



PLANNING & DEVELOPMENT COMMITTEE

2 DECEMBER 2021

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 21/0805/16 (GD)
APPLICANT: Warton & Evans
DEVELOPMENT: Variation of condition 1(c) to allow a further year for the submission of reserved matters and extension of condition 1(d) by one year for the commencement of development. Condition 11 to be reworded to allow for a phased approach to the development of the site (Amended description received 17/09/2021).
LOCATION: BLAKE STREET, MAERDY, FERNDALE
DATE REGISTERED: 17/09/2021
ELECTORAL DIVISION: Maerdy

RECOMMENDATION: Approve subject to conditions and a deed of variation to the original Section 106 agreement.

REASONS: The principle of the proposed development was established as acceptable in the grant of outline planning permission at appeal in early 2019. Whilst there have been shifts in planning policy since then with the introduction of Planning Policy Wales 11, Future Wales 2040 and the removal of Technical Advice Note 1 Joint Housing Land Availability Studies, these are not considered to sufficiently impact the initial approval of development on this site to the extent that would warrant refusal of this application.

APPLICATION DETAILS

This application seeks permission to vary condition 1(C) of planning permission 18/0018 to allow a further year for the submission of reserved matters for consideration, effectively seeking permission to allow the submission of detailed designs until January 2023 as opposed to January 2022 which the current permission allows. Similarly, altering condition 1(d) in the manner proposed would allow up until January 2024 for the commencement of works.

Condition 11 currently reads as follows: -

“11. Prior to the commencement of development, a report detailing a methodology for undertaking a conditions survey of Blake Street and the Junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs, and potential compensation arrangements. The development shall not be brought into use until final survey, following the completion of the development, has been submitted to and approved in writing by the Local Planning Authority.

Reason: in the interests of highway safety and public safety.”

It is proposed the condition be reworded to allow a phased approach as follows: -

“11. Prior to the commencement of the development, a report detailing a methodology for undertaking a condition survey of Blake Street and the junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs; and potential compensation arrangements. The timescales for undertaking the surveys to be phased on the completion of every 25% of dwellings erected, with such dwellings not being brought into beneficial use until the phased survey has been submitted to and approved in writing by the Local Planning Authority. By agreement between the LPA and the applicant, the agreed costs and/or restorative works required at each phased stage of the survey can be rolled forward if it is considered expedient to do so. The consent of the LPA at the phased and final stage of survey is not to be unreasonably withheld and if necessary any dispute is to be determined by ‘expert determination’ by a RICS valuer agreed by both parties.

Reason: in the interests of highway safety and public safety.”

The design parameters set out in the original application are unaltered.

SITE APPRAISAL

The application site comprises a roughly rectangular shaped, undeveloped parcel of land, with an area of approximately 1.5ha. The site was previously the subject of a land reclamation scheme. The boundaries are defined by post and wire and post and rail fencing with a semi mature shelter belt of trees planted on three sides of the site. The central part of the site comprises areas of marshy, scrub land with small areas of standing water.

The site is positioned to the south-east of Blake Street; the north-east of a rear lane that serves the residential properties in Richard Street and the rear of The Royal British Legion and Maerdy Conservative Club. To the north east of the site, the landscape

slopes steeply down to the Afon Rhondda Fach river. Ferndale Community School playing field lies adjacent to the south-eastern boundary. A well-worn path provides access through the site from Blake Street to the school.

The area as a whole is located on a slope falling from south to north. As a result, the site sits slightly below the residential properties in Blake Street and significantly below the ground floor level of the residential properties in Richard Street.

PLANNING HISTORY

18/0018	Residential development of up to 29 dwellings	Refused 03/08/18 Allowed at Appeal 30/01/19
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PUBLICITY

The application has been advertised by means of press notice, site notices and neighbour notification letters. To date two letters of objection have been submitted on behalf of local residents both with 73 signatures attached representing the views of the residents of Blake Street. The issues raised can be summarised as follows –

- Citing paragraphs 32 and 33 from the original appeal decision the Inspector noted the Councils suggested conditions and adjusted where appropriate to better align with the advice of Welsh Government Circular 016/2014. At the hearing the Inspector discussed whether the standard time limit conditions should be varied to ensure that the units are brought forward as soon as possible, but concluded not to adjust the approval and commencement timescales, as it would have a negligible effect on completion timescales.
- Condition 1 is set out in four parts and it is condition 1(c) which requires the submission of reserved matters within 3 years of the date of the permission which the applicant wants to extend to 4 years. Condition 1(d) requires a commencement within 5 years of the date of the permission and there is concern that should the first requirement be effectively pushed back a year then extending the time for commencement to 6 years. The Inspector set out the rigour for his reasons in not acceding to varying the standard time limit conditions and deemed it unnecessary to adjust the approval and commencement timescales for the reasons set out in paragraphs 32 & 33 of his decision and this application should be refused for the very same reasons.
- It is queried whether the appointed inspector, Mr Paul Selby, would be consulted in respect of the current planning application.
- Choosing to broaden the scope of the current application represents self-inflicted delay on the part of the applicant.
- Planning permission was granted on 30/01/19 and the applicants have had almost three years to submit reserved matters, even allowing for Covid over the last 18 months does not explain why they have not dealt with other conditions of consent like the requirement for a traffic regulation order, given their pre commencement requirements.
- The reason for the inclusion of condition 11 in its original form was in the interests of highway and public safety and nothing should compromise that

reason as it is the residents whose safety will be compromised in taking such a piecemeal approach.

- The original condition is also consistent with the originally recommended condition 16 of the planning officer report which required it on the basis of ensuring that the extraordinary traffic use arising from the proposed development does not have an adverse impact on highway safety in accordance with policy. It cannot be acceptable for this condition to now be varied as requested by the applicant.
- In paragraph 21 of his report the Inspector said *“for the reasons given above I find that that the proposed off site highway measures are necessary to mitigate the harm to the safety of highway users, and those mitigation measures would not harm the living conditions of residents or conflict the wellbeing goals set out in the WBFG Act, or the Welsh Ministers wellbeing objective of supporting safe cohesive and resilient communities, subject to conditions to secure the necessary mitigation prior to the commencement of any work. I conclude that the proposals would accord with LDP Policy AW5 which amongst other things aims to ensure that developments have safe access to the highway network and do not cause or exacerbate traffic congestion.”* To allow condition 11 to be varied would fail this objective.
- The Inspector at paragraph’s 25 through 27 addressed the housing land supply issue and how the development would provide much needed housing in an area that has had limited provision in recent years. In paragraph 28 the Inspector goes on to attach considerable weight to the benefits of the proposal in improving housing land supply and ends paragraph 29 with the words *“in my view the proposal would meet an overriding need and its benefits combine to outweigh the conflict with national and local policies identified.”* Nowhere does the Inspector indicate that anything other than the full development of the site was in his mind when he attached condition 11 if the Inspector anticipated a phased approach condition 11 would have reflected that.
- The applicant still has until the end of January to submit details for approval and a further 2 years to commence development and it is respectfully suggested that those target dates are met and the variation of all three conditions rejected.

CONSULTATION

Transportation Section – there are no highway safety concerns subject to the re-imposition of previous highway related conditions with condition 11 varied as suggested.

Flood Risk Management – no objections.

Public Health & Protection – have no observations in respect of the proposed extension of time.

Natural Resources Wales – have no objections to the proposed development as submitted.

Dwr Cymru Welsh Water – no objection to an extension of time.

Wales & West Utilities – only advise to contact them should the developer be undertaking works in the vicinity of their apparatus.

Western Power Distribution – advise that any new connection or diversion will require their further consent.

Countryside – continue to require that the development of the site be supported through the implementation of a habitat management plan, details of which should be applied through the course of development.

Parks & Leisure – no observations received.

South Wales Fire & Rescue Service – raise no objections to the proposed development advising that the developer should consider the need for adequate water supplies on site for firefighting purposes and the provision of appropriate access for emergency firefighting appliances.

Housing Strategy – indicate that they remain content with the provision to be secured through the original Section 106 agreement.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

The site is located outside but immediately adjoining the defined settlement boundary of Maerdy.

The principal policies in the consideration of this application are as follows:

Policy CS1 Emphasises the promotion of residential development in locations which support and reinforce the Principal Towns and Key Settlements.

Policy CS4 Identifies the housing requirement figure for the plan period.

Policy CS5 Requires the provision of affordable housing.

Policy AW1 Identifies how the housing requirement figure will be met including through the allocations in the Local Development Plan.

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

Policy AW4 Identifies that the Council may seek Planning Contributions on development proposals.

Policy AW5 Sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 Gives design and placemaking criteria for new development.

Policy AW8 Sets out policy for the protection and enhancement of the natural environment, including that proposals should not result in harm to sites with recognised nature conservation interest or have an unacceptable impact on features of importance to landscape or nature conservation.

Policy AW10 Development proposals must overcome any harm to public health, the environment or local amenity.

Policy NSA10 Sets a minimum density of 30 dph and gives criteria for the consideration of lower densities.

Policy NSA11 Seeks 10% affordable housing provision on sites of 10 units or more.

Policy NSA12 Gives criteria for housing development within settlement boundaries. Identifies that proposals outside but adjoining the settlement boundary will be permitted subject to specified restrictions.

The following Supplementary Planning Guidance documents are also relevant-

- Design and Placemaking.
- Delivering Design and Placemaking - Access Circulation and Parking Requirements.
- Planning Obligations.
- Nature Conservation.
- Affordable Housing, and
- Employment and Skills.

National Guidance

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

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

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

It is also considered the proposed development is compliant with Future Wales 2040 (the NDF), with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will grow – Employment/Housing/Infrastructure
- Policy 2 – Shaping Urban Growth – Sustainability/Placemaking
- Policy 3 – Supporting Urban Growth – Council land/Placemaking/developers/regeneration/sustainable communities'/exemplar developments.
- Policy 7 - Delivering Affordable Homes – SDP/LDP/allocations and innovative approaches.

SE Wales Policies

- Policy 33 – National Growth Areas Cardiff Newport & the Valleys – SDP/LDP/large schemes.

Other relevant national policy guidance consulted:

PPW Technical Advice Note 2: Planning and Affordable Housing;
PPW Technical Advice Note 4: Retailing and Town Centres;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;
PPW Technical Advice Note 23 Economic Development, and
Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

In this instance, the applicants have submitted an application under s.73 Town and Country Planning Act 1990 to amend conditions 1(c) 1(d) and 11 of Planning Permission 18/0018 (see above) to extend the period of time within which reserved matters can be submitted, works commenced and restructuring a highway repair and maintenance schedule. In such circumstances the Local Planning Authority are required to consider only the conditions subject to which the planning permission should be granted and in doing so the Local Planning Authority must consider whether there has been any change in policy or any other material circumstance that might affect the proposal. If the application is successful, this results in the grant of a new permission.

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

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

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

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

A key consideration in the determination of this application are the updates in planning policy brought in since the approval of this development in early 2019, specifically the introduction of Planning Policy Wales 11 alongside Future Wales 2040. Additionally, since the initial grant of consent Technical Advice Note 1 Joint Housing Land Availability Studies has been withdrawn. The consequences of these changes are discussed below.

Planning Policy Wales 11 has a primary objective of ensuring the planning system delivers sustainable development which improves the social, economic, environmental and cultural well being of Wales as required under the Planning Wales Act 2015 and the Wellbeing of Future Generations (Wales) Act 2015. On this point it is worth noting the comments of the appointed inspector in his consideration of the appeal. Notwithstanding the fact that at that time and now, the proposed development conflicts with Local Development Plan policies, the Inspector concluded that the proposals satisfy the objectives of PPW10 (the relevant national policy document in force at the time), of securing sustainable development by ensuring that local communities have sufficient housing and affordable housing for their needs and directing development to sustainable locations concluding *“I consider that it would also be consistent with the goals of the Wellbeing of Future Generations Act, in particular the Welsh Ministers’ well being objective of supporting safe, cohesive and resilient communities.”* Though Planning Policy Wales has been updated since the Inspector arrived at this conclusion, there is nothing in the latest iteration of Planning Policy Wales that would or could direct an alternative conclusion.

Future Wales: The National Plan 2040 (which is sometimes referred to as the National Development Framework or NDF for Wales) was published alongside Planning Policy Wales 11 and sets out the direction for development in Wales up to 2040. It is a development framework with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate resilience, developing strong ecosystems and improving the health and wellbeing of our communities. Members will note from the details above that Policy 33 identifies Cardiff, Newport and the Valleys as a key growth area, and as such an area where sustainable development can and should be encouraged.

Technical Advice Note (TAN) 1 Joint housing Land Availability Studies was at the time of the appeal modified to the effect that Local Planning Authorities could ascribe what weight they chose to the housing land supply situation. The requirement was that all Local Planning Authorities were required to maintain a five-year bank of housing land and at that time the supply figure in Rhondda Cynon Taf stood at only 1.4 years. The TAN has since been fully withdrawn. The Inspector ascribed considerable weight to this issue in allowing the development of the site at appeal and to the fact it would also provide a limited number of affordable homes for Maerdy. He also attached moderate weight to the proposal’s contribution to economic activity in the locality. Whilst there is no longer an obligation to address the housing land supply shortage, Members should

keep in mind that the need to provide housing remains and that sites allocated in the area have failed to come forward for development and indeed that the prospect of residential development on the former Chubb factory site is no longer available.

Whilst the above deals with issues around condition 1, condition 11 is focussed on the more practical aspects of developing the site. Condition 11 as originally worded would have required that the whole residential development be built and not brought into use until the relevant survey work has been undertaken. The proposed change offers an approach to dealing with this issue in a manner better suited to the applicants needs given that their approach to developing the site will be to provide 5-6 houses in any given phase. The final outcome would ultimately be the same and the reworded condition enables any necessary remedial work through the course of development.

Other Issues:

In the original decision notice the inspector included condition 3 requiring the submission and agreement of foul and surface water drainage details and their implementation prior to first occupation of the development. AS both matters are now governed by other legislation with the introduction of SuDS along with the requirements of water industries legislation, there is no longer a need for such a condition and Members are advised that it be omitted from any future grant of planning permission.

The objectors raise the point that the Inspector chose not to deviate from the standard wording of the timing conditions unconvinced that it would not deliver the completion of the development any more quickly and argue that should remain the case. In this instance it is open to the decision makers to follow the same line of reasoning. However, given the events of the last eighteen months such a stance might be viewed as unreasonable with the effect that the Covid 19 pandemic in particular has had on the building and building supply industries. Furthermore, all that the applicants are applying for in this instance is a further year to submit reserved matters and commence the development, and deliver highway maintenance in an appropriate manner.

The objectors also query whether the views of the original inspector, Mr Paul Selby, would have been sought with regard to the current proposals. This cannot happen as it would not be appropriate to seek the views of a planning inspector on an issue that might come before Planning & Environment Decisions Wales (PEDW – the successor determining body to the Planning Inspectorate in Wales) under any potential future appeal and this has been explained to the objector.

The objectors indicate that the submission of this application reflects self-inflicted delay on the part of the applicants. Notwithstanding whether or not that is the case, it can form no basis for the refusal of this submission which has to be considered on its planning merit.

It is suggested by the objectors that varying condition 11 would comprise highway safety and they reference both the comments of the Inspector at the earlier appeal and the original report to Members in respect of this matter. Firstly, Members should note that the Transportation Section have raised no objections to the revised wording

of condition 11. Secondly condition 11 is not the only planning condition that addresses highway safety, e.g. there are also conditions requiring the agreement of a Traffic Regulation Order, requirement for engineering details, tie in with Blake Street etc. The key issue in considering the suggested alteration to condition 11 is will allowing the change compromise highway safety in the locality of the site? The reality is that it will not, it just allows a wider accommodation in maintaining the highway through the course of development in a manner that better facilitates the developer's intentions in developing the site.

The objectors also reference the issue of housing land supply as a matter discussed by the Inspector in dealing with application 18/0018, suggesting that in his deliberations the Inspector did not anticipate a phased approach to the development of the site, (this in essence is what the alterations to conditions and particularly condition 11 would facilitate). The issue though is not what the Inspector may or may not have had in mind in January 2019, but whether or not such an approach is acceptable moving forward. Given the planning policy position outlined above and the absence of any objections in highway terms or any factual evidence to the contrary, such an approach is considered acceptable.

Community Infrastructure Levy (CIL) Liability

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

As planning permission first permits development on the day of the final approval of the last of the reserved matters CIL is not payable at outline stage, but will be calculated for any reserved matters or full applications. In this instance though the site lies in a £nil charging area.

Section 106 Contributions / Planning Obligations

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

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

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

Welsh Office Circular 13/97 Planning Obligations provides procedural guidance on the role of planning obligations in mitigating the site-specific impacts of unacceptable development to make it acceptable in planning terms. The Welsh Government Development Management Manual also advises planning obligations should only be used where it is not possible to address unacceptable impacts through a planning

condition and when it meets the three tests above. Further guidance regarding what types of obligations developers may be expected to contribute towards is also contained within Policy AW4 of the Local Development Plan and the Council's SPG on Planning Obligations, however it is made clear that this is only intended to form the basis of negotiations between all parties.

The Section 106 requirements in this case

In this case the developer will be required to enter into a deed of variation to the original Section 106 agreement to maintain the following provisions:

- 10% affordable housing contribution;
- Details, provision and delivery of a long term Biodiversity Management Plan and Post Construction Tree Monitoring and Management Plan;
- A commuted sum contribution towards off site play provision and maintenance costs commensurate with the current Planning Obligations Supplementary Planning Guidance; and
- Provision of an employment and skills plan.

It is considered that these requirements continue to meet all of the above tests and are compliant with relevant legislation.

Conclusion

The application relates to proposals to alter the lifespan of the permission by allowing a further year for the submission of reserved matters and commencement of development and for highway requirements to better align with the developer's approach and objectives. Whilst planning policy has been updated since the initial decision and the requirement to maintain a five-year land bank for housing development has been removed, this of itself is not substantive enough of a reason not to allow the current planning permission to be amended, particularly so as application is still technically live and that since the decision the Covid 19 pandemic has had a substantial adverse impact on the building industry. There are no other material considerations in respect of the current proposal that could lead to an alternative recommendation

RECOMMENDATION: Approve subject to conditions and the applicants entering in to a Section 106 agreement in the terms described above.

1. (a) Approval of the details of the layout, scale and appearance of the buildings and the landscaping of the site (hereinafter referred to as "the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.

(b) Plans and particulars of the reserved matters referred to in (a) above relating to the layout, scale and appearance of any building to be erected and the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

(c) Applications for the approval of reserved matters shall be made before the expiration of 4 years from 30th January 2019.

(d)The development hereby permitted shall be begun before whichever is the latter of either (i) the expiration of six years from 30th January 2019 or (ii) the expiration of 2 years of the final approval of reserved matters or in the case of approval on different dates the final approval of the last such matter to be approved.

Reason: To comply with Sections 92 and 93 of the Town and Country planning Act 1990.

2. The development shall be carried out in accordance with the following approved documents:

- 13/2017/PL/239A 'proposed OS plan; 13/2017/PL/239E' 'proposed site plan (indicative); 13/2017/PL/242 'proposed streetscape'

Reason: To define the approved plans and in the interests of proper planning.

3. No development shall take place until a species and habitat protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The protection plan shall include:

- i) A plan clearly identifying protection zones where construction activities are restrictive and where protective measures will be installed and implemented.
- ii) Details of phasing of construction to avoid periods of the year when sensitive wildlife and species could be harmed.
- iii) Details of protective measures (both physical measures and protective working practices) to avoid impacts during construction, including
 - mitigation measures for specific habitats and species as identified in the submitted ecological assessment entitled "Land off Blake Street, Maerdy" dated august 2017
 - water pollution control
 - invasive plant control; and
- iv) A scheme of reporting during the construction programme identifying the persons responsible for compliance with legal consents, compliance with planning conditions (ecological clerk of works), the installation and maintenance of physical mitigation measures, and the provision of training and information to construction personnel.

The protection plan shall then be implemented in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of ecology and to comply with the requirements of Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. No development shall take place nor any demolition works or site clearance until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees during construction in accordance with the submitted arboricultural report and Tree Constraints Plan dated July 2017. The scheme shall be carried out as approved.

Reason: In the interests of ecology and the area's character and appearance in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, no works other than site clearance and preparation works shall commence on site until full engineering design and details of the tie in with Blake Street, including footpath links and crossovers, street lighting, surface water drainage, and highway structures, including longitudinal and cross sections, have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and drainage, in accordance with Policies AW5 and AW 10 of the Rhondda Cynon Taf Local Development Plan.

6. Notwithstanding the submitted plans, no works other than site clearance, and preparation works shall commence on site until full engineering design and details of the junction build out on Maerdy Road, including surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. The highway works shall be fully implemented in accordance with the approved details.

Reason: In the interests of highway safety and drainage in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

7. The development shall not be commenced until a Traffic Regulation Order (TRO) for Maerdy Road and Blake Street has been implemented in accordance with submitted plan ref: 13/2017/PL/242 entitled "Proposed Streetscape".

Reason: In the interest of highway safety in accordance with policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Off street parking shall be provided within the site in compliance with the Council's Supplementary Planning Guidance on delivering design and Placemaking: Access Circulation and Parking Requirements or its successor.

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

9. No works on site shall commence until a condition survey of the culverted watercourse, including a structural assessment and any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall be implemented in accordance with the approved details prior to construction works commencing.

Reason: In the interests of highway safety and public safety in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

10. Prior to the commencement of the development, a report detailing a methodology for undertaking a condition survey of Blake Street and the junction with Maerdy Road, both immediately prior to and following the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: the timescales for undertaking the surveys; method(s) of reporting the findings to the Local Planning Authority, including via comprehensive photographs; and potential compensation arrangements. The timescales for undertaking the surveys to be phased on the completion of every 25% of dwellings erected, with such dwellings not being brought into beneficial use until the phased survey has been submitted to and approved in writing by the Local Planning Authority. By agreement between the LPA and the applicant, the agreed costs and/or restorative works required at each phased stage of the survey can be rolled forward if it is considered expedient to do so. The consent of the LPA at the phased and final stage of survey is not to be unreasonably withheld and if necessary any dispute is to be determined by 'expert determination' by a RICS valuer agreed by both parties.

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

11. No development shall commence, including any works of site clearance, until a Construction Method Statement, has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) The means of access into the site for all construction traffic,
 - ii) The parking of vehicles of site operatives and visitors,
 - iii) The management of vehicular and pedestrian traffic,
 - iv) Loading and unloading of plant and materials,
 - v) Storage of plant and materials used in constructing the development,
 - vi) Wheel washing facilities,

- vii) Measures to control the emission of dust and dirt during demolition and construction including the sheeting of lorries leaving the site.

Reason: In the interests of the living conditions of residents and highway safety in accordance with policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

- 12. HGV's used as part of the construction of the development shall not access or egress the site via Blake Street outside the hours of 0900 to 1630 Mondays to Fridays and 0900 to 1300 on Saturdays and at no time on Sundays or Public holidays.

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

- 13. Construction works shall not take place outside the hours of 0800 to 1800 Mondays to Fridays and 0800 to 1300 on Saturdays and at no time on Sundays or Public Holidays.

Reason: In the interests of the living conditions of residents and in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.