

CONDITIONS COMMENTARY

P/21/0358 dated

Section 73 submission, October 2024



The following review cites the condition as worded on the original planning permission before providing a commentary in red below. Where a revised wording is required, commentary on the revision is provided before a suggested wording of a revised condition.

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

Commencement condition – not required, development commenced.

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

[Plan Schedule]

Plan condition – review live decision notice for any NMAs to be incorporated.

3. Prior to the construction of the dwellings hereby approved details/samples of the materials to be used in the construction of the external surfaces of the dwellings and garages shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Details and samples of materials – details submitted and approved under P/22/0329. Compliance condition suggested.

- 3A Development shall be constructed in accordance with the external surfaces detail of dwellings and garages approved under application P/22/0329.

4. No construction works shall take place until details, including structural calculations and facing materials, of any retaining wall which exceeds 1 metre in height have been submitted to and approved in writing by the Local Planning Authority. The walls shall be completed in accordance with the approved details before the development hereby approved is brought into beneficial use.

Retaining wall calculations – detail submitted under application P/22/0330. Last commentary was consultation responses awaited from engineers. The plan submitted as part of the discharge of condition are submitted with this application and a compliance condition is suggested.

- 4A Development in respect of retaining walls shall be carried out in accordance with plan reference RW02 P1, RW03 and RW01 Rev P1.

5. No construction works shall take place until an intrusive site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the occupation of any dwelling in accordance with the approved details and retained in perpetuity.

Site Investigation – details submitted under application P/22/309 (outstanding). If the SI is agreed a compliance condition suggested.

- 5A Development shall be carried out in accordance with the following remediation strategy:
 - Site Investigation Report reference 9913/GNS/08 prepared by Intégral Géotechnical
 - Mine Entries Risk Assessment letter dated 5 August 2020 prepared by Intégral Géotechnical
 - Supplementary Site Investigation, Earthworks Specification, Drilling and Grouting Specification letter dated 13 June 2022 prepared by Intégral Géotechnical
 - Site Investigation Report reference 12690/JJ/23/SI prepared by Intégral Géotechnical
 - Site Investigation Report reference 12690/JJ/23/SI/RevA prepared by Intégral Géotechnical
 - Proof Drilling of Shallow Mineworks Specific reference 12690/DPD/22/PDSMS prepared by Intégral Géotechnical.
6. If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in condition 5, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures which shall be retained for the period agreed in the remediation scheme.

Unexpected land instability issues – reimpose as worded.

7. No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, have been submitted to and approved in writing by the Local Planning Authority.
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a

detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Risks associated with contamination – material submitted pursuant to discharge of limbs (1), (2) and (3) under application P/22/0309. A revised condition is proposed to capture the verification reporting limb of this condition, with the risk assessments and SI addressed under Condition 5.

- 7A Within one month of this decision a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy approved under Condition 5 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The remediation strategy and its relevant components shall be carried out in accordance with the approved details.
8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Previously unidentified contamination – no amendments required, reimpose as previous.

9. No development or site clearance shall take place, until details of a scheme for the eradication of Japanese Knotweed (*Fallonia japonica*, *Rouse decraene*, *Polygonum cuspidatum*) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved scheme.

Knotweed strategy – detail approved under application P/22/0310. Compliance condition suggested.

- 9A Development shall be carried out in accordance with the details approved under application reference P/22/0310, in respect of the eradication of Japanese Knotweed.

10. No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of works shall be fully implemented in accordance with the requirements and standards of the written scheme.

Historic environment mitigation – details approved under P/22/0310. Compliance condition suggested.

- 10A Development shall be carried out in accordance with the details approved under application reference P/22/0310, in respect of historic environmental mitigation.

11. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Foul and surface water – no amendments required, reimpose as previous.

12. No development shall commence until a scheme to protect the structural condition of the strategic public sewers (in particular the surface water box culvert) located within the eastern boundary of the of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

Protection of strategic public sewer – detail submitted under application P/22/0308. Following wording suggested to secure compliance.

- 12A The structural condition of the strategic public sewers (in particular the surface water box culvert) identified and illustrated by the Existing Easement on the Site Plan (Dwg No. SP-03-Rev 07) shall be protected by a 1.1m post and wire fence demarking the easement. The easement will be demarked by the fence for the duration of the development.

- ~~13. The pumping station, as indicated on the Site Plan (Dwg No. SP-03-Rev 07), shall not be constructed until details (including safety enclosure) have first been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.~~

Pump station requirement – to delete, omitted by reason of NMA reference P/23/0189.

14. Prior to construction works commencing on site, details of the shared surface roads, as illustrated on the Site Plan (Dwg No. SP-03-Rev 07), including sections, levels and the surface material finishes, shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details, prior to the occupation of the dwellings.

Shared surface detail – material submitted under application P/22/0330, material still under negotiation. Reimpose revised condition requiring detail prior to construction of private drives.

- 14A Prior to construction of the shared surface roads, as illustrated on the Site Plan (Dwg No. SP-03-Rev 07) details, including sections, levels and the surface material finishes, shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details, prior to the occupation of the dwellings.
15. Prior to construction works commencing, details of a scheme for the provision of electric vehicle charging infrastructure (to be provided within the site), shall be submitted to and approved in writing by the local planning authority. All works shall be completed in accordance with the approved details prior to the occupation of the dwellings.

EV charging – material submitted under application P/22/0308, EV material agreed but tied in with other conditions. Compliance condition suggested.

- 15 Electric vehicle charging provision will be made in accordance with plan reference EV01 titled EV Charing Plan prior to the occupation of the dwelling to which the plan relates.
16. No construction works shall commence, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control and monitor the emission of dust and dirt during demolition and construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - a travel plan for the management of construction traffic to avoid the Air Quality Management Area along Twynyrodyn Road; and
 - details of a suitably qualified ecologist to oversee and monitor all works relating to habitat creation and management for the duration of the development.

CEMP – approved under application reference P/22/0311. Compliance condition suggested.

- 16A Development shall be carried out in accordance with the details approved under application reference P/22/0311, in respect of Construction Environmental Management Plan (CEMP).

17. Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 09:00 to 14:00 on Saturdays and at no time on Sundays or Public Holidays.

Construction Hours –amend to capture revised hours of operation.

17A Construction works shall not take place outside the hours of 08:00 to 18:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and at no time on Sundays or Public Holidays.

18. Prior to the occupation of the dwellings hereby approved details of the brickwork to be used in the construction of boundary walls, as illustrated on Dwg No. BT-02_04 Rev 04, shall be submitted to and approved by the local planning authority. The boundary enclosures shall be completed in accordance with the approved details prior to the occupation of the dwellings.

Boundary wall detail – subject of application, amend Saturday hours.

18A Development shall be carried out in accordance with the details approved under application reference P/22/0329, in respect of details of the brickwork to be used in the construction of boundary walls, as illustrated on Dwg No. BT-02 Rev 04.

~~19. Prior to the occupation of any dwelling a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the local planning authority. The affordable housing, as illustrated on Site Plan (Dwg No. SP-03 Rev 07) shall be provided in accordance with the approved scheme and shall only be used for affordable housing purposes in accordance with the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:~~

- ~~— the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;~~
- ~~— the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];~~
- ~~— the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and~~
- ~~— the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.~~

Affordable housing – delete, subject to entering a legal agreement pursuant to section 106 of the Act.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking

and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principal elevation of that dwelling house.

GPDO withdrawal – reimpose as worded.

21. Notwithstanding the provisions of Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no roof enlargements and/or dormer windows shall be constructed on any dwelling.

GPDO withdrawal – reimpose as worded.

22. No development shall take place until details of a soft landscape scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
- planting plans, illustrating areas of onsite habitats to be retained insitu and enhanced;
 - the planting of native species of local provenance, with no ornamental, cultivar or nativar species;
 - to include a 2m wide (once established) double hedgerow with trees along the eastern boundary linking to off-site scrub comprising standard hedgerow species and heavy standard tree species, with a minimum of 5 species in the mix;
 - the provision of a wetland environment around at least one of the attenuation basins in the southern part of the site;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
 - an implementation programme, including the phasing of work, for the provision of the public open spaces within the area outlined on Dwg No. MC-01_01 and for the provision of the active travel route illustrated on Dwg No. AT-02_02 Rev 02.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of each phase of the development; and any trees or plants which within a period of 5 years from the completion of the each phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Soft landscaping strategy – amend to require new submission within a month.

- 22A Within one month of the date of this decision details of a soft landscape scheme shall be submitted to the local planning authority. These details shall include:
- planting plans, illustrating areas of onsite habitats to be retained insitu and enhanced;
 - the planting of native species of local provenance, with no ornamental, cultivar or nativar species;

- to include a 2m wide (once established) double hedgerow with trees along the eastern boundary linking to off-site scrub comprising standard hedgerow species and heavy standard tree species, with a minimum of 5 species in the mix;
- the provision of a wetland environment around at least one of the attenuation basins in the southern part of the site;
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme, including the phasing of work, for the provision of the public open spaces within the area outlined on Dwg No. MC-01_01 and for the provision of the active travel route illustrated on Dwg No. AT-02_02 Rev 02.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of each phase of the development; and any trees or plants which within a period of 5 years from the completion of the each phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

23. Prior to the occupation of the dwellings, a detailed 25 year landscape and habitat management plan, including management responsibilities and maintenance schedules for all landscaped and habitat areas (including the reptile receptor site), other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority. The landscape and habitat management plan shall be carried out in accordance with the approved details.

Landscape management plan – material previously submitted under P/23/0036 still under negotiation. Reimpose and a subsequent submission will be forthcoming.

24. No development shall take place, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of existing trees and vegetation to be retained, which shall include a plan setting out the protective measures across the development. The development shall be carried out in accordance with the approved details.

Protection of existing trees – material submitted under P/23/0036. There does not appear to be an object to the measure proposed and a compliance condition is suggested.

- 24A The trees proposed for retention as shown on the Tree Retention/Removal Plan (Dwg No. TC01) shall be protected during construction of the approved development in accordance with section 6.2 of BS5937:2012. The alignment of the protective barrier fencing, as shown on the Tree Protection Plan (Dwg No. TDA.2539.02) shall be installed prior to work commencing and remain in situ until completion of the development.

25. Prior to the occupation of the dwellings, a detailed lighting scheme shall be submitted to and approved in writing by the local planning authority to protect bat foraging/commuting areas. The details shall include:
- horizontal and vertical illuminance plans demonstrating dark corridors/routes along the southern and eastern boundaries, together with dark routes for access to the integral bat boxes.
 - the lux levels within the dark corridors shall not exceed 0.2 lux on the horizontal plane and
 - 0.4 lux on the vertical plane
 - the onsite lighting shall include appropriate colour temperatures of no more than 2700 Kelvin and peak wavelengths of no more than 550nm.
- The lighting scheme shall be carried out in accordance with the approved details.

Street lighting design – material submitted under P/23/0036 still under negotiation. Reimpose and a subsequent submission will be forthcoming.

26. Prior to works commencing on site, details for the provision of integral bat boxes and integral bird boxes on 50% of the dwellings hereby approved, shall be submitted to and approved in writing by the local planning authority. Plans shall be provided to illustrate their location within the site and their position on the dwellings, together with details for a mixture of bat boxes and bird boxes to support a range of species. The bat and bird boxes shall be provided in accordance with the approved detail prior to the dwellings being brought into beneficial use.

Bird and bat boxes – details submitted pursuant to P/0036/23 with additional information being sought. Reimpose for a revised submission within one month.

- 26A Within one month of this decision, details for the provision of integral bat boxes and integral bird boxes on 50% of the dwellings hereby approved, shall be submitted to and approved in writing by the local planning authority. Plans shall be provided to illustrate their location within the site and their position on the dwellings, together with details for a mixture of bat boxes and bird boxes to support a range of species. The bat and bird boxes shall be provided in accordance with the approved detail prior to the dwellings being brought into beneficial use.
27. Prior to works commencing on site a reptile mitigation strategy, including full details of a suitable receptor site for the translocation of reptiles and associated enhancement measures, shall be submitted to and approved in writing by the local planning authority. All works shall be carried out in accordance with the approved details.

Reptile mitigation – details submitted under application P/22/308. Reptile clearance undertaken in accordance with the strategy. Requirement ongoing in relation to management of receptor area. Amended wording required.

- 27A Development shall be carried out in accordance with the following plans and documents:
- Technical Note Reptile Clearance and Population; and,

- Reptile Receptor Site Habitat Management Plan (Version 2).

28. The parking spaces and carports as illustrated on the Site Plan (Dwg No. SP-03-Rev 07) shall be constructed prior to the occupation of the dwellings and shall be retained for such purposes at all times thereafter.

Parking and carports – amendment required owing to omission of carport by NMA reference P/23/0189.

- 28A The parking spaces illustrated on the approved Site Plan shall be constructed prior to the occupation of the dwellings to which they serve and shall be retained for such purposes at all times thereafter.