

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0277/FULL 07.04.2020	Llanmoor Developments Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun CF72 8AE	Erect 46 unit residential development, with associated landscape and engineering works Bedwellty Comprehensive School (former) - Land At Pengam Road Aberbargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located in the Aberbargoed ward, directly south of Bowen Industrial Estate, with an existing access point off Pengam Road to the west.

Site description: The application relates to the former playing fields of the Former Bedwellty Comprehensive School. The site of the former school has previously been granted planning permission for 55 dwellings(18/1005/FULL)and is currently under construction. This current proposal would, therefore, represent the second phase of the scheme by the same developer, Llanmoor Homes. The land is east of Britannia housing estate and west of Aberbargoed Grasslands, a designated SSSI and SAC. The southern part of the site comprises a woodland TPO (Ref: 27/05/CCBC - Land at Bedwellty Comprehensive School).

Development: Full planning permission is sought for residential development comprising of 46 dwellings with associated access, landscaping, formal public open space and parking arrangements. While the application site includes a woodland TPO it is not proposed to undertake any development in the woodland area, however, as the development may impact upon it, it has been included in the application site.

The proposal comprises of:

A range of 2, 3 and 4 bedroom homes;
A mix of detached and semi-detached two-storey and single-storey properties;
The provision of 15% affordable housing comprising of 6 flats and 1 bungalow.

Vehicular access to the proposed development will be gained via Phase 1 (former Bedwellty School site), which is accessed via the existing access directly off Pengam Road. The Illustrative Layout plan shows the proposed dwellings laid around internal estate roads, as well as several private drives.

Cont

Application No. 20/0277/FULL Continued

Materials: Predominantly facing brick and render, with roof tiles (in keeping with Phase 1).

Ancillary development, e.g. parking: Off-street parking provision is provided for the proposed dwellings. Rain gardens and landscaping is proposed throughout the site.

PLANNING HISTORY 2010 TO PRESENT

18/1005/FULL - Erect 55 unit residential development with associated landscaping and play provision - Granted - 21.03.2019.

19/0236/COND - Discharge conditions 6 (Construction - engineering details), 9 (Improved access), 25 (Access to playing fields) and 28 (Light mitigation strategy) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decided - 28.05.2019.

19/0237/COND - Discharge condition 10 (Drainage) on planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 16.05.2019.

19/0238/COND - Discharge conditions 07 (Travel Plan), 08 (Parking Area Materials), 21 (Acoustic Glazing), 22 (Acoustic Boundary Treatment Plot 49), 23 (Acoustic Barrier Plots 4-7) and 24 (Amendments To Plots 1 & 52) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 18.10.2019.

19/0239/COND - Discharge condition 11 (Contamination - scheme to treat) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 16.05.2019.

19/0260/COND - Discharge conditions 14 (Boundary treatments), 15 (Landscaping), 16 (Gabion retaining wall finishes), 18 (Retained trees scheme), 19 (Tree Protection), 25 (Access to playing fields) and 27 (Buffer strip) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 21.06.2019.

20/0060/COU - Change the use of former vacant playing fields for temporary car parking - Granted - 19.03.2020.

Cont

Application No. 20/0277/FULL Continued

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and allocated for leisure use (Ref: LE4.5)

Policies: Strategic Policies, Policy SP1 Development Strategy (HOVRA), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, Policy SP15 Affordable Housing Target.

Countywide Policies: Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design considerations (Highways), Policy CW4 Natural Heritage protection, Policy CW5 Protection of the Water Environment, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space provision, Policy CW11 Affordable Housing Planning Obligation, Policy CW15 General locational constraints

Supplementary Planning Guidance: LDP1: Affordable Housing Obligations, LDP4: Trees and Development, LDP 6: Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018);
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
Technical Advice Note 2: Planning & Affordable Housing (2006);
Technical Advice Note 5: Nature Conservation and Planning (2009);
Technical Advice Note 12: Design (2016);
Technical Advice Note 16: Sport Recreation and Open Space (2009);
Technical Advice Note 18: Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

Cont

Application No. 20/0277/FULL Continued

CONSULTATION

CCBC - 21st Century Schools - The education department has provided a response to the application indicating that the schools with the catchment area currently have capacity for the additional school places generated by the development.

It is acknowledged that the education department indicate that the capacity at the catchment English medium primary school could not accommodate the committed development within the catchment area, namely application 18/0229/NCC and 18/1005/FULL. They state that 'if both of these were to go forward there would not be room in the school to take the additional pupils that could come from these'.

Notwithstanding this, the development is for 46 no. dwellings which is a modestly sized development. Given the limited number of primary pupils generated by the development together with the existing capacity, it is not considered reasonable or necessary to request an education contribution in accordance with the tests for Section 106 agreements contained in the Town and Country Planning Act 1990.

Head Of Public Protection - No objection subject to conditions.

CCBC Housing Enabling Officer - Confirms that the affordable housing units will be transferred to the Council (Caerphilly Homes). Provides advice to the developer regarding transfer values, etc.

Senior Engineer (Land Drainage) - No objection subject to SAB approval. It is noted that at the time of this report the applicant has submitted an application for SAB approval. However this is a separate process that should not delay the determination of the planning application.

Parks And Open Spaces - Request an area of informal and formal public open space, and play provision to serve the proposed development in accordance with Policy CW10 of the adopted LDP. However, on the basis that a LEAP was provided as part of Phase 1, it is not considered to be reasonable to require a further are of formal public open space as part of the current proposal.

Head Of Public Services - No objection based on submitted details.

Transportation Engineering Manager - Based on submitted Transport Statement raises no objection subject to conditions.

Dwr Cymru - No objection subject to advice being relayed to the developer.

Cont

Application No. 20/0277/FULL Continued

Police Architectural Liaison Officer - No objection subject to advice being relayed to the developer.

Senior Arboricultural Officer (Trees) - No objection subject to conditions and the securing of a commuted sum towards the management of the woodland to the south of the proposed development.

Ecologist - No objection subject to conditions.

Landscape Architect - Expresses disappointment that the proposal does not include formal public open space (addressed in Analysis section). Raises no objection subject to conditions.

Principal Valuer - No comments.

Western Power Distribution - Provide advice to the developer.

Strategic & Development Plans - On the basis that the former playing fields have been deemed to be surplus to requirements raise no objection to the proposed development.

Natural Resources Wales - Discussions ongoing regarding potential impact on the Aberbargoed Grasslands SAC at the time of report.

Sport Wales - No comments.

The Coal Authority -

CADW - No objection.

ADVERTISEMENT

Extent of advertisement: A total of thirteen nearby properties were consulted by way of letter and bi-lingual site notices were placed on a lamppost opposite the application site. The application was also advertised in the local press.

Response: A total of sixteen objections have been received from thirteen households. A letter of support has also been received.

Cont

Application No. 20/0277/FULL Continued

Summary of observations: In no particular order, the objections received related to:

1. The existing playing fields should remain;
2. The development will place pressure of the existing access to the site that serves 'Phase 1' on the former school site, and an additional access is required;
3. Additional houses will reduce the rural appeal of Phase 1;
4. The site is currently used for recreation purposes, e.g. dog walking and football;
5. Detrimental impact on ecology;
6. There is a covenant on the land preventing development;
7. Existing highway network, and in particular 'Harry's Hill', is incapable of accommodating the additional traffic the development will generate;
8. Existing residents face issues crossing the busy road;
9. Developer failed to write to neighbours as part of the statutory public consultation (PAC) process;
10. Caerphilly (C.B.C.) are building too many houses on greenfield sites;
11. Loss of trees and green space results in flooding;
12. Pressure of existing infrastructure and services;
13. Residents of Phase 1 don't want Phase 2;
14. Detrimental impact on highway safety;
15. Need for new houses needs to be balanced against retaining green recreational spaces;
16. The extent of the site works boundary appears to go beyond the boundaries of the area designated as land subject to potential sale in Cabinet report dated 25th April 2018.

Cont

Application No. 20/0277/FULL Continued

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The main species of concern for the proposed development site are bats, breeding birds and reptiles. Relevant survey have been undertaken for protected species and based on these surveys no objection is raised by the Council's Ecologist subject to conditions and advice.

The application site is adjoined to the east by the Aberbargoed Grasslands Special Area of Conservation (SAC). As a result a Habitat Regulation Assessment (HRA) has been undertaken by the Local Authority as the Competent Authority. The outcome and conclusions of this HRA is currently an ongoing discussion between the Local Authorities Ecologist and Natural Resources Wales. The outcome of these discussions will be reported verbally at Planning Committee.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, however the application site is located in the Lower Viability CIL zone where the chargeable amount is currently £0.

ANALYSIS

Policies: The application site is located within the defined settlement boundary and is allocated as leisure land within the adopted LDP (LE4.5 - Former Bedwellty Comprehensive School). The site is allocated as a Leisure use but as the application site is located within the settlement boundary the presumption is in favour of development subject to satisfying the criteria of policy CW8 and any other material planning considerations. Those material planning considerations, i.e. main issues, are discussed in detail below.

Cont

Application No. 20/0277/FULL Continued

Principle of development

As the application site is designated as a Leisure allocation in the adopted LDP, Policy CW8 of the adopted plan is relevant. This policy states:

Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A - A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B - It can be demonstrated that the facility is surplus to requirements.

Following the closure of Bedwellty School in 2005, the playing fields were unused for a number of years, but were subsequently brought back into beneficial use in 2015 to provide facilities for Fleur-de-Lys Senior AFC, as their previous home ground was unsatisfactory. Following the granting of permission for housing on the adjoining former school site, there was a need to re-locate a pavilion, which would potentially result in the loss of one of the pitches, as well as reconsider how parking provision could be made, and in light of these constraints, consideration was given to whether there was a need to retain the pitches. An alternative venue for Fleur-de-Lys AFC closer to their home village was identified, and a meeting of Cabinet on 25th April 2018 resolved that the playing fields would be declared surplus at the end of the season (20th May 2018). In line with the above policy, the proposal would accord with Policy CW8, as it has been demonstrated that the playing pitches are surplus to requirements.

On this basis, given the location of the application site within the settlement boundary, couple with the surrounding residential uses, the proposed use is considered to be acceptable.

Impact on Ecology and the Aberbargoed Grasslands Special Area of Conservation (SAC)

The application was accompanied by several ecological surveys, which included:

- Preliminary Roost Assessment for presence of Bat Roosts;
- Preliminary Ecological Survey;
- Impacts of developing land;
- Cumulative Impact Assessment
- Construction Environmental Management Plan;
- Habitats Regulations Assessment.

Cont

Application No. 20/0277/FULL Continued

Based on the findings and recommendations contained within these reports, the following comments have been provided by the Council's Ecologist:

Bat Roost Assessment

It was noted that all trees were surveyed from the ground and that only 2 trees required further assessment, T87 and T96. T87, a veteran beech was subject to follow up survey with a negative result and as agreed will be subject to a soft fell in the winter. T96, a middle aged Oak lying outside of the development area will be retained and protected. No further assessment for bats is required. On this basis, the level of assessment is sufficient subject to condition.

Reptiles

It was noted that a reptile survey has been recommended in the Survey report, but had not been carried out. Based on discussions between the Local Authority's Ecologist and the Consultant Ecologist, it was agreed that a small to medium population of common reptiles is highly likely to be present and therefore it was agreed that a survey would not be required if a sensitive clearance strategy was implemented. This will be controlled by way of condition.

Otter and hedgehog

The Ecology report addressed hedgehog and otter during the construction phase. These recommendations will be conditioned to secure the protection measures as well as revised boundary enclosures showing hedgehog access under fences and through walls.

Impacts on Aberbargoed Grasslands Special Area of Conservation (SAC)

In their consultation response to the planning application Natural Resources Wales (NRW) requested further information be submitted which demonstrates the proposed development will not have a likely significant impact on the Aberbargoed Grasslands Special Conservation (SAC), Aberbargoed Grassland Site of Special Scientific Interest (SSSI) and Aberbargoed Grasslands National Nature Reserve (NNR). The Local Authority's Ecologist has carried out an Appropriate Assessment to assess the likely impact of the proposed development with respect to the conservation objectives of the Aberbargoed SAC. The comments of NRW will be reported to Planning Committee verbally as these discussions between the Local Authority and NRW are ongoing at the time of the report.

Cont

Application No. 20/0277/FULL Continued

Impact on existing Trees and Woodland TPO

The application was accompanied by a Tree Survey, Arboricultural Method Statement and Tree Protection Plan, a Planting Plan, as well as a Woodland Management Plan. Based on these submitted documents the Council's Arboricultural Officer raises no objection subject to conditions to ensure the long terms protection of the relevant trees and woodland. However, with regard to the woodland that adjoins the site to the south, the Arboricultural Officer states:

"given that the majority of the trees within the woodland TPO have previously been only really maintained with regard to the nearby public highway or any direct hazard to the adjacent playing fields, and that those trees within the woodland interior have been left to their own devices, the proposed development, if approved, presents several new maintenance challenges and responsibilities not hitherto required. There is currently no formal Right of Way within the woodland. It is widely anticipated though, that - provided the development is approved - the woodland will become accessible to a population where it was not previously. This will include dog walkers, children playing, people exercising or enjoying the local woodland habitat for itself."

On this basis, the developer will be required to enter into a Section 106 agreement to ensure the management of the woodland. This will entail a financial contribution of £19,500.

Impact of highways safety

The application was accompanied by a Transport Statement. Based on the data contained within this statement that demonstrates the access serving Phase 1 is capable of accommodating the 46 additional dwellings proposed, as well as the existing highway network being able to accommodate the additional traffic generation from the development, the Transportation Engineering Manager raises no objection subject to conditions. The Transport Statement also confirms that off street parking numbers and garage sizes are SPG compliant, and the Construction Management Plan makes a number of provisions, such as a banksman, wheel washing facilities and an area within the development for construction vehicles and employees to park, thus not affecting residents in the existing development; ergo this is deemed acceptable.

The site is served by public transport and its frequency is one of a reasonable rate. The current application contains a Travel Plan that is consistent with the phase 1 submitted proposal that was granted planning permission in 2018. Highways accept the Travel Plan as this will help facilitate modal shift and encourage the development to be less carbon centric.

Cont

Application No. 20/0277/FULL Continued

The Transportation Engineering Manager requests a condition to secure the provision a 2.0m wide footway along Harrys Hill from the junction with the A4049 Pengam Road for a distance of approximately 120m. However, whilst this is desirable from a connectivity perspective, the request is not considered to meet the test of necessity as outlined in Condition Circular 11/95, i.e. the works are not considered necessary to facilitate the development. For this reason the Condition will not be attached to the permission.

Impact on visual amenity

The primary impact on visual amenity will be from outside the application site, and in particular when viewed from the west, i.e. from Pengam Road. The proposed plots located along the western boundary of the site, i.e. Plots 81, 82, and 96 - 100, have been designed so that their principal elevation faces Pengam Road to ensure an active frontage is achieved. Furthermore, the existing railings that form the current boundary are to be retained thereby maintaining an open boundary treatment, and additional landscaping is proposed along the western boundary. All of these elements, coupled with the proposed dwellings being of the same design and materials as those approved on Phase 1, will ensure the development sensitively integrates with the surrounding streetscene and area.

Layout

The layout of the proposed development follows a similar pattern to that approved, and currently being built, at Phase 1. The proposed dwellings are sited fronting onto an 'T' shaped main access road, that is served by four separate private drives. The dwellings have been designed so they face out onto Pengam Road to the west, onto the Aberbargoed SAC to the east, and overlooking the protected woodland to the south. This outward facing design is appropriate and ensures that the sensitive ecological areas surrounding the development are well respected. Furthermore, the properties being designed to front onto Pengam Road ensure that an active frontage is provided, and follows the same development pattern as Phase 1 to the north.

The dwellings have been designed and sited accordingly to ensure there is no unacceptable overlooking of one another, and each property has appropriate levels of parking and amenity space. Furthermore, the properties proposed along the northern edge of the application site, i.e. Plots 56 - 69, and Plots 100 & 101, are sited an appropriate distance from the plots approved along the southern edge of Phase 1 to ensure no unacceptable overlooking or overbearing impact occurs.

Cont

Application No. 20/0277/FULL Continued

Open space and play provision

Policy CW10 of the adopted Caerphilly LDP requires all new housing sites capable of accommodating 10 or more dwellings to make adequate provision for well design usable open space as an integral part of the development; and appropriate formal children's play facilities either on or off site. Whilst no formal play provision is proposed on the current site, a Local Equipped Area of Play (LEAP) was secured on Phase 1. It is considered that this play facility is suitable to serve both Phase 1 and Phase 2.

Comments from Consultees: No objection subject to Conditions and advice.

The final comments of Natural Resources Wales will be reported at Planning Committee as discussions regarding the impact of the development on the Aberbargoed SAC were ongoing at the time of the report.

The Transportation Engineering Manager requested the provision of a footpath adjacent to Harry's Hill. However, whilst this is desirable from a connectivity perspective, the request does not meet the test of Necessity as outlined in Condition Circular 11/95, i.e. the works are not necessary to facilitate the development. For this reason the condition will not be attached to the permission.

Comments from public:

1. The existing playing fields should remain - As discussed above, the playing fields have been classed as surplus to requirements.
2. The development will place pressure on the existing access to the site that serves 'Phase 1' on the former school site, and an additional access is required - As outlined above, the Transportation Engineering Manager confirms that the existing access is capable of serving the proposed development.
3. Additional houses will reduce the rural appeal of Phase 1 - This is not considered to be a material planning consideration.
4. The site is currently used for recreation purposes, e.g. dog walking and football - The playing fields have been classed as surplus to requirements.
5. Detrimental impact on ecology - No objection has been raised by the Council's ecologist based on the submitted surveys.
6. There is a covenant on the land preventing development - This would be a legal matter that is not a material planning consideration.

Cont

Application No. 20/0277/FULL Continued

7. Existing highway network, and in particular 'Harry's Hill', is incapable of accommodating the additional traffic the development will generate - The Transportation Engineering Manager raises no objection based on the submitted Transport Statement.

8. Existing residents face issues crossing the busy road - The proposed development is considered to be acceptable from a highway safety perspective.

9. Developer failed to write to neighbours as part of the statutory public consultation (PAC) process - The developer submitted a PAC report that was deemed satisfactory from a validation perspective. Furthermore the PAC process is outside of the control of the Local Planning Authority.

10. Caerphilly (C.B.C.) are building too many houses on greenfield sites - Each application is determined on its own merits.

11. Loss of trees and green space results in flooding - The developer will be required to acquire separate SAB approval, which will deal with land and surface water.

12. Pressure of existing infrastructure and services - No objection has been raised by relevant consultees in this regard.

13. Residents of Phase 1 don't want Phase 2 - This is not a material planning consideration.

14. Detrimental impact on highway safety - No objection has been raised by the Transportation Engineering Manager.

15. Need for new houses needs to be balanced against retaining green recreational spaces - This matter has been taken into consideration when forming a recommendation on the application.

16. The extent of the site works boundary appears to go beyond the boundaries of the area designated as land subject to potential sale in Cabinet report dated 25th April 2018 - It is unclear if the objector is referring to the woodland area to the south of the proposed houses that is included in the site location plan. However, the proposal has been considered against relevant local and national planning policies as well as all other material planning considerations.

Cont

Application No. 20/0277/FULL Continued

Other material considerations: The proposal to develop 46 dwellings would make a significant contribution to the Council's housing delivery shortfall.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing and towards the management of the woodland TPO that adjoins the site to the south. The tests for Sections 106s which have to be met are as follows:

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements required in respect to affordable housing and the management of the woodland are to comply with Local and National policy.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the area. It is considered essential that this proposal will provide an allocation of such properties for the benefit of residents. In terms of the financial contribution towards the management of the woodland TPO, given the additional pressure the proposed development and future occupiers will place on the woodland by way of increased use, such a contribution is directly related to the development.

The third point relates to fairness of scale and kind. In this regard discussions with the developer have resulted in an affordable provision of 15%, i.e. 7 of the 46 properties. In view of the projected financial position for this site these levels were considered to be reasonable. It is also considered that the requirement to manage the woodland TPO is fairly related to a development of this scale.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 15% affordable housing. The affordable units will need to be transferred at the values contained within the Council's current Affordable Housing Obligations SPG. The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Council, i.e. Caerphilly Homes. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing. The S106 Agreement will require the financial contribution towards the management of the woodland TPO of £19,500.

Cont

Application No. 20/0277/FULL Continued

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED subject to the condition listed below:

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
AF-01 Affordable Housing Plan, received 07.04.2020;
EN01 - EN07 - Enclosure Details Sheets 1-5, received 07.04.2020;
EW-01 - External works, received 07.04.2020;
Various house Type, received 07.04.2020;
G10-01 & G11-01 - Garage types, received 07.04.2020;
HF-01 - House finishes layout, received 07.04.2020;
SLP-01 - Site Location Plan, received 07.04.2020;
TP-01 Rev. E - Site Layout Plan, received 14.05.2020;
Dwg. No. 454.02 Rev. A- Planting Plan, received 22.06.2020;
Tree Protection Plan, received 07.04.2020;
Tree Survey and Tree Constraints Plan, received 07.04.2020;
Woodland Management Plan, received 15.06.2020.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority

- 03) The development shall not be first occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Cont

Application No. 20/0277/FULL Continued

- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 06) The proposed parking areas shall be completed in permanent materials as agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc. are not carried out on to the public highway.
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 07) Prior to the occupation of the development hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Cont

Application No. 20/0277/FULL Continued

- 08) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 09) None of the buildings relating to plots 81, 82, 96-101, shall be occupied until upgraded acoustic glazing has been installed in all habitable room windows on the façades of the premises facing Pengam Road in accordance with a scheme that shall have first been submitted to and agreed in writing by the Local Planning Authority.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 10) An acoustic boundary treatment shall be erected around the western perimeter of plots 96 and 100 in accordance with details that shall first be submitted to and agreed in writing by the Local Planning Authority.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 11) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
- REASON: In the interests of public health.

Cont

Application No. 20/0277/FULL Continued

- 12) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 14) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont

Application No. 20/0277/FULL Continued

- 15) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 16) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

Cont

Application No. 20/0277/FULL Continued

- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Cont

Application No. 20/0277/FULL Continued

- 17) The plans and particulars submitted in accordance with Condition 16 shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 16 until they are established.
REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 18) The following activities must not be carried out under any circumstances:
- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.
 - d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.
 - e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.
- REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 19) Prior to the commencement of development, a Reptile Clearance and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
REASON: To ensure protection of a protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 20) Prior to the commencement of development, revised boundary enclosure plans shall be submitted to and approved in writing by the Local Planning Authority. The enclosure details shall incorporate hedgehog accessible gaps to allow access to all gardens. The boundaries shall be erected as agreed.
REASON: To ensure biodiversity conservation measures for a 'Priority for Conservation' species and IUCN red list species, identified as Vulnerable to Extinction; in accordance with Environment (Wales) Act 2016 and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

Cont

Application No. 20/0277/FULL Continued

- 21) The scheme for biodiversity enhancement, which includes bird and bat boxes detailed in the submitted information must be implemented as agreed.
REASON: To ensure biodiversity enhancement measures in accordance with Environment (Wales) Act 2016 and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 22) Prior to the commencement of development, a scheme for the treatment, control and eradication of invasive non-native species on site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.
REASON: to prevent the spread of invasive non-native species onto Aberbargoed Grasslands SAC.
- 23) Prior to habitation of any of the new build units, appropriate fencing shall be erected to prevent unauthorised access, and detrimental activities to Aberbargoed Grasslands SAC in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be maintained in accordance with the approved details.
REASON: to protect Aberbargoed Grasslands SAC in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 24) Veteran beech tree T87 shall be felled during winter or early spring using a soft fell methodology. The felled tree shall be retained in situ on the ground for a minimum of 24 hours prior to removal.
REASON: as a precautionary measure to prevent harm to any bats which may be present, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 25) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.

