05m** for improvements to the strategic highway network to be paid pre-occupation of the supermarket (Sainsbury's).

The applicant's have justified their agreement with Members' request as follows:

'This obligation provides the Council with funding for strategic improvements, as set out in the Council's adopted SPG. Bringing forward this funding to Phase 1 provides the Council with greater flexibility to undertake necessary strategic improvements to facilitate the development. It provides the Council with greater opportunity to undertake strategic highway works in a less piecemeal fashion, and so minimise disruption to the network. This was a significant concern of Members, who wanted to ensure that strategic development occurs with minimal impact on the comfort and well being of existing residents and visitors to RCT.'

It is for the Council to consider precisely how best to utilise the monies resulting from this obligation on the identified improvements to the strategic network. It should undertake this consideration comprehensively, not just in the context of the Talbot Green development, but including other strategic changes within the Authority area. For this reason it is most appropriate that this is an obligation and not a Condition to undertake works.

The revised obligation at Phase 1 now makes it more achievable for the Council to make a single and step change improvement to the A4119/A473 strategic network junction. Our client accepts that this is a necessary payment directly related to the development and of a fair and reasonable scale and kind.'

In addition the applicant has now also confirmed that they are willing to make the Phase 1 payment of £2.05m in accordance with the following payment structure:

- £50k within 10 working days of the completion of the following three elements – i) signing of the S.106 Agreement; ii) expiration of the JR period and, iii) signing of the S.278 Agreement for the works required for the servicing of the supermarket (Sainsbury's) store.
- £2m within 6 weeks of commencement of development.

Previously, the requirement was for payment for to be made pre occupation of the Sainsbury's store, which could have meant the day before opening.

It is envisaged that the highway and site preparation works will take in excess of 12 months before the site is handed over to Sainsbury's for their 10 month construction programme. Accordingly, the Council would have the full £2.05m payment for the scheme approximately 21 months prior to the opening date for the Sainsbury's store. It is considered that this represents a significant improvement on the payment timing previously proposed (pre occupation) and means that the works to the A4119/A473 roundabout can be significantly progressed, and potentially completed before the Sainsbury's store opening. If the site preparation works and the construction of the supermarket were completed earlier than expected, then there remains a risk that there will be a gap between the store opening and the highway improvements being completed.

As Members will be aware, the improvements that have been put forward for consideration in relation to this full application for a supermarket and associated development, have arisen out of lengthy negotiations with officers in relation to both Phases of development. It is clear from Committee's recent resolution in relation to the outline application for the town centre (11/1330), that Members wish to see all of the proposed Phase 2 highway improvements for the A4119/A473 and Glamorgan Vale roundabouts brought forward to Phase 1 and the revised contribution put forward by the applicant would facilitate the improvements likely to be required to the A4119/A473 roundabout. Whilst officers considered the previously agreed position in relation to the highway works for Phase 1 to be acceptable, Members did not agree. It is considered that the additional contribution at Phase 1 will enable greater flexibility and a more robust solution in the delivery of these improvements and will reduce the impact of improving the roundabout. Accordingly, it is an improved position.

In relation to the full alterations to the Glamorgan Vale roundabout, the applicant does not consider that these works are justified in Phase 1, in relation to the supermarket development. Their transport consultant (Vectos) has considered a phased approach at the Glamorgan Vale roundabout, but does not consider that there would be any material benefit in bringing these works forward and suggests that it would be more beneficial to minimise the disruption that will be caused due to the A4119/A473 works. Furthermore, it is suggested that the carrying out the Glamorgan Vale roundabout mitigation in 2 phases will not have any materially increased impact on the economic well-being of the Borough compared with mitigation in a single phase, which was one of the concerns previously expressed by Members. Officers agree with this assessment.

It is acknowledged that this submission does not accommodate all Members' previous resolution in relation to works to the Glamorgan Vale roundabout. However, in respect of capacity, it is accepted that the Phase 1 proposals are

capable of dealing with Phase 1 traffic and that existing problems occasionally encountered at the roundabout are as a result of queues extending from the Glamorgan Vale Retail Park onto the roundabout. These issues will not be resolved by the proposed improvements however there is no evidence that the development would exacerbate the problems either.

Furthermore, officers are satisfied that the signalisation of the Glamorgan Vale roundabout (proposed in Phase 2 of the outline scheme) could actually be detrimental to the free flow of traffic under Phase 1 traffic conditions. Accordingly there is no material benefit or substantive need to bring forward the signalisation to mitigate Phase 1 (supermarket) traffic.

In terms of the legitimacy of requiring full financial contribution for the A4119/A473 roundabout in Phase 1, the Council is required to carefully consider whether this is justified having regard to the law and policy governing planning obligations (under Section 106), which are set out prior to the overall scheme conclusions, below.

At the last meeting, Members were clearly of the view that the full package of improvements to the A4119/A473 roundabout needed to be made as part of Phase 1 of the development. Members specifically raised concern regarding existing levels of congestion and the volume of traffic that may be attracted to the development. Members were also concerned about the potential cost of congestion caused by two Phases of highway works rather than a single comprehensive scheme.

The technical assessments of highway impacts at the A4119/A473 roundabout suggest that the traffic flows would not warrant the full package of improvements at Phase 1. However, it is accepted that Members' concerns are a material consideration in the assessment of the application. With their extensive local knowledge Members can legitimately hold the view that there is a degree of uncertainty to traffic modelling, as it is not an exact science, and conclude that further mitigation is required in Phase 1 of the development than was initially proposed by the applicant.

Planning Policy Wales makes it clear that the effects on the convenience of other road users of the transport network is a material planning consideration. The two Phased approach of improvements at the A4119/A473 roundabout, as initially proposed by the applicant would have resulted in two periods of disruption to the network. In addition, certain elements of the Phase 1 improvements would have to be replaced within a second Phase of improvements. A single Phase of works would undoubtedly be less disruptive than two Phases of works. Accordingly, the impacts on the network and the potential for disruption to the local and regional economy is reduced.

In conclusion, it is considered legitimate for Members to insist upon the full financial contribution (£2.05m) for mitigation of the A4119/A473 roundabout in Phase 1, notwithstanding the officer recommendation on 28 February 2013. Given the above

considerations, this obligation can be considered as necessary, directly related to the development and of a fair and reasonable scale and kind.

- **Retail and Economic Issues**

Members will be aware of the detailed consideration which has been given to the retail and economic issues associated with the town centre development proposed under outline application (11/1330), including the supermarket proposal under Phase 1 and that the Council commissioned Nathaniel Lichfield and Partners (NLP) to review that submission.

Whilst the current application relates to only part of the overall retail allocation under Policy SSA 8, it is considered that some of the issues that have been previously considered in relation to the town centre, will also be relevant to the determination of this proposal.

Outline Considerations

As part of the outline application submission, the applicant included within their ES (at Technical Appendix 8.1) a Retail and Leisure Impact Assessment (RLIA). Additional information regarding retail impacts was provided by the applicant in a letter dated 27 June 2012. The information contained in this letter was effectively reproduced in the ES Addendum package submitted to the Council in August 2012. This ES Addendum package has also been submitted as part of the current application.

In relation to the retail elements of the town centre development considered under application 11/1330, that scheme proposed:

- A new supermarket (Sainsbury's), comprising 10,801sqm gross/7,230sqm net with an associated petrol filling station and 573 space car park;
- 35,522sqm gross/26,013sqm net of other retail floorspace (including a 12,450sqm gross/8,715sqm net new/replacement Leekes store and an additional department store of 7,240sqm gross/5,086sqm net;
- Other commercial uses, including 600sqm of Class A1 cafe space, 1,000sqm of Class A2 financial/professional services, 2,390sqm of Class A3 food and drink space, 750sqm, of Class D1 space, a multi screen cinema and a 80 bed hotel.

The policy requirements within the LDP (in particular policy SSA8) require a Phased and managed development of the site in order to provide for long term growth and retain expenditure in RCT which would otherwise be lost to other areas. This policy requirement was based on evidence prepared by NLP to inform the LDP. Within this evidence it was concluded that there could be the scope for new comparison floorspace (in 2016) and convenience floorspace at this site.

The LDP allocates the site for 23,400sqm net new retail (including 3,700sqm of net convenience goods) and 10,000sqm net new leisure floorspace to come forward as part of a new town centre. It was identified in assessing the outline application that whilst the principle of a new town centre has been established in the LDP, the volume of overall floorspace proposed, exceeds the thresholds in Policy SSA8. Following further detailed examination of a number of issues including, how particular floorspace parameters are identified, it was however concluded that both a quantitative and qualitative need exists for the retail elements of the proposal. Furthermore, the application proposal falls within the boundary of the LDP allocation SSA8 and is considered to accord with the Sequential Approach.

The impact of the proposed town centre development has also been carefully considered on other centres both inside and outside of Rhondda Cynon Taf County Borough and it is not considered that the impact will be significantly harmful to any centre either within RCT or beyond.

Current Application

The Socio-Economic, Retail and Leisure section in the ES Addendum (August 2012), considers the likely socio-economic effects of the whole town centre development in light of the up-to-date information being available in respect of the job creation and retail impact of the supermarket (Phase 1) development. This details that the potential employment of the supermarket has been revised to up to 430 jobs (from 514) which, it is suggested will cause a direct increase in economic activity of c.£11.6m per annum. However, the likely significant effects of the Phase 1 scheme, which were assessed as having a 'moderately beneficial' effect, remains the same.

In relation to the current supermarket application, this proposes:

- A new supermarket (Sainsbury's), which will have a gross external floorspace of 11,000sqm, with a 7,230sqm net sales area; of which 4,130sqm will be convenience floorspace and 3,100sqm will be comparison floorspace.

As indicated above, the policy requirements within Policy SSA8 require a Phased and managed development of the site in order to provide for long term growth and retain expenditure in RCT. Paragraph 6.139 of Policy SSA 8 provides specific advice in relation to that phasing requirement:

'Until 1 June 2016, the construction of new retail floorspace will be limited to a new convenience goods floorspace of 3,700 sqm, net comparison goods floorspace of 2,000 sqm and the replacement of the existing Leeks floorspace with an equivalent amount of new comparison goods floorspace to that existing on those premises at the date of the adoption of the LDP'

The applicant considers that the current application generally complies with Policy SSA 8, although acknowledges that it proposes 4,130 sqm net convenience retail

floor space and 3,100sqm of comparison floorspace pre 2016, rather than the 3,700sqm net of convenience floorspace and the 2,000sqm net comparison floorspace pre 2016 allocated in the above policy. It is suggested that the difference in convenience floorspace (430 sqm), can be justified by the process by which the evidence base is 'translated' into the policy text and allocates specific floorspace. It is explained that assumptions would have needed to be made (in preparing the LDP) about the sales density of the likely occupiers, without knowing who the occupiers would be. Now that the occupier of the convenience element is known to be Sainsbury's, it appears that a higher sales density was used than was necessary. The applicant maintains that if the Sainsbury's specific convenience sales density is used, it is clear that the greater quantum of floorspace proposed (4,130 sqm net) will not exceed the available expenditure identified in the LDP evidence base. In relation to the greater quantum of comparison floorspace pre 2016 (1,100 sqm), the applicant suggests that this can be justified by the qualitative needs of the locality and the need to compete with and decongest the principal alternative provision in the area.

The Council's Spatial Planning Team has advised in relation to this issue that as the application related to a retail allocation in a town centre designated in an adopted LDP, in broad terms, there is no requirement to demonstrate retail need. However, as with the outline planning application 11/1330, the additional floorspace proposed prior to June 2016 does require justification.

In relation to the addition convenience floorspace (430sqm) – it is confirmed that the LDP floorspace allocation is based on standard assumptions of sales densities (£ per sq m) used to convert the forecast expenditure increase into a floorspace requirement. An average sales density for the convenience retail sector in the LDP retail study was used by NLP however, they have accepted that once a specific retailer is known, their actual sales density can be taken into account. As it is the expenditure rather than the floorspace that affects shopping patterns, a modest increase in floorspace can be allowed to reflect the more spacious nature of a Sainsbury's store. In any event, by the time a supermarket is built and shopping patterns have settled, the date will be sufficiently close to June 2016, to reduce the weight to be afforded to this matter in policy terms.

In relation to the comparison floorspace (1,100sqm) – it is considered that the justification put forward by the applicant conflicts with a specific recommendation of the LDP Inspector however in practice, by the time a supermarket is built and shopping patterns have settled, the date will be sufficiently close to June 2016, to reduce the weight to be afforded to this matter in policy terms.

As a result of this assessment, no policy objection has been raised to the current application. Furthermore, it should also be taken into account that the principle of the proposed convenience and comparison floorspace was considered under the outline town centre application (11/1330) and was agreed to be acceptable.

- **Hydrology and Flood Risk**

Chapter 7 of the submitted ES deals with issues of hydrology and flood risk. The chapter principally considers the findings of the Flood Consequences Assessment (FCA) which uses a hydrological and hydraulic model of the Afon Clun and River Ely. The FCA forms Technical Appendix 7.1 of the ES.

An update to chapter 7 of the ES was received in the ES Addendum package received in August 2012 in relation to the town centre proposal and has also been submitted as part of this application. Within this Addendum, Chapter 4 provides an update, having regard to the development layout changes. As part of the changes the original FCA has been superseded by an updated FCA (August 2012), which is included within the ES Addendum package as Appendix 4.1.

The ES shows the potential loss of flood plain conveyance and storage in the locality by between 50 and 100mm during the 0.1% annual chance event as a result of the raising of the proposed site. This is considered to have a significant adverse impact on flood levels at Y Pant School and in the downstream catchment. In mitigation it is confirmed that slab levels within the development will be set at a minimum of 46.5m AOD and this has resulted in the inclusion of the re-profiling works that are also included with this application.

In addition, a flood embankment as described earlier in this report, will be constructed. This earth bund has been designed to avoid altering the hydrological nature of Pant Marsh and its alignment minimises any adverse ecological impact and avoids species-rich grassed areas. A condition requiring details of the materials to be used and method of its construction are considered to be required and as this structure is also important for flood prevention, it is considered that a requirement should be made for the landowner to carry out regular inspections, in order to ensure that the structural integrity of the bund remains acceptable. This is therefore proposed to form part of the S.106 Agreement.

With the mitigation strategy proposed, it is not considered that the development will result in adverse impacts for third parties and indeed flood levels within Y Pant School are shown to reduce following development of the site and mitigation works. In summary it is considered that post mitigation impacts will be 'negligible'.

Members will note that no objections have been received from the EAW or the Council's Drainage Officer, subject to the imposition of conditions and the applicant first entering into a S.106 Agreement in order to ensure that the structural integrity of the bund is maintained.

- **Ecology and Nature Conservation.**

Chapter 6 of the submitted ES deals with issues of ecology and nature conservation.

An update of chapter 6 of the ES was received in the ES Addendum package received in August 2012 in relation to the town centre proposal and has also been submitted as part of the application. Within this Addendum Chapter 3 provides an update, taking into account the changes made to the application.

Within Technical Appendix 6.1 of the ES are the full range of completed species surveys that are required and expected for a development of the nature and scale in this location. These include an overall ecological assessment, badger survey, GCN survey, reptile survey, winter bird survey, breeding bird survey, bat survey, dormice survey, invertebrate survey and a national vegetation classification survey. The scope of these surveys had been agreed by both CCW and the Council's Ecologist in the Council's pre-application Scoping Report in June 2010.

No part of the site is covered by a national value designation, i.e. a SSSI. However, the application site boundary does include 6.11ha of the Pant Marsh, which is designated under policy AW8 of the LDP as a Site of Importance for Nature Conservation (SINC) – AW8.103 (Pant Marsh). Furthermore, a small part of the site (approximately 1.2 hectares), is located within the Coed-yr-Hendy and Mwyndy Special Landscape Area – SSA 23.4. The defined red line application site boundary was revised within the ES Addendum package received in August 2012. This resulted in an additional 0.11ha of the Marsh being lost to the development and the loss of 6.11ha, equates to a loss of 31.6% of the Pant Marsh habitat. This is considered to be a significant impact, without appropriate mitigation.

A number of trees comprising a group of mature Welsh Oak trees, which are subject to a Tree Preservation Order (TPO) also stand within the Pant Marsh and these will be lost as a result of the proposed development.

Pant Marsh is designated as a fully functioning species-rich flood meadow which floods on an annual basis. It contains significant areas of swamp, marshy grassland, damp semi-improved neutral grassland, wet scrub/woodland and river bank habitats.

It is considered that the majority of the ecological impacts associated with the wider town centre development will occur during Phase 1 (proposed by this application) at both constructional and operational Phases, with ongoing associated impacts during Phase 2; albeit these will be minimal in comparison.

The development included in the current application will therefore result in the loss of the majority of the high quality habitats, including the affected area of Pant Marsh. The alignment of the new link road within Phase 1 has been kept as far to the north of the Pant Marsh as is technically possible in order to reduce as much as possible the incursion into the marsh. This does have an implication in the need to remove the TPO trees (the TPO Order identifies a group of seven Welsh Oak trees) and some lengths of hedgerow. However, whilst this is clearly regrettable it is considered important that a correct balance of ecological factors is taken into account when assessing the whole overall impact.

Members will note from the outline application (11/1330), that within Phase 2 it is proposed that a pedestrian path through the Coed y Hendy woodland, to the south of the Afon Clun be provided by the applicant/developer.

Both CCW and the Council's own Ecologist have carefully considered the impacts that the proposed development would have on ecology and nature conservation interests. They both express their concerns regarding the loss of habitat and agree that the successful mitigation of the impacts of the proposal on the Pant Marsh habitat are hugely dependent on the ability to secure a long term habitat management plan (HMP) for the area. They have both recommended that the HMP should ensure that the areas are managed for a period of not less than 25 years. The applicant had proposed that the HMP would be for 10 years only. However, the applicant has now agreed to the 25 year period required and has accordingly submitted revised HMP's (for both Pant Marsh and Coed y Hendy) as part of the August 2012 ES Addendum package, as Appendices 3.1 and 3.2.

CCW do identify the need to ensure that mitigation opportunities for soil/grassland translocation from areas of unimproved grassland are maximised within the development and it is recommended that an appropriate condition be imposed to cover this point.

On the basis of the imposition of appropriate conditions and a S.106 Agreement requiring the applicant/developer to make a financial contribution in order to ensure that the Council can ensure the long term implementation of the HMPs; and that the applicant/developer retain ownership and responsibility for the structural adequacy of the flood embankment, it is considered that the ecological impact is acceptable.

- **Visual and Landscape Impacts**

This development is in a very prominent location and will clearly have visual and landscape implications in the immediate and wider locality.

Within Chapter 9 of their submitted ES the applicant has provided a landscape, townscape and visual impact assessment of the whole of the proposed town centre development. This assesses visual impact not only from the completed operational development, but also in its constructional Phase.

The ES assesses the town centre development and it was considered that the main issues are the:

- potential effect of the proposed development on elevated views from Llantrisant Old Town;
- the appearance of the roofscape of the larger retail units and multi storey car parks from elevated views to the north (i.e. Y Graig Common and Billy Wynt, Llantrisant Old Town and Caeau'r-ilan);

- the appearance of the proposed development from the main roads and residential areas in close proximity of the site;
- the potential effect on Pant Marsh;
- the potential impact on the character of the 'Llantrisant Surrounds' Special Landscape Area (SLA), which is designated under policy SSA23 (site no.5) of the LDP.

The applicant has confirmed within Chapter 9 of the ES that particular attention has been paid to the information provided by CCW through its LANDMAP dataset.

The applicant selected 12 representative viewpoints in order to illustrate the potential effects of the proposed development. Of the selected viewpoints it is considered that the areas of highest visual sensitivity are the residential areas of Talbot Green and Llantrisant and the Public Right of Way (ProW) in the vicinity of the site and more remotely on the elevated areas to the north and west.

An update of Chapter 9 was provided in the ES Addendum received in August 2012. Within this Addendum, Chapter 6 provides an update of the extent of change relating to the revision in the site layout and relocation of the supermarket building and car park, relocation of the PFS and re-alignment of the Glamorgan Vale Roundabout access road. The effect of the proposed changes is reflected in the 4 updated viewpoints provided.

This identifies that the revised position of the supermarket building, service yard and car park would not affect the assessed impact of the proposed development from residential properties and the A473 to the north. There would be scope for some localised amenity benefit as a result of the increased offset of the car park and greater area for soft landscaping boundary treatment however, it is concluded that these changes would not change the landscape and visual effects of the development. As identified above, the importance of views from Llantrisant Old Town are acknowledged, however it is considered that the proposed supermarket will not result in any significantly adverse impact.

Of the potential landscape effects that would result from the supermarket (Phase 1) development it is considered that the most significant (as a major adverse impact) is the loss of the TPO trees in order to create the new link road. Considered to be a moderate adverse impact would be the works required to remove existing vegetation and create the flood embankment within Pant Marsh. The impact on the SLA to the east is considered to be moderate/minor adverse as is the loss of existing grazing meadows within Pant Marsh. Other impacts are considered to be of a minor adverse nature.

In respect of the potential visual effects the most significant (major/moderate adverse) are considered to be from the footbridge which goes over the A473 at the western end of the site, from the residential areas around Heol Johnson in Talbot Green, from the Pant Marsh and the ProW which runs alongside the Afon Clun.

Both the ES and DAS in relation to the town centre application (11/1330) incorporate a Landscape Concept and Landscape Mitigation Plan. Within the current application, the landscape concept for the wider town centre is also set out in the DAS and refers to the joining of two contrasting landscapes in what the applicant describes as 'the seam'. This proposes a unique public realm running through the heart of the new town centre development, with distinctive treatments to the north, south, east and west. Reference is also made to the 'Linear Garden' to the south of the Sainsbury's car park, which forms part of the wider vision for the town centre development.

The DAS also refers to the eastern edge of the development including increased elements of high quality landscaping to blend in with Pant Marsh and to appropriately screen the petrol filling station. The landscape concept outlined also recognises the importance of quality along the edges of the site to visitors coming along the A473 and to the relationship to the natural environment along the eastern edge of the town centre and to landscaping adjacent to the link road from the Glamorgan roundabout. The ES Addendum (August 2012) includes a revised Mitigation Plan (Figure 6.2) which details native tree and shrub planting to compensate for the loss of TPO trees in the area between the PFS storage tanks and Glamorgan Vale roundabout and also a number of specimen trees south of the PFS and internal roundabout leading from the link road into the site. The text refers to an enhanced amenity benefit from the A473 and the eastern 'gateway' approaches, with the creation of a more substantial landscape area to the east of the PFS. It is considered that this area needs careful treatment because of its prominent and clearly visible setting within the scheme and the need to effectively screen the PFS, together with its above ground storage tanks.

The current application includes a landscape masterplan and further details of specific areas which have been updated to revise the landscaping adjacent to the footpath to the north of the store, which has also been increased in width. It is considered however that the landscape masterplan for the Sainsbury's site should include all of the areas identified in the landscape mitigation plan in particular, the areas to the east of the PFS storage tanks however, this can be addressed by condition.

The fundamental principle advanced in the town centre scheme is that the development makes a transition from lower density, with a greater degree of soft landscaping, in the east to higher density, harder urban form at the west which recognises the Pant Marsh setting and the proximity and sensitivity of the SLA further to the east.

It is accepted that this development with the buildings and infrastructure proposed will clearly have both landscape and visual impacts. The loss of all trees within the site, especially those covered by the TPO is regrettable, but cannot be avoided if the scheme is to proceed in its proposed form. Also there will be impacts due to

constructional works within Pant Marsh. However, it is considered that with time and the implementation of suitable habitat management and the integration of new landscaping within the development, that these initial impacts will reduce to an acceptable level.

Other Issues

Whilst the issues dealt with above may be the more prominent issues in respect of this application there are other matters, which also require consideration.

Site Contamination

At a relatively early stage in the consideration of the outline application (11/1330), concerns were raised by a number of local residents that areas of the site were contaminated by imported material however, the subsequent investigations carried out by Council's Public Health & Protection Division confirmed that these claims were unfounded.

Chapter 15 of the ES, which has been submitted with both the outline and this full application, deals with contamination issues and incorporated as Technical Appendix 15 are a Geo-environmental Interpretive Report (as 15.1) and a Detailed Quantitative Risk Assessment Report (as 15.2). No further assessments have been required or carried out for the purposes of this application.

Part of the site was occupied by the former Purolite factory, which produced ion exchange resins between 1947 and 2006. Site investigations carried out in 2003 and 2004 identified soil contamination. Remediation was carried out by excavation of soils and 'pump and treat' for contaminated groundwater (planning applications 04/1820 and 05/1514 referred in the Planning History section of this report relate to these works).

The site investigations undertaken to inform the ES and this application do record the continuing presence of some contamination on the site. However, with the programme of mitigation proposed it is not considered that there will be any more than a negligible risk to human health as the majority of the development will have substantial areas of hardcover, which will provide a barrier between human health receptors and the residual contamination present.

The Council's Public Health & Protection Division have raised no objection on these grounds, subject to the imposition of appropriate conditions.

Archaeology and Cultural Heritage

Chapter 10 of the ES, which has been submitted with both the outline and this full application, deals with issues of archaeology and cultural heritage and at Technical

Appendix 10.1 of the ES a desk-based archaeological and cultural assessment report is included.

Glamorgan Gwent Archaeological Trust (GGAT) has been consulted in respect of the proposal. They note that whilst the likelihood of significant archaeology being located is not high, there are areas of the site, which have not been disturbed. They concur with the detailed mitigation recommendations in the assessment conducted on behalf of the applicant and have raised no objection, but recommend a standard circular condition requiring the submission of a detailed scheme of investigation.

Geotechnical and Drainage Issues

Chapter 12 of the ES, which has been submitted with both the outline and this full application, deals with geology, hydrogeology and drainage and a geo-hydrological study is included as Technical Appendix 12.1 of the ES. No further assessments have been required or carried out for the purposes of this application.

It is recognised that following development there will be the potential for greater surface water run-off due to the increase in impermeable area. The need to closely control run-off during construction, by means of mitigation control measures, is also considered to be important and required in order to prevent water pollution. The operation of the development will obviously also increase foul flows to be discharged into the public sewerage system.

These issues have been considered by the Council's Drainage Officer, Welsh Water, and the Environment Agency Wales and subject to the imposition of appropriate conditions no objections have been raised.

In respect of ground conditions and previous mine workings, The Coal Authority have noted the fact that there is no evidence of any such workings within the site and therefore in this case no specific mitigation measures are required.

Public Health Issues (noise/light/dust/air quality/disposal of waste)

These issues have been carefully considered by The Council's Public Health & Protection Division and also in part by the Environment Agency Wales.

Within the ES Chapter 11 deals with matters of air quality; Chapter 13 deals with issues of noise; and Chapter 14 deals with lighting. Each of these chapters has its own technical appendix.

It is not considered that any of these matters raise issues that cannot be suitably conditioned.

Sand and Gravel Resources

The area where the flood embankment would extend is allocated as a sand and gravel resource under Policy AW 14 1.E (Pant Marsh, Talbot Green). The identified safeguarding area extends to 10 hectares, of which 1.2 hectares is affected by the application in that the land is required for the flood bund. It is not however considered that its construction, which will need to be approved through an appropriate condition, would sterilise this mineral resource. In the overall context of the current application and the wider town centre scheme, it is not considered that this loss of land is significant, or would conflict with Policy AW 14 of the Local Development Plan.

Issues raised by third parties

It is evident from the 'Publicity' section of this report that the number of letters received in relation to this application, has been relatively limited in number for a development of this size however, this in no way deflects from the merit of the concerns and objections that have been expressed. At the time the original notifications were sent out relating to this application, it was explained that this was a full planning application and was Phase 1 of the town centre development, the subject of outline application (11/1330) that was currently under consideration by the Council. This was done in order to avoid any confusion specifically, that the outline application had been approved. It may therefore be that those who had written in relation to the town centre development, did not consider it necessary to do so again.

The main concerns expressed in the objections to the application relate to traffic, highways and transportation concerns together with the anticipated retail and economic impacts of the scheme on existing centres and businesses and the potential noise resulting from the proposed development. During the planning consideration process, regard has been had to these objections and where possible attempts made to try and address these. Additional points, which have not been dealt with previously above, are given further consideration below.

Concerns have been expressed, having had regard to the Talbot Green Retail Park situation, that nearby residential streets may be used for parking purposes by workers at and visitors to the new town centre. This concern is acknowledged by the Highway Authority who has identified the possible introduction of parking restrictions in such cases, through the use of the transportation financial contributions required of the applicant.

In relation to the further issue is raised in relation to potential light pollution arising from the proposed Petrol Filling Station. Chapter 14 of the ES, which has been submitted with both the outline and this full application, deals with the issue of the impact of lighting. An updated lighting assessment has also been carried out and provided with the ES Addendum (Appendix 8.1), taking into account Sainsbury's standard lamp types, as opposed to the high pressure sodium lamps previously assessed. This advises that resulting from this, the maximum light trespass has reduced and the impact of lighting from the development is now 'negligible' which

means that the updated Sainsbury's lighting scheme is considered to represent an improvement to the previous scheme with respect to light trespass. A condition has been suggested to control lighting and any illumination incorporated into signage on either the Sainsbury's store or Petrol Filling Station, will form part of the application(s) for advertisement consent that will be required.

A further concern raised by one resident, is that the Sainsbury's parking facilities may be used by commuters. The applicant is required by condition, to submit details of a car park and on site traffic management system, which will be subject to ongoing monitoring and review. It is likely that the day-to-day management of the car park would therefore be an issue for Sainsbury's to address and enforce, should the parking facilities be used other than by customers and it anticipated that such a system would address this issue.

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:

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

Planning Policy Wales (PPW) (5th Edition, November 2012) at Section 3.7 on the use of Planning Obligations.

Advice within this section confirms that "contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable. It is essential that arrangements are fair to both the developer and the community, that the process is as transparent as possible and that development plans provide guidance on the types of obligations which authorities may seek from developers".

Welsh Office Circular 13/97 (at Annex B, para B2), PPW (at para 3.7.5) and the Council's own Planning Obligations SPG (at para 2.2) as a principle make it clear

that “acceptable development should never be refused simply because an applicant is unwilling to offer such benefits.”

Having regard to the PPW commentary quoted above 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).

The S.106 requirements in this case

A Transport / Highways contribution comprising:

- **£2.05m** 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 first £50k within 10 working 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.

A Habitat / Management contribution & requirements comprising:

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

As set out above, both CCW and the Council’s own Ecologist have identified the need for 25 year habitat management and mitigation measures (both inside and

outside the boundary of the site) to be included within a S.106 Agreement. Other requirements, which seek to mitigate the acknowledged adverse impact of the development on the Pant Marsh SINC, are covered by planning conditions.

At Phase 2, in addition to other contributions, a further sum of £205k would be paid for the maintenance of the proposed pedestrian link through the Coed y Hendy woodland (which the applicant/developer is to provide), together with the required management of the woodland itself.

Overall scheme conclusions

This is a major application, which represents a significant economic investment in the County Borough.

The scheme is considered to be in accordance with the policies of the LDP and national planning policy and guidance. It is considered that the development will deliver a sustainable form of development that will bring forward a major part of a key strategic site allocation within the LDP and encourage further development comprising Phase 2 of the town centre. It will deliver a new retail development and associated facilities, the principle of which has already been found to be sound by the LDP Inspector and agreed by Committee, through the recent resolution to approve application 11/1330.

The increase in the overall quantum of convenience and comparison floorspace from that specifically allocated in the LDP until 2016 is acknowledged. However, it is considered that this increase does not raise any policy issues for the reasons previously given. The amended details of the proposal have sought to address the comments and observations of statutory consultees.

Whilst third party objections have been received to the application, these are limited in number however, regard has been had to the concerns raised and where possible, attempts made to try and address these.

The potential impacts of the development on traffic, highway, flooding, ecology and landscape impacts have been carefully considered and a comprehensive package of Planning Obligation mitigation secured through negotiations. It is considered that is important that this level and scope of Planning Obligation mitigation, as identified above, is delivered in order that the scheme delivers the positive benefits identified in this report.

Recommendations

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

- the recommended conditions as set out below ;

- the applicant first entering into a legal agreement under Section 106 of the Town and Country Planning Act in order to secure a minimum package of **Planning Obligation contributions**, comprising the following:

A Transport/Highways contribution comprising:

- **£2.05m** 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 first £50k within 10 working 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.

A Habitat/Management contribution & requirements comprising:

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

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 original plans dated 22 October 2012, unless superseded by the amended plans received by the Local Planning Authority on 18 February 2013.

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

3. This permission grants development the following uses and maximum floorspace areas:

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

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

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

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

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

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

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

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

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

Supermarket:

Monday to Saturday: 07:00 - 22:00

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

Petrol Filling Station:

Monday to Saturday: 06:00 - 23:00

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

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

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

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

- the sheeting of lorries leaving the site;
- details of plant and equipment;
- methods and types of ground compaction;
- mitigation measures for the control of noise;
- location of site compounds;
- use of artificial lighting;
- measures to treat and remove suspended solids from surface water run-off;
- method statement for the working on the retained areas of Pant Marsh SINC;
- the temporary protection of trees and/or hedgerows to be retained during periods of construction.

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

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

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

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

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

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

Taf Local Development Plan.

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

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

Unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the noise emitted from this development is not a source of nuisance to occupants of nearby residential properties in accordance with policy AW10 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

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

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

15. No development shall commence on site, unless otherwise agreed in writing by the Local Planning Authority, until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
- a Desk-top Study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The Desk-top Study should contain a Conceptual site model. A copy of the Desk-top Study shall be submitted to the Local Planning Authority without delay on completion.
 - a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a Desk-top Study has been completed satisfying the requirements of paragraph a) above.
 - a written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

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

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

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

17. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the contamination proposals

then revised contamination proposals shall be submitted for the written approval of the Local Planning Authority.

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

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

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

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

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

20. Notwithstanding the details submitted as part of the application, no development shall be occupied until such time as details of all external lighting (including lighting within the entrance of the retail unit) 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 unless otherwise agreed in writing with the Local Planning Authority.

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

21. Prior to the beneficial occupation of the supermarket hereby approved,

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

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

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

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

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

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

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

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

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

Reason: To ensure that the new development makes the necessary and

appropriate provision for areas of public realm in accordance with policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

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

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

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

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

28. No beneficial occupation of any commercial building hereby approved shall occur until 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 the environment from the adverse affects of sewerage flooding and pollution and to ensure the development is effectively drained.

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

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no

detriment to the environment.

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

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

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

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

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

Reason: To prevent the increased risk of flooding.

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

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

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

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

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

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

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

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

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

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

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

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

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

40. No development shall commence until a scheme detailing the phasing of the earthworks proposed to be carried out on site, including the re-profiling

works and construction of the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc dated August 2012), has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

42. No works shall commence in relation to the raised earthwork embankment shown in section 3 and figure 3.3 of the approved Flood Consequences Assessment (FCA) undertaken by Atkins (document 5023353-DG-FRA3-2.doc, dated August 2012), until a Bund Construction Scheme has been submitted to and approved by the Local Planning Authority which provides the following details:

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

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

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

43. No development shall take place until a Species and Habitat Protection and

Mitigation Plan for Construction has been submitted and approved in writing by the local planning authority. The plan shall include:

- An appropriate scale plan showing 'Wildlife Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
- Details of protective measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- A timetable to show phasing of construction activities required in the Wildlife Protection Zone(s) to minimise, as far as practicable, works during periods of the year when sensitive wildlife could be harmed (such as nesting bird season, hibernating and breeding amphibians and reptiles, etc.);
- Details of specific species and habitat mitigation measures;
- Persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - a) Compliance with planning conditions relating to nature conservation;
 - b) Installation of physical protection measures during construction;
 - c) Implementation of sensitive working practices during construction;
 - d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - e) Specific species and Habitat Mitigation measures;
 - f) Provision of training and information about the importance of the 'Wildlife Protection Zones' to all construction personnel on site.

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

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

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

The Flood Bund Habitat Mitigation Plan shall include details of;

- a) Purpose, aim and objectives of the scheme;
- b) A review of the plans ecological potential and constraints;
- c) The method statement for the careful stripping and (if necessary) storage of SINC grassland soil/vegetation/seed sources to be lost to the Supermarket development, including timescales and plans showing areas from which habitat material will be salvaged and where material

- will be stored;
- d) The method statement for the replacement of SINC grassland soil/vegetation/seeds onto the newly constructed flood bund;
 - e) A 5 year aftercare plan for the translocated flood bund grassland, to include:
 - f) Techniques and methods of vegetation establishment;
 - i) Method statements for site preparation and establishment of target habitat features;
 - ii) Extent and location of proposed works;
 - iii) Aftercare and long term management;
 - iv) Personnel responsible for the work;
 - v) Timing of the works;
 - vi) Monitoring;
 - vii) Disposal of waste arising from the works;

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

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

45. No development shall take place until details of measures to reduce the impacts of light fall from site lighting onto adjacent SINC (and other) habitats has been submitted to and approved in writing by the local planning authority. All lighting works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

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

46. Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread from the development there would be the risk of an

offence being committed, and avoidable harm to the environment occurring. Its effective management is considered to be in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

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

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

48. The supermarket shall be constructed to achieve a minimum Building Research Establishment Environmental Assessment Method (BREEAM) overall 'Very Good' standard and achieve a minimum of 6 credits under category 'Ene1 – Reduction of CO2 Emissions' in accordance with the requirements of BREEAM 2008. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: To ensure that the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

49. Unless otherwise agreed in writing by the Local Planning Authority, construction of the supermarket hereby permitted shall not begin until an 'Interim Certificate' has been submitted to and approved in writing by the Local Planning Authority, certifying that a minimum BREEAM overall 'Very Good' and a minimum of 6 credits under 'Ene1 – Reduction of CO2 Emissions' has been achieved for each individual building in accordance with the requirements of BREEAM 2008.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

50. Within 6 months of the first beneficial occupation of the building hereby permitted, the "Final Certificate" shall be submitted to the Local Planning Authority certifying that a minimum BREEAM overall "Very Good" and a minimum of 6 credits under "Ene1 – Reduction of CO2 emissions" has been achieved for that building in accordance with the requirements of BREEAM

2008.

Reason: To ensure the development constructed is in accordance with policy guidance in relation to providing sustainable buildings, outlined in paragraph 4.12.4 of Planning Policy Wales (5th Edition) November 2012.

51. Within 6 months of the first beneficial occupation of the development hereby permitted a "Green Travel Plan", comprising measures to promote and encourage alternatives to single occupancy car use shall be submitted to, and approved in writing by, the Local Planning Authority.

The "Green Travel Plan" should include details of a Travel Plan Co-ordinator, proposals for setting and monitoring targets (including use of public transport, walking, car-sharing and cycling) and mitigation measures if targets are not achieved. The "Green Travel Plan" shall be implemented in accordance with the details approved under this condition, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure optimum provision for a range of alternative travel modes to and from the site in the interests of sustainability in accordance with Policies AW2 and AW5 of the Rhondda Cynon Taf Local Development Plan.

52. Prior to the commencement of any of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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.

53. Prior to commencement of any development hereby permitted, 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.

54. 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

55. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local

Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Any further remediation measures required shall be carried out in accordance with the amended remediation strategy.

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

56. 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.

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

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

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

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

inform road users of the location of the site and to inform pedestrians and cyclists of routes to and from key local destinations.

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

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

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

Reason: For safety of all highway users.

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

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

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

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

LOCAL GOVERNMENT ACT 1972

as amended by

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

LIST OF BACKGROUND PAPERS

DEVELOPMENT CONTROL COMMITTEE

18 JULY 2013

REPORT OF: SERVICE DIRECTOR PLANNING

REPORT

**APPLICATIONS RECOMMENDED
FOR APPROVAL**

OFFICER TO CONTACT

**MR J BAILEY
(Tel: 01443 425004)**

See Relevant Application File

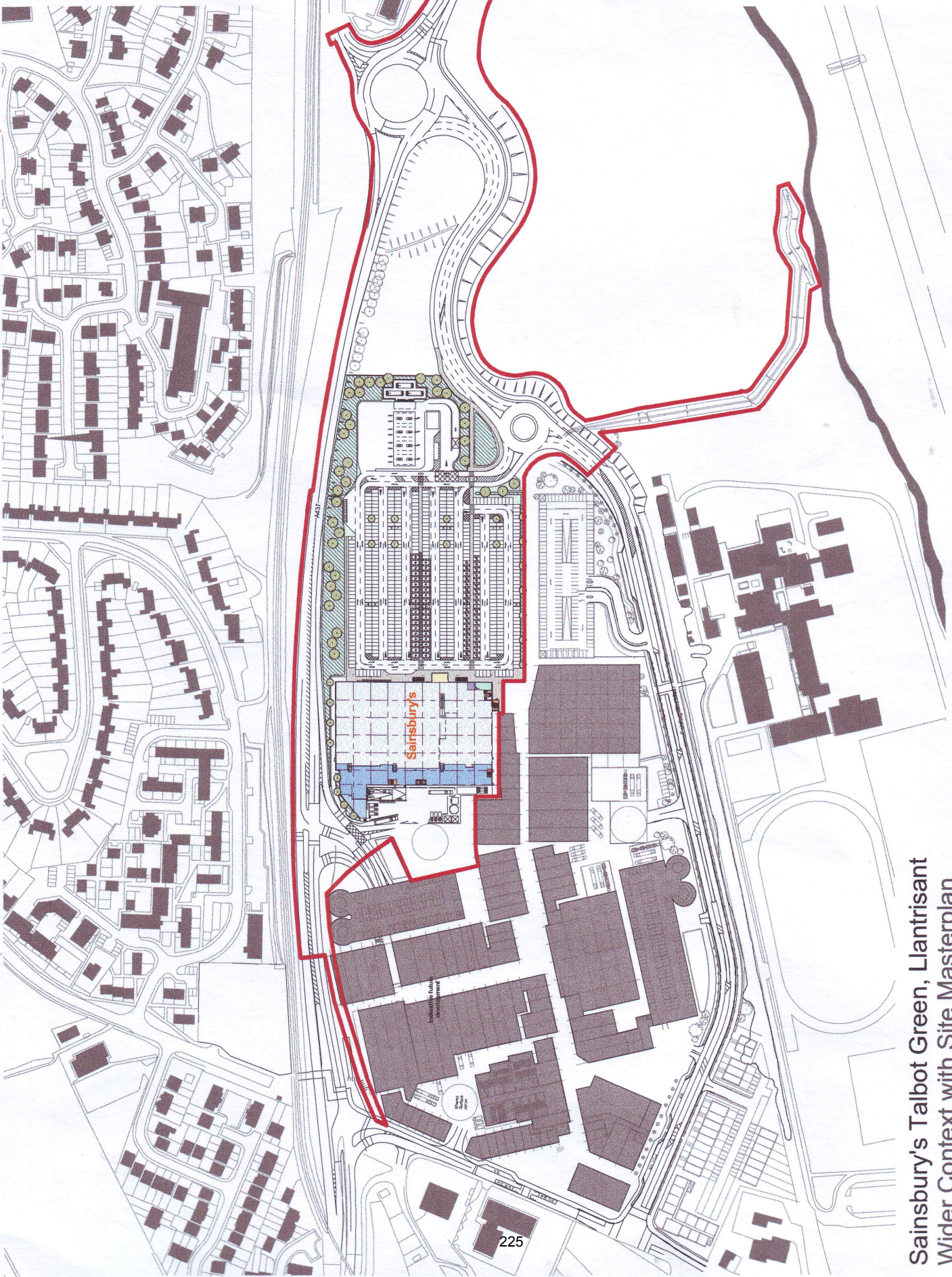
APPENDIX 1

Revision Notes

date	rev	name	chk	note
06/03/13	A	MN	SB	Issue for consultation with Sainsbury's

Drawn: M.N
Checked: SB
Date: 06/03/13

North Arrow - 15.5 deg. True. Clockwise from 0 deg. to 180 deg.



Key: Proposed Phase 1 Boundary

Drawing Title Wider Context with Site Masterplan	Project Sainsbury's Talbot Green, Llantrisant
Scale at A1 1 : 1250	Date 10.09.12
Drawn M.N	Chk CC
Drawing No 7390_P1_005	Revision A
Treglow Court Donville Road CF74 5LQ T 029 2043 5800 F 029 2047 5429 www.stride-treglow.co.uk	

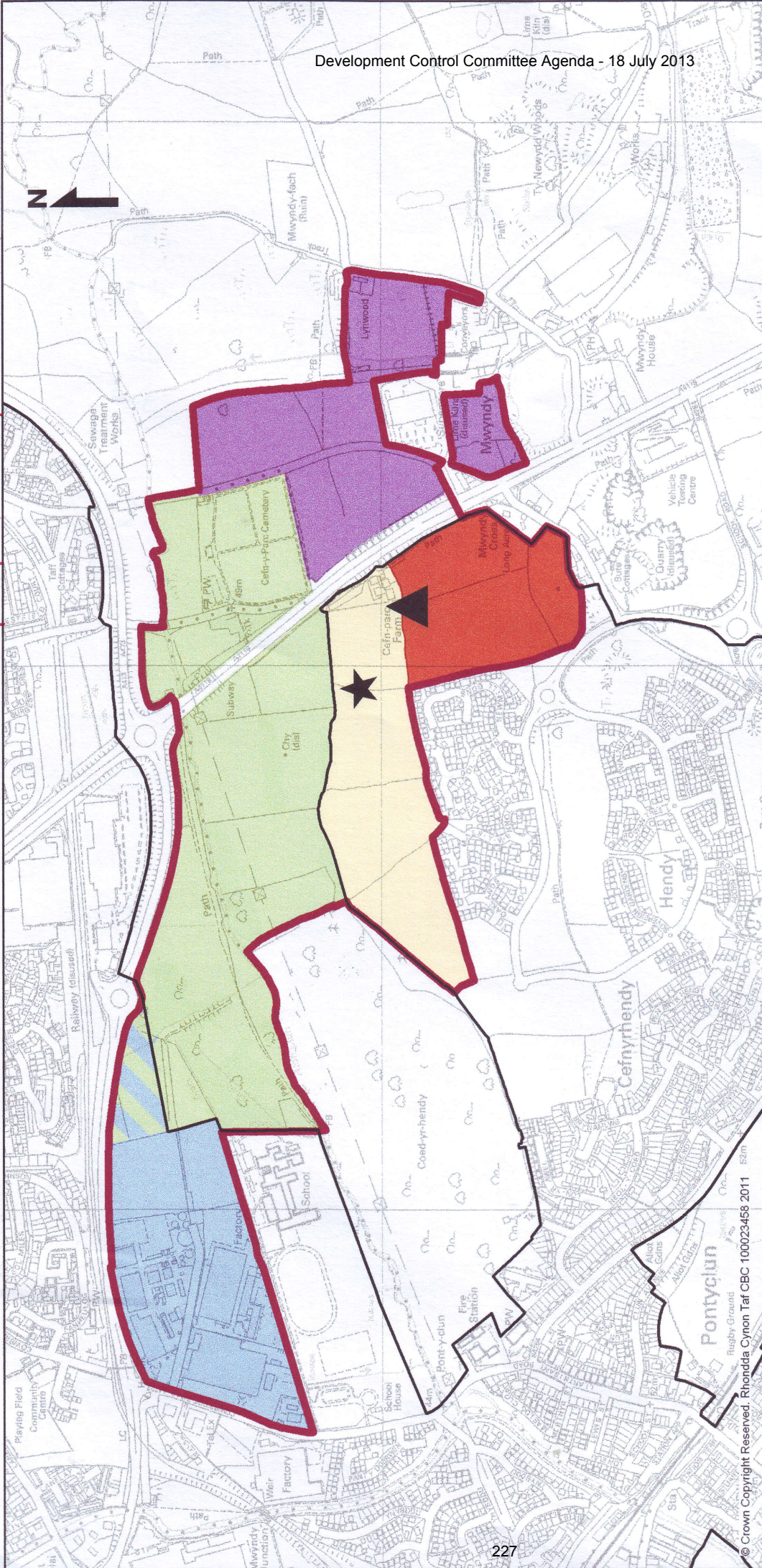
Sainsbury's Talbot Green, Llantrisant
Wider Context with Site Masterplan
















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Policy SSA 8-Mwyndy / Talbot Green Area - Indicative Concept Plan

APPENDIX 2



Legend

-  Strategic Site Boundary
-  Settlement Boundary
-  High Density
-  Medium Density
-  Low Density
- Employment
-  Retail
-  New School
-  Local Centre
-  Retail
-  Countryside
-  Retail/SINC
-  Open Space/SINC
-  Other

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