

PLANNING & DEVELOPMENT COMMITTEE

08 June 2023

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 22/1006/10 (GH)
APPLICANT: Mitchell Property Solutions Ltd
DEVELOPMENT: Redevelopment of the former Conservative Club site to provide 10 flats, car parking and associated works.
LOCATION: **SITE OF FORMER CONSERVATIVE CLUB, BERW ROAD, TONYPANDY**
DATE REGISTERED: 13/03/2023
ELECTORAL DIVISION: Tonypandy

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT

REASONS: The application property has been in a derelict condition since the removal of the buildings which once occupied the site. Its redevelopment, to provide a range of affordable flats in a sustainable location, would accord with local and national planning policy which seeks to prioritise the use of brownfield sites.

Furthermore, the attractive design of the proposed development would greatly enhance the street scene and since its scale would be comparable to the former Club buildings and appropriate to the local context, it would be acceptable in terms of neighbour amenity.

REASON APPLICATION REPORTED TO COMMITTEE

The proposal is not covered by determination powers delegated to the Director of Prosperity & Development.

APPLICATION DETAILS

Full planning consent is sought for the residential redevelopment of the former Conservative Club site at Berw Road, Tonypandy.

It is proposed to construct a single building containing ten affordable flats for a social housing provider. Eight of the flats would be one-bedroom and the other two flats would contain two bedrooms each.

The irregular footprint of the building has been designed to be split level, to account for the site topography and would therefore have two storeys at its western end and three storeys at its eastern section. All flats would have pedestrian access onto Berw Road, three with their own entrance and the remaining seven via a communal entrance and staircase.

The external areas have been arranged to include a communal garden, small SuDs attenuation basin, a cycle store and bin store. Provision has been made for three off-street parking spaces off Zion Terrace. The remaining areas around the site would be soft landscaped.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Ecological Impact Assessment
- Ground Investigation Report
- Transport Statement
- Planning Statement

Furthermore, as a result of concerns raised by the Council's Flood Risk Management section during the consultation period the Applicant commissioned and subsequently submitted a Flood Consequences Assessment.

At the same time, revised elevation and site layout drawings were received to accommodate minor changes to levels for the purposes of satisfying flood issues. A small retaining wall around the proposed parking spaces has also been introduced.

SITE APPRAISAL

The application property is a vacant parcel of land location at the junction of Berw Road and Zion Terrace, towards the centre of Tonypandy.

Comprising a surface area of approximately 0.084 hectares, the property once accommodated the Tonypandy Conservative Club, although it is understood that this was demolished in 2003 and the site has been vacant and overgrown ever since.

Given its proximity to the town retail centre, the property is very close to a range of land uses, including the Council's offices immediately to the east, Mitchell Court to the south, Tonypandy Bus Station, and a variety of other retail and residential properties.

PLANNING HISTORY

The most recent or relevant applications on record associated with this site are:

11/5722/32: 3 Storey apartment building to include 12 modest sized flats with associated ground works, parking and landscaping. Decision: 06/10/2011, Raise Objections.

PUBLICITY

The application was initially advertised by direct notification to fifty-five neighbouring properties and notices were displayed on site.

On receipt of the revised details outlined in the description of development section a second consultation, also comprising direct notification and site notices, was carried out.

Five letters of objection from neighbouring residents were received, raising the following issues:

Highways/Access

- There is limited parking in our street as it stands, unless we park on the pavement, and limited access for emergency services as it's single width.
- The proposed three spaces to park on site are inadequate and the access to them would restrict on-street parking further.
- The junction to the street is blocked by people parking and Zion Terrace cannot cope with further traffic.

Amenity

- The occupiers of the flats will be able to see into my property in Mitchell Court and my view will be impacted.
- My property would be severely overlooked (De Winton Terrace) and there is little privacy from the current flats.
- Noise, dust and disruption during construction would be intolerable.
- I am concerned about noise and the fact we have flats opposite already where the police attend weekly. Who is being housed here?
- Our light is going to be affected too, high rise doesn't belong pushed at the end of our street, with windows looking onto us.

Ecology

- The development will kill off the wildlife that has been thriving in the space.

Other matters

- There is already a block of flats close by which cause issues and police are there quite often...so sticking more flats for social housing here is going to cause more trouble.
- Crime and drug usage is already a problem in the area.
- It would be nice to see something else built on the land, couldn't it be a row of bungalows with off-street parking?

CONSULTATION

Highways and Transportation

No objection subject to conditions relating to engineering details, vision splays, access and parking, and a construction method statement.

Flood Risk Management

The Flood Consequences Assessment and Surface Water Drainage Strategy provided by the Applicant have been reviewed, which demonstrate a thorough review of the site's surface water flood risk and acceptable justification for developing in a surface water flood risk area.

However, the Applicant must also provide sufficient evidence to demonstrate a satisfactory betterment in surface water discharge from the site. A drainage strategy with associated calculations demonstrating the pre and post-development surface water discharge rates from the site should provide the LLFA with sufficient evidence and a condition is recommended in this regard.

Public Health and Protection

No objection, subject to the imposition of standard contaminated land conditions, with the exception of the desk study element.

Natural Resources Wales

The report has not evidenced that bats are present at the application site. NRW notes from the EIA Report that an endoscope check found two crevices within the retaining wall to have potential to be used by individual roosting bats. Furthermore, the Report includes a recommendation for further investigation of the two crevices prior to any works on the retaining wall. NRW supports this recommendation and advises that a suitably worded condition responding to the recommendation should be imposed on any permission that the LPA is minded to grant.

Dwr Cymru Welsh Water

There is no objection in principle to the foul flows discharging to the public sewer and DCWW notes that surface water is set to be drained via a sustainable drainage system

(infiltration basin). Capacity is available in the water supply system to accommodate the development and the proposed development is crossed by a trunk/distribution watermain.

National Grid

A new connection or service alteration will require a separate application to the National Grid.

South Wales Fire and Rescue Service

The Fire Authority has no objection to the proposed development. The Developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances. Should the Developer require further information in relation to these matters they should contact the Fire Safety Officer.

Countryside Section – Ecologist

No objection subject to a condition to secure the recommendations of the revised Ecological Impact Assessment, together with a range of bat and bird nesting boxes/bricks.

The Coal Authority

The application site does not fall within the defined Development High Risk Area and there is no requirement for a Coal Mining Risk Assessment to be submitted.

South Wales Police

No objection. A list of recommendations, in respect of designing out crime, have been submitted for forwarding to the developer. A scheme of lighting should be agreed.

No other consultation responses have been received within the statutory period.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications

until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary for Tonypandy

Policy CS1 - Development in the North: seeks to build strong, sustainable communities. This will be achieved through promoting residential development in locations which reinforce the roles of the Principal Towns and Key Settlements, including the re-use of previously developed sites.

Policy AW1 - sets out how the housing requirement figure will be met during the plan period. This includes but is not limited to the development of unallocated land in the settlement boundary and through the provision of affordable housing.

Policy AW2 - seeks to ensure that development is in sustainable locations. The policy sets out criteria which defines these locations, these include but are not limited to the following:

- Are within the defined settlement boundary.
- Would not unacceptably conflict with surrounding uses.
- Have good accessibility by a range of transport options.
- Have good access to key services and facilities.
- Support the roles and functions of the Principal towns, Key Settlements and Smaller Settlements.

Policy AW4 - notes that planning obligations may be sought to make development proposals acceptable in land use terms.

Policy AW5 - identifies the appropriate amenity and accessibility criteria for new development proposals; it expressly states that the scale, form and design of the development would have no unacceptable effect on the character and appearance of the site and the surrounding area. There should also be no significant impact upon the amenities of neighbouring occupiers and should, where appropriate, retain existing features of natural environmental value. Additionally, the development would require safe access to the highway network and provide parking in accordance with the Council's SPG.

Policy AW6 - supports development proposals that are of a high standard of design that reinforce attractive qualities and local distinctiveness. Additionally, proposals must be designed to protect and enhance landscape and biodiversity.

Policy AW8 - seeks to preserve and enhance the County Borough's natural environment and heritage. This includes SINC designations. Development proposals will only be permitted where they would not cause harm to the features of the SINC subject to criteria.

Policy AW10 - aims to prevent development which could cause or result in a risk of unacceptable harm to health or local amenity due to land instability or any other identified risk to local amenity and public health.

Policy AW11 - supports alternative uses for existing employment/retail sites if the property has been marketed without success, or derelict premises will have regeneration benefits.

Policy NSA2 – supports proposals for residential development within the Key Settlement of Tonypany which: 1) support and reinforce the role of the centre as a Key Settlement; 2) are of a high standard of design; 3) promote the beneficial re-use of vacant floor space; and 4) support the provision of local services.

Policy NSA10 - Housing density: permits proposals where the net residential density is a minimum of 30 dwellings per hectare.

Policy NSA11 - The provision of 10% affordable housing will be sought on sites of 10 units or more.

Policy NSA12 - supports housing development within the settlement boundary which is accessible to local services by a range of sustainable transport modes without adversely affecting the highway network or provision of car parking in the surrounding area.

Supplementary Planning Guidance

- Design and Placemaking
- Access, Circulation and Parking Requirements
- Affordable Housing
- Planning Obligations
- Nature Conservation
- Development of Flats

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 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

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 5: Nature Conservation and Planning;
PPW Technical Advice Note 12: Design;
PPW Technical Advice Note 18: Transport;

Manual for Streets

REASONS FOR REACHING THE RECOMMENDATION

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

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

Main Issues:

Principle of the proposed development

The application relates to the construction of a building containing 10 affordable flats on the site of the former Conservative Club, Berw Road, Tonypany.

At this location the proposed development would align well with the following LDP policies:

Policy CS1 aims to achieve strong, sustainable communities in the Northern Strategy Area and identifies support for residential developments that promote the re-use of vacant land, where development can be evidenced to support the roles of Key Settlements and which result in high quality affordable accommodation.

Policy NSA2 identifies Tonypany as a Key Settlement and aims to permit residential proposals, such as this one, which can support the process of regeneration and make use vacant sites in sustainable locations. Policy AW1 also recognises that the supply of new housing required over the Plan period will be met, in part, by residential development on unallocated land within the settlement boundary.

The location of the new flats, being within the settlement boundary and in close proximity to the town centre and public transport, indicates that the site would be a sustainable location in accordance with the relevant criteria of Policy AW2, and compatible with the surrounding residential land uses at Mitchell Court and Zion Terrace. At 119 dwellings per hectare, the development would exceed the requirements of Policy NSA10.

Lastly, Policy NSA12 permits residential development in the Northern Strategy Area that is within or adjacent to the defined settlement boundary. The Policy stipulates criteria which include a requirement for safe access to the highway network, access to local services by means other than private motor car and no adverse effect on the provision of car parking.

Notwithstanding any concerns in relation to off-street parking, which are considered alongside specific highways matters within the body of the report further below, the principle of the proposed residential conversion of the former Club site would comply with the relevant overarching LDP policies.

Impact on the character and appearance of the area

The form, siting and layout of the development seeks to mirror that of the former Club, which occupied the site until approximately 20 years ago, and comprised staggered sections of two storey development linked with a three storey section of greater mass – the latter arranged with its gable facing towards Berw Road.

Judging by an illustration of the older property, which accompanied an article in the Rhondda Leader to celebrate its opening in 1905, its replacement will not replicate the ornate nature of its architecture and would instead be of a more contemporary appearance.

However, there would be some visual interest of account of the choice of external finishes, which appear to include a combination of face brickwork and render above a plinth, with quoins to the three storey element and the use of cills and heads to openings.

External boundary treatments have also been specified with brick or stone walls topped with railings, which will ensure the site is visually permeable, but secure. An enclosed bin store is proposed at a convenient collection point on Zion Terrace.

The proposed development is therefore considered to be acceptable in terms of its design, scale and layout, and would therefore benefit the appearance of the site and street scene.

Impact on residential amenity

Existing residents

The closest neighbouring residents to the development site are located at Zion Terrace, Mitchell Court and De Winton Terrace, and representations have been received from each, regarding the potential for overlooking and changes to outlook.

Taking each in order, the dwellings at Zion Terrace are set on higher ground than the application site and both the level of the street and floor levels of these houses increase further to the south, where their front elevations face towards Mitchell Court.

The first three houses in Zion Terrace face south-easterly, so although the development would be visible at an angle from front windows, the closest part of the new building would be the gable end of the two storey element.

That gable end would be set at a lower ground level than Zion Terrace and the topographical survey, which identifies datum levels, indicates that there would be nearly a 2m difference in height between the site and no.14 Zion Terrace, and a gap of around 17m. The three storey part of the flats would also be approximately 30m further away from the front of no.14 Zion Terrace.

Regarding the physical relationship between Mitchell Court and the new flats, the two buildings would be at an angle to each other. Whilst the distance between the parts of each building where windows would face each other is around 10m at its closest point, it would only be three bedroom windows in the new development that would be of concern.

In respect of the other windows in the opposing elevations of each building, there would be a gap of between 19m and 27m, which would be considered sufficient.

Consequently, taking into account the skewed relationship and the low number of relevant windows in the new flats, it is considered the potential for reciprocal views between the new flats and Mitchell Court is not significant.

The first property in De Winton Terrace is located on the opposite side of Berw Road to the application site. This property is set above the level of Berw Road and it can be estimated from the topographical survey that its ground floor level is around 2m higher than that of the nearest two storey part of the proposed development.

The minimum distance between the corner of no.1 De Winton Terrace would be around 17m. In addition, the distance between no.1 and the three storey part of the

development would be around 25m, albeit that the three storey section is at a lower ground level again. The height difference between the new flats and the ground floor level of no.1, taken together with the solid timber fence surrounding no.1's garden, suggests that any overlooking would be minimal.

Therefore, with regard to the potential for intrusive views or harm to outlook; it is considered that the skewed position of the new flats, their relative ground levels and the height and position of windows, compared with the aforementioned existing neighbouring properties, would not create a harmful relationship that in planning terms would merit a recommendation of refusal.

Future residents

Members will be familiar with the principles of the Council's SPG for the Development of Flats, which seeks to ensure a high quality of accommodation, that, for example benefits from natural light and ventilation, has access to outside space, is easily accessible and secure.

Since the development is proposed to be operated by a RSL, the Welsh Development Quality Standards stipulate minimum requirements, including internal floor space specifications, which are often above those of market developments and must be achieved to benefit from Social Housing Grant.

In this case the proposed flats would accord with the SPG, benefitting from a landscaped communal outdoor space, a cycle store and level ground floor primary accesses. It is also noted that habitable rooms would be naturally lit and some would be of more than one aspect.

Therefore, in respect of the amenity and privacy of future and existing residents, the application is considered acceptable.

Access and highway safety

Access

Primary Access is from Berw Road which has a carriageway width of 7.3m together with continuous footway links and double yellow lines on both sides of the carriageway preventing on-street car parking. Berw Road is acceptable as a primary means of access to the site.

There are three off-street car parking spaces proposed off Zion Terrace, in close proximity to the junction of Berw Road which raises cause for concern. However, taking into account the narrow width of the carriageway at 4.5m and slow speeds, the location of the off-street car parking is, on balance, acceptable.

It is noted that for the provision of off-street car parking at this location the existing BT column would need to be relocated along with the existing BT cover, to withstand vehicular loading. An informative note is therefore recommended. In addition, a vehicular crossover will be required for which a condition is recommended.

Also, regarding access, the front site boundary will need to be set back to maintain a 2.4m x 40m vision splay from Zion Terrace out onto Berw Road, in the interests of highway safety, for which another condition is proposed.

SPG Access, Circulation & Parking Requirements

The proposed development of 8 x 1 bed flats and 2 x 2 bed flats requires a maximum of 12 off-street spaces for residents and 2 visitor spaces, with only 3 provided. This leaves a shortfall in the maximum standards of 9 spaces for residents and 2 visitor spaces.

There are public car parks within the vicinity of the site which could be used for short term visitor car parking. The public car park is free but closed after 7:00pm Monday-Saturday and all day on Sunday.

Nonetheless, The Council's SPG for the Development of Flats states:

"The development of flats in sustainable locations has a range of potential benefits, providing residents with the opportunity to live close to existing services and facilities and access to a range of transport options. Such development will be supported where residents would have access to a wide range of services, including public transport, and where development would contribute to the continued viability of existing services.

Residents of flats are less likely to own cars than other household types, and special consideration should be given to ensuring that flats are not built in locations where such residents would be isolated. In addition, the creation of flats in locations where residents do not require a car is likely to contribute to the creation of more sustainable patterns of movement".

On this basis, given the highly sustainable location of the site, no objection is raised to the proposed parking provision.

Cycle Parking

The submitted plans illustrate that 10 secure cycle stands are proposed which will go some way to mitigate the impact of the proposal and promote sustainable modes of transport.

Summary

Neighbour objections have highlighted a concern regarding the limited off-street parking provision which, compared with the maximum parking standards outlined within the Council's SPG, represents a shortfall.

However, the most recent and relevant Welsh census data demonstrates that residential flats generate a lesser car parking demand than other dwelling types. 52% of flat / maisonette / mobile home households did not have a vehicle. Conversely, 81% of houses, which includes bungalows, had 1 or more vehicles per household.

The same census data also revealed that vehicle ownership levels are lower for social housing, with 53% of households, both flats and houses, not having a vehicle, whereas for privately-owned properties 87% of households had 1 or more vehicles.

Furthermore, the site is both close to Tonypany retail area and various public transport links, having bus and rail stops within walking distance. Consequently, this development will place less reliance on the private motor vehicle as the primary mode of transport and therefore, on balance, the proposal is considered acceptable in highway safety terms.

Other matters

In respect of the other issues raised by objectors and not directly addressed within the foregoing, it is appreciated that existing residents may be concerned by any current crime levels and by the perceived threat of further antisocial behaviour.

However, the site would be run and controlled by a Registered Social Landlord, which would have the ability to deal with tenant issues appropriately. In addition, the proposal falls within use class C3 and no weight can be attributed to the tenure of the flats.

Whilst it is appreciated that residents may rather see a different form of development on the site, the Local Planning Authority can only determine the application that it is presented with.

Finally, a concern has been raised about the impact on ecology. The application has been subject to consultation with both NRW and the Council's Ecologist and their responses recorded above. As noted, neither has objected to the development and a condition has been recommended to capture their requirements.

National Sustainable Placemaking Outcomes

Chapter 2 of PPW11 emphasises that development proposals should demonstrate sustainable placemaking, to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, the proposed development is considered to align particularly well with the following national sustainable placemaking outcomes:

- **Creating and Sustaining Communities:** The density of the development would be acceptable and appropriate for this town centre location and would contribute to the overall housing requirement within the Northern Strategy Area.
- **Facilitating Accessible and Healthy Environments:** The application site is in a very sustainable location, being close to pedestrian links, bus station and railway station. In addition, local shops and key services are located within easy walking distance.
- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and being so close to the town centre would create footfall in the nearby retail centre, without reliance on the motor car.
- **Maximising Environmental Protection:** The development would require biodiversity mitigation and enhancement measures in accordance with PPW 11, which are proposed to be sought, for protected species, by a condition.

In respect of the other national outcomes listed the development would be considered to have a neutral impact.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014, and the scheme is for development of a kind that is liable for a charge under the CIL Regulations 2010 as amended.

However, the site is located within CIL Zone 1 where a £nil charge would be applicable and therefore no CIL would be payable.

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 proposed development would provide 100% affordable housing, as defined by PPW TAN 2, for social rent.

Therefore, a S106 agreement will be required to ensure that the dwellings are established and maintained as affordable units, for the continued purpose of meeting identified local housing needs.

Conclusion

It is considered the proposed flats would be compliant with the relevant LDP Policies and would provide much-needed affordable homes in a sustainable location.

The redevelopment of the derelict site, which would accord with the placemaking aims of PPW11, would also result in an improvement to the public realm, would be appropriate in terms of neighbouring land uses and the amenity of existing residents and would not be harmful to highway safety.

Therefore, subject to the range of conditions set out below, the development is recommended for approval.

RECOMMENDATION: GRANT SUBJECT TO THE CONDITIONS BELOW AND A SECTION 106 AGREEMENT

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 completed in accordance with the approved drawings and documents:

- 2188-002 Rev G
- 2188-003
- 2188-004 Rev B
- Site Location Plan

and details and documents received on 18th August 2022 and 13th March 2023, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

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

3. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings/buildings hereby permitted has been submitted to and agreed in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To support the roll-out of digital communications infrastructure across Wales in accordance with Policy 13 of Future Wales.

4. No development shall commence on site until a scheme of biodiversity mitigation and enhancement measures, together with site landscaping, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall provide for:

- i) Details of how the recommendations of Section 5 of the revised Ecological Impact Assessment (Wildwood Ecology, dated 24/08/2022) will be carried out, together with a timescale for their implementation. In particular, these details shall include how further investigation of the two crevices within the retaining wall will be undertaken, prior to any works on the retaining wall.
- ii) The provision of a range of bat and bird nesting boxes/bricks, to include provision for swifts, to be installed prior to beneficial occupation of the development.
- iii) Details of site landscaping, including hard and soft surfaces and planting schedules.

The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: In the interests of visual amenity, biodiversity, European Protected Species and the natural environment in accordance with PPW11 and Policies AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. No development shall commence on site until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) How the development is to comply with the requirements of Section 8.3 of PPW Technical Advice Note 15.

- ii) A strategy to take into account the local surface water flood risk and ensure the development is resilient to surface water flooding.

The development shall be carried out in accordance with the approved details prior to beneficial occupation.

Reason: To ensure that surface water runoff from the proposed development does not cause or exacerbate the flood risk on the development site or elsewhere and does not increase the number of residents at risk of surface water flooding.

6. No development shall commence on site until scheme to deal with contamination affecting the application site area has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person and shall assess any contamination on the site, whether or not it originates on the site.

The scheme shall include:

- (i) An intrusive site investigation to assess the extent, scale and nature of contamination which may be present, and its implications, in accordance with the submitted Ground Investigation Report (Spectrum Geo Services, dated August 2022).

- (ii) A written method statement for the remediation of contamination affecting the site and justification for the preferred remedial option(s).

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. No development shall commence on site until details of a vehicular footway crossing have been submitted to and approved in writing by the Local

Planning Authority. The approved details shall be implemented on site prior to beneficial occupation.

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

8. No development shall commence until engineering details of the site frontage facing Berw Road have been submitted to and approved in writing by the Local Planning Authority. The frontage shall be set back to maintain a 2.4m x 40m vision splay from the adjacent junction with Zion Terrace. The approved details shall be implemented on site prior to beneficial occupation.

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

9. 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 to provide for:

- a) the means of access into the site for all construction traffic,
- b) the parking of vehicles of site operatives and visitors,
- c) the management of vehicular and pedestrian traffic,
- d) loading and unloading of plant and materials,
- e) storage of plant and materials used in constructing the development,
- f) wheel cleansing facilities,
- g) the sheeting of lorries leaving the site.

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

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

10. Prior to beneficial occupation:

- i) The measures approved in the contamination scheme (referred to in Condition 6) shall be implemented.
- ii) A suitable validation report of the proposed scheme shall be submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a suitably qualified competent person.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

11. Prior to beneficial occupation, details of an external site lighting scheme shall first be submitted to and approved in writing by the Local Planning Authority, and then implemented on site in accordance with the approved details.

Reason: In the interests of the amenity of existing neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

12. Prior to beneficial occupation the means of access, together with the car parking facilities and cycle stands, shall be laid out in accordance with the submitted site plan 2188 - 002 Rev F. The parking spaces shall be surfaced in permanent material and retained thereafter for the parking of vehicles.

Reason: In the interests of highway safety and to ensure vehicles are parked off the highway in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

13. 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 work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Any topsoil (natural or manufactured), or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with the approved scheme.

Reason: In the interest of health and safety and environmental amenity in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.