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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/05/20

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 12.06.2020

## Appeal Decision

Site visit made on 27/05/20

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 12.06.2020

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**Appeal Ref: APP/L6940/A/20/3246396**

**Site address: Land North of Highfields, Coedely, Tonyrefail (grid reference: 302013 , 186806)**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Lewis Homes Ltd against the decision of Rhondda Cynon Taf County Borough Council.
  - The application Ref 18/1423/10, dated 24 December 2018, was refused by notice dated 10 December 2019.
  - The development proposed is residential development of 76 dwellings together with associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development of 76 dwellings together with associated works at Land North of Highfields, Coedely, Tonyrefail (grid reference: 302013 , 186806) in accordance with the terms of the application, Ref 18/1423/10, dated 24 December 2018, and the plans submitted with it, subject to the conditions set out in Annex A to this decision.

### Procedural Matters

2. For clarity and precision, I have inserted 'Land north of Highfields, Coedely, Tonyrefail' into the address in the banner, as set out on the appeal form.
  3. A S106 Unilateral Planning Obligation was submitted by the Appellant. This addresses all of the matters sought by the Council in connection with the development. The Planning Obligation is signed and dated 13 May 2020 and is a material consideration in this case. I return to the Planning Obligation later in this decision.
  4. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and better environments.
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## Main Issues

5. I consider that the main issue in this appeal is whether the proposal would be an appropriate form of development in this location, having regard to relevant development plan policies and any other material considerations.

## Reasons

6. Coedely, where this appeal is sited, is a pleasant mixed area and is clearly experiencing considerable change at present. The appeal site itself is lined with substantial hedgerows giving the appearance of undeveloped countryside. To the south of the appeal site is a relatively recent housing development of detached and semi-detached properties. Further housing stretches down the valley side to the Ely Valley Road, and to the west towards the main settlement of Tonyrefail. To the north is farmland, containing scattered isolated buildings.
7. The above narrative serves to show that neither the neighbouring properties immediately around the site, nor the wider context, is uniform and that, particularly in the wider context, juxtapositions of developments of differing dates, forms and scale are a part of the attractive wider character of Tonyrefail.
8. The appeal site lies outside, but adjoining, the settlement boundary. In such cases The Rhondda Cynon Taf Local Development Plan (LDP) Policy AW 2 states that *"in order to ensure that development proposals on non-allocated sites support the objectives of the plan, development proposals will only be supported in sustainable locations. Sustainable locations are defined as sites that: – Are within the defined settlement boundary or in the Northern Strategy Area, accord with Policy NSA 12."*
9. LDP Policy AW 2 goes on to set out further sustainable development criteria and the supporting text explains that *"this policy will ensure that where unallocated sites come forward for development, those considered to be unsustainable locations for new development will be resisted. This policy will also provide flexibility to identify new sites for development, should they be required over the life of the Plan."*
10. The appeal site is well related in physical terms to the existing built form of Coedely in the sense that the site backs on to existing housing and largely encircles the recently constructed housing development. It is no more 'on a limb' than the existing housing and is well related in physical and visual terms to this existing housing.
11. It is a pleasant walk or bicycle ride from the site to the services and facilities within the local area and to the bus stops on Heol Isaf<sup>1</sup> and, although uphill on the way back towards the appeal site, that did not appear to be particularly uncommon within the local area. It may act as a deterrent to walking for some, but not to the extent that it persuades me that the site is not closely related to the main built up area which is accessible by a range of sustainable transport modes. Indeed, the appellant sets out in Table 1 of its Transport Assessment, dated 17 May 2019, a range of services and facilities within walking distance of the appeal site.
12. Hence, whilst the appeal site is located outside the settlement boundary and thus contrary to LDP Policy AW 2, the site is, however, broadly in a sustainable location in terms of the criteria 2 through to 9 of LDP Policy AW 2.

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<sup>1</sup> As I saw on my site visit there are regular bus services to Porth, Tonypany, Maerdy and Cardiff.

### Character and appearance

13. LDP Policy AW 5 broadly relates to creating and sustaining communities, through positive placemaking. Planning Policy Wales, edition 10 (PPW) endorses this approach. In particular PPW paragraph 3.9 states that "*The special characteristics of an area should be central to the design of a development. The layout, form, scales and visual appearance of its proposed development and its relationship to its surroundings are important planning considerations.*"
14. Part of placemaking includes the density of the development; as appropriate development densities create and sustain communities. LDP Policy SSA 11 states that "*Proposals for residential development will be permitted where the net residential density is a minimum of 35 dwellings per hectare.*" The density proposed is stated, without contradiction, to be 19 dwellings per hectare (DPH). Nevertheless, this is based on the 'red line' area, rather than the net residential area. If the latter is used the density increases to approximately 32.6 DPH. In any event, the policy allows for development of a lesser density if necessary, to protect the character of an area.
15. In this respect the appellant states that "*There are a number of contributing factors, including topography, design, landscape and amenity, which have served to drive down the density of development and, accounting for these, it is contended that the development is as efficient as could realistically be expected*".
16. The layout plan indicates that the proposed dwellings are set out to respond to the site levels and to ensure that the existing hedges and trees are maintained. Moreover, the appellant proposes to utilise the site's highest point as public open space and use soft landscaping to assist in assimilating the proposal into the character of the wider landscape. As such the proposed density of development ensures the most effective use of the land, whilst avoiding an adverse impact on the character of the site.
17. LDP Policy AW7 establishes that development proposals which impact upon sites of architectural and / or historical merit (including historic landscapes) 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; and that proposals which affect areas of public open space, allotments, public rights of way and cycle tracks will only be permitted where it can meet a number of criteria.
18. The site is located within the Mynydd Y Glyn and Nant Muchudd Basin Special Landscape Area (SLA). This is a large area designated to protect low lying farmland, common land and valley slopes which form a visual back drop to the settlements hereabouts. The Council's Landscape Architect has commented that "*whilst the development would result in a loss of part of the SLA, this particular SLA is very large, and the loss will be insignificant.*"
19. I accept that all landscape is in one sense unique; it is in a single location, but I do not consider that this area has any particular characteristic that takes it out of the ordinary. This is not to say that the effect of the proposal would not be harmful. Currently the appeal site provides an open buffer to the wider open countryside. The introduction of residential development would erode this open quality and bring built development further into the countryside, on a hilltop location. It would therefore detract from openness in this area, and from the pastoral landscape.
20. Topographically the majority of the site relates more to the hilltop than the valley side. While the site does slope down, for the majority of the site it does this gradually. There is then a distinct further topographical change towards the south eastern extent of the site. Given the wider topography the proposed houses would

not break the skyline, nevertheless, it would be unrealistic to expect that the development would not be seen, given its location high up on the valley side. However, I accept that the site is well contained by the surrounding landform and is clearly separated from the wider open countryside by trees and hedgerows, which would largely remain and be enhanced following development.

21. For those using the local Rights of Way network, and in particular Byway 109/1 abutting the northern site boundary, the proposed development would be readily visible to the south even with the existing and proposed intervening vegetation. This proposal would not affect the line of the right of way, but it would detract from the experience of a user by bringing built development closer to the right of way with the associated noise and disturbance. However, the main aspect for those using the Byway and other Rights of Way to the north of the site is over the nearby hills which is in the opposite direction to the appeal site. There is already a significant line of trees adjacent to the byway and the appellant proposes to strengthen this boundary and provide landscape enhancement. Other Rights of Way on the opposite side of the valley provide clear views of the existing residential development and the proposed houses would be seen in this context.
22. Consequently, the development of this site would be harmful to the landscape and to users of the rights of way network, contrary to LDP Policies AW 5 and AW 7. However, these effects would only be limited, in that they would replicate a form of development found a short way to the south, and would be mitigated to some extent, but not wholly, by the density of development, site layout and the additional planting that would form part of this development.

#### Highway safety

23. The Council and some local residents are concerned that the primary and emergency accesses to the appeal site are unsuitable. Further, that existing highway safety concerns related to on-street parking within the local area will be exacerbated by the increased traffic generated. In this regard LDP Policy AW 5 requires that new development be accessible by a range of sustainable forms of transport, that dependency on the car is reduced, that safe access to the highway network is provided and that the development traffic can be accommodated without problems and that car parking provision accords with the Council's Supplementary Planning guidance 'Design and Placemaking: Access, Circulation & Parking Requirements' (SPG).
24. The proposed means of access to the site would be taken from 'Highfields' an existing estate road, which has been constructed to meet current design standards. The access to the appeal development enters the site at its western end and would provide a 5.5-metre-wide carriageway and 2-metre-wide footways on both sides. The access is a short distance from traffic calming features and suitable visibility splays and junction radii can be achieved and secured by planning conditions. Whilst I accept that due to the local topography there are steep gradients, this is not unusual in the area and from the evidence before me no accidents have occurred in the vicinity of the development. Moreover, the Traffic Regulation Orders suggested by the appellant would ensure the extension of parking restrictions, which would reduce visibility obstructions.
25. A secondary, emergency, access would also be provided that would link the development to Celyn Isaf. This will provide an alternative access to the existing and proposed developments served from Gwern Heulog in the event that the street becomes blocked. Whilst this access is a single-track lane, it does serve an existing

farm and is wide enough to accommodate associated traffic such as tractors and livestock trailers. Given that the secondary access would only be used in an emergency, by emergency response vehicles it would provide an adequate and safe route and would benefit the wider residential estate.

26. The appellant maintains that, based on its parking surveys, there are generally some gaps available along the avenue between parked cars which would allow vehicles to pass one another. This is also my, albeit limited, experience, of conditions on the local roads, with the driveway entrances to the properties most often left clear. Whilst the availability of these gaps is not guaranteed, when they are available, they would further ease the two-way passage of traffic.
27. I have no substantive information to contradict the findings of the appellant's transport statement which are that there are no residual cumulative impacts in terms of highway safety or the operational capacity of the surrounding transport network resulting from the development. The Council's committee report confirms that the County Council, as Highway Authority, had assessed the scheme and concluded that it would not have any material impact on the safety and operation of the adjoining public highway.
28. Accordingly, the proposed development would not have a harmful effect on highway safety and would not conflict with LDP Policy AW 5, the aims of which are set out above.

#### Biodiversity

29. Part of the Rhos Tonyrefail Site of Special Scientific Interest (SSSI) lies some 200 metres to the north-west of the appeal site. LDP Policy AW 8 establishes that development proposals will not result in unacceptable impact upon features of importance to landscape or nature conservation; and that all development proposals will be required to demonstrate what measures are proposed for the protection and management of species and the mitigation and compensation of potential impacts.
30. The appellant's 'Ecology Appeal Statement' provides the citation form for this SSSI, which describes it as *"a large lowland site of special interest for its marshy grassland, acid flush, species-rich neutral grassland, acid grassland, wet heath and blanket mire. These habitats are associated with areas of woodland. The site is also of special interest for its population of marsh fritillary butterfly."* I agree with the appellant that there would not be any direct impacts from the appeal site on the SSSI and this finding is also shared by Natural Resources Wales (NRW).
31. However, the Council is also concerned that the additional dwellings in this area would result in an indirect impact upon the SSSI from the increase in residents in this area using the rights of way network that cross the SSSI. I accept that it would be difficult to prevent any future residents from using the rights of way network and increased footfall across the SSSI may result in harm. However, significant areas of open space have been provided within the appeal scheme and the footpaths hereabouts provide access to a large area of open countryside which would reduce pressure on those paths which cross the SSSI. I also note that NRW has not raised any objections to the proposed development in this regard.
32. The Appeal site contains a number of priority habitats including, hedgerows, trees and woodlands. However, the layout of the development provides for the retention of approximately 99% of these habitats. The appellant also proposes to compensate for the loss of some 11 metres of hedgerow, with the creation of 110 metres of new hedgerow and supplementary planting within the site. Planning conditions and the

S106 legal obligation would ensure that priority habitats are protected during construction operations and managed going forward. In reaching this conclusion I note that the Council's Ecologist raised no objections (subject to planning conditions and s106 agreement) when consulted about this application. Accordingly, given these considerations, I find no conflict with LDP Policy AW 8.

#### *Other material considerations*

33. Given the revocation of TAN 1 the decision maker has the discretion, based on the evidence and facts of the appeal, to determine the weight to be applied to housing need. In the case before me the Council accepts that they can only demonstrate a housing land supply (HLS) of 1.3 years. In this respect I also note the appellant's evidence that there has been a persistent under delivery in the supply of housing for some 13 years and that this is likely to continue given the projected timescale for the adoption of the LDP Review.
34. The Council sets out that the recent changes to planning policy points to a plan-led system being the key to delivering the Welsh Government's aspirations for planning. Whilst this maybe the case, PPW also states at revised paragraph 4.2.12 "*that planning authorities should also identify when interventions may be required to deliver the housing supply, including for specific sites.*" I note the Council's comments that there are a number of LDP allocated sites that have yet to be developed and would be preferable to the appeal site. Nevertheless, I have no evidence that these are deliverable in order to support the creation of sustainable communities. Therefore, as it stands, there is a need for housing, a matter which weighs significantly in favour of the appeal.
35. Several local residents have objected to the proposal due to the additional pressure it would place on existing local facilities. Whilst anecdotal evidence seems to indicate some existing pressure on local services, this is not borne out by the evidence of the responsible service providers. Therefore, I do not consider this to be a determinative factor.
36. Existing residents of 'Highfields' have commented that they bought their homes after being told by the appellant that the appeal site would not be developed in the future. Whilst I can appreciate the residents' frustration at this, it is a private legal matter between the two parties.

#### S106 agreement

37. The completed, signed and dated deed of planning obligation under Section 106 of the Town and Country Planning Act, 1990 (as amended), includes obligations to provide: 20% affordable housing; landscape management plan; traffic orders and active travel contribution; employment and skills plan; and a legal charge. Consideration of such planning obligations is to be undertaken having regard to the statutory requirements contained in Regulation 122 and 123 of The Community Infrastructure Levy (CIL) Regulations, 2010.
38. LDP Policy AW 4 states 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.*" Sixteen specific criteria are stated within the policy, plus a final 'any other appropriate contribution'. Further, LDP Policy SSA 12 requires the provision of 20% affordable housing on sites of 5 units or more.

39. The planning obligation would provide 15 of the dwellings as affordable units comprising: 6 social rented units in the form of one-bedroom flats; 6 low cost housing units in the form of two-bedroom houses; and 3 low cost housing units in the form of three-bedroom houses. This provision would equate to 20%<sup>2</sup> based on the total number of units proposed. The necessity for the remaining obligations have been set out in my reasoning above.
40. In these circumstances, I consider that the obligations would be directly related to the development proposed, are fair and reasonably related in scale and kind, and are necessary to make the development acceptable. I conclude that the obligations, which have policy support, would comply with the requirements of Regulation 122 and 123 of the CIL Regulations.

#### *Conditions*

41. I have considered the conditions proposed by the Council within the context of the advice contained within Welsh Government Circular 16/2014: *The Use of Planning Conditions for Development Management* (October 2014) and, where necessary, have deleted or amended the suggested wording. The amended set of planning conditions is set out, with reasoning, at Annex A of this decision.

#### **Planning Balance and Conclusions**

42. The proposal would be contrary to the terms of the development plan as a whole as it would represent development outside a settlement boundary and does not form an allocation in the Local Plan. This should be given significant weight in the final balance, as the planning system should be genuinely plan-led and should provide a positive vision for the future of each area. There would also be harm to the landscape and those using nearby by Rights of Way, however, these harmful effects are of limited weight for the reasons set out above.
43. There are significant benefits of the proposal from the provision of the additional dwellings both themselves and through the provision of affordable housing. In respect of the other matters set out in the Planning Obligation these are to meet the needs of the development and are therefore neutral in the balance.
44. However, the current 5YHLS situation is serious in that there is a significant shortfall. Consequently, while the proposal would be contrary to the development plan taken as a whole, material considerations indicate that the determination should be otherwise than in accordance with that plan.
45. For these reasons, and having considered all matters raised, including the substantial number of submissions made by interested parties, I recommend that the appeal should be allowed subject to the conditions set out in the schedule below.

*Joanne Burston*

INSPECTOR

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<sup>2</sup> Figure rounded up from 19.7%

## ANNEX A

### Conditions attached to Appeal Decision APP/L6940/A/20/3246396

- 1) The development shall begin not later than five years from the date of this decision.

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 approved plans ref: TP-01 Rev. C; THOR-36; ROX-35; HF-01 Rev. A; C-140; C-130 Rev. 1; C-125; C-110 Rev. 2; C-100 Rev. 8; C-101 Rev. 6; C-102 Rev. 6; C-103 Rev. 6; C/S38-2 Rev. 3; LP-01; GAR-01; 211-01; BUR-02; CAM-01; HY-01; HY-02; ROC-01-V1; ROC-01-V2; ROX-01; SHE-01-V1; SHE-01-V2; THOR-01; THOR-02; SS-01; C-112-1 Rev. 1; C-112-2 Rev. 1; 31169S-1 Rev. A; and 31169S-2 Rev. A, 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) The development hereby permitted shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:
  - i. 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.
  - ii. 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 (i) above.
  - iii. 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: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

- 4) The residential units hereby approved shall not be occupied until the measures approved in the scheme referred to in Condition 3 have been implemented and a suitable validation report of the proposed scheme is submitted to and approved by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

- 5) 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. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

- 6) Notwithstanding the submitted plans, no work shall commence on site until full engineering design and details of the internal access road and junction with Highfields, including sections, street lighting, highway structures, traffic management measures, turning facilities, footways, link footpaths and highway surface-water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the adequacy of the proposed development, in the interests of the safety of all highway users in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

- 7) Notwithstanding the submitted plans, no work shall commence on site until full engineering design and details of the emergency access including details of the reconstruction of the lane, drainage improvements and measures to restrict unauthorised access have been submitted to and approved in writing by the Local Planning Authority. The emergency access shall be implemented in accordance with the approved drawings prior to beneficial occupation of the first residential unit on site unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure the timely delivery of the emergency access to the proposed development, in the interests of the safety of all highway users in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

- 8) No works shall commence on site until a Traffic Regulation Order for the prohibition of parking at the un-named road linking Tylcha Fach and Ely Valley Road as shown on drawing 1194-003 Rev A has been secured and implemented to the satisfaction of the Local Planning Authority, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the free flow of traffic and highway safety in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

- 9) No development shall commence on site, 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:
- 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 cleansing facilities;
  - vii. the sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the construction 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 AW 5 of the Rhondda Cynon Taf Local Development Plan.

- 10) No development shall commence on site until full site drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The residential units hereby approved shall not be brought into beneficial occupation until the drainage works have been completed in accordance with the approved plans.

Reason: To ensure adequate disposal of foul and surface water drainage in accordance with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

- 11) No development shall commence on site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with that out-lined in "Land at The Meadows, Tonyrefail, Rhondda Cynon Taf" (GGAT Projects Report no. 2011/082, dated November 2011).

Reason: 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 AW 8 of the Rhondda Cynon Taf Local Development Plan.

- 12) No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a comprehensive scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land and identify those to be retained.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

- 13) All planting, seeding or turfing comprised in the approved details of landscaping (Condition 12) shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development site die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the new development will be visually attractive and to mitigate against the loss of existing mature trees on site, in the interests of amenity in accordance with Policies AW 5 and AW 6 of the Rhondda Cynon Taf Local Development Plan.

- 14) 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 plan shall include:
- i. An appropriate scale plan showing Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - iii. A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife and species could be harmed;

- iv. Details of specific species and habitat mitigation measures for key species as identified in ecological assessment work submitted in support of the planning application, and to include bat and bird roosting and nesting provisions with the new buildings;
- v. Details of wildlife sensitive lighting proposals;
- vi. Details of water pollution control measures;
- vii. An agreed scheme of progress reporting to the Council during the construction program; and
- viii. Details the persons responsible for:
  - Compliance with legal consents relating to nature conservation;
  - Compliance with planning conditions relating to nature conservation (Ecological Clerk of Works);
  - Installation of physical protection measures and management during construction;
  - Implementation of sensitive working practices during construction;
  - Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
  - Specific species and Habitat Mitigation measures; and
  - Provision of training and information about the importance of the 'Protection Zones' to all construction personnel on site.

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

Reason: In the interests of ecology and to afford protection to plant and animal species in accordance with Policies AW 5 and AW 8 of the Rhondda Cynon Taf Local Development Plan.

- 15) No development shall take place until a Tree and Hedgerow Management Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- i. An appropriate scale plan showing 'Protection Zones' where construction activities are restricted and where protective measures will be installed or implemented;
  - ii. Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction, and the maintenance of those features during construction;
  - iii. Details of pre-construction tree management works;
  - iv. Pre-construction reporting to the Local Planning Authority with evidence that tree and hedgerow protection measures are in place, and a scheme of monitoring reporting to the Local Planning Authority during construction;
  - v. Details of the persons responsible for compliance with all elements of the tree condition works.

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

Reason: In the interests of ecology and to afford protection to tree/plant species in accordance with Policies AW 5 and AW 8 of the Rhondda Cynon Taf Local Development Plan.

- 16) All HGV deliveries during the construction period shall only take place between the hours of 09:00am and 16:30pm on weekdays to and from the site.

Reason: In the interests of the safety and free flow of traffic in accordance with Policy AW 5 of the Rhondda Cynon Taf Local Development Plan.

- 17) The developer shall provide the occupier of each residential unit with a Travel Plan / Welcome Pack which should contain the following:
- i. Bus/train service providers, their contact details, frequency of service, timetable, bus stops/train stations, current ticket costs and financial incentives to encourage use of public transport;
  - ii. Park and ride/park and share facilities and associated costs and restrictions on use of such facilities;
  - iii. Pedestrian links to public transport services, to local facilities, areas of employment, education and leisure;
  - iv. Local and national cycle routes;
  - v. Sustainability voucher; and
  - vi. Any other measures that would encourage use of sustainable modes of travel.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with the relevant National and Local Planning Policies.

- 18) No development shall commence on site until intrusive site investigation works have been undertaken on site and a subsequent report of findings arising from the investigations has been submitted to and approved in writing by the Local Planning Authority.

Should the investigations find that any remedial works and/or mitigation measures must be undertaken on site, a subsequent report detailing the relevant works shall be submitted to and approved in writing by the Local Planning Authority prior to any works starting on site.

The scheme, as approved, shall be carried out in accordance with the approved details prior to beneficial occupation of any dwelling on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW 10 of the Rhondda Cynon Taf Local Development Plan.

- END -