

**Application Number:** 20/1070/NCC

**Date Received:** 18.12.2020

**Applicant:** Mr R Owen

**Description and Location of Development:** Vary conditions 02 (approved plans and documents), 04 (car park area provision) and 06 (details of access and footpath) of planning consent 19/0053/FULL (Erect a Community Hall and Resource Centre with associated car parking and improved access from Rowan Road and garden space) - Land Adjacent To Rowan Road Ty Sign Risca

**APPLICATION TYPE:** Development without complying with conds

### SITE AND DEVELOPMENT

Location: The application site is located to the east of Rowan Road, Ty Sign.

Site description: A relatively flat plateau of informal open space directly below an area of formal play provision comprising of a playground, skate park and Multi Use Game Area (MUGA). The plateau itself measures approximately 94.0 metres wide by 34.0 metres deep at its maximum and is elevated approximately 5.0 metres above Elm Drive.

Development: Planning permission is sought to vary conditions 02 (approved plans and documents), 04 (car park area provision) and 06 (details of access and footpath) of planning consent 19/0053/FULL to erect a community hall and resource centre with associated car parking, improved access and garden area.

Dimensions: The building measures 15.78 metres in width by 15.88 metres in depth with a height of 2.72 metres to the eaves and 6.56 metres to ridge height.

Materials: The external surfaces of the building have not been specified.

Ancillary development, e.g. parking: Widening of the existing access and provision of a pedestrian footpath off Rowan Road; 14 car parking spaces, 1 disabled car parking spaces and a turning facility; security fencing enclosing the garden area; 0.6 metre high barrier rail to the top of the bank on the western side of the car park; embankment to the rear of the eastern side of the car park; 5 glazed vents in each of the south-western and north-eastern roof planes; and solar panels on the south-western roof plane.

### PLANNING HISTORY 2010 TO PRESENT

19/0053/FULL - Erect a Community Hall and Resource Centre with associated car parking and improved access from Rowan Road and garden space - Granted 21.03.2019.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within settlement limits.

Policies: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW8 (Protection of Community and Leisure Facilities), CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP5: Car Parking Standards.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area where coal mining legacy issues are not considered to be an issue.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions in respect of parking provision, surfacing materials, vision splays, pedestrian safety and rainwater run-off.

Principal Valuer - No adverse comments offered.

Head Of Public Protection - No comments received at the time of writing the report.

Senior Engineer (Land Drainage) - No comments received at the time of writing the report.

Dwr Cymru - No objection but provides informative advice regarding the requirement to obtain technical approval under Section 104 of the Water Industry Act 1991.

Ecologist - No comments received at the time of writing the report.

Landscape Architect - Four mature trees which provide considerable visual amenity are located in very close proximity to the existing / proposed access road.

Should the application be recommended for approval conditions should be imposed to any consent in respect of:

- safeguarding the existing trees;
- topographical details;
- soft landscape details;
- details of all boundary treatments including all retaining structures; and
- a plan and details of the proposed hard landscaping materials.

Senior Arboricultural Officer (Trees) - No comments received at the time of writing the report.

Parks And Open Spaces - No comments received at the time of writing the report.

Strategic & Development Plans - No comments received at the time of writing the report.

Risca East Community Council - The Community Council wishes to register its objections because the land being taken will result in a reduction of available green space for children to play.

### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and 33 neighbours were notified by way of letter.

Response: 10 letters of representation were received objecting to the proposed development.

Summary of observations: The following objections were raised:-

1. The land is much valued community space.
2. There are few areas of informal open space remaining for residents to enjoy at their leisure.
3. Since the pandemic the open space has been used more in that it is a flat area of land and is important for the community to be able to have access to it for health and wellbeing purposes.
4. Suggestions as to what equipment and facilities should be installed on the land to serve the interests of the community.
5. The building will restrict vantage points of the park where parents can observe their children.
6. The building is too close to a busy road and residential properties.

7. There are highway safety concerns with a car park in close proximity to a skate board park and playground.
8. On street parking is becoming a prevalent problem for existing residents, users of the group would be travelling by car and exacerbate existing problems.
9. There are existing facilities within walking distance to the site along with improved community facilities within existing community buildings to accommodate a church group.
10. The intended users of the building are not part of the local community.
11. The Charitable Incorporated Organisation 6th February 2018, this group removed themselves 5th October.
12. The Scouts no longer wish to use the building.
13. The community will be left with a building and carpark that is used exclusively for Agape activities until they decide they no longer want it and then the community will be left with an unused eyesore which poses security issues for those living near to it.
14. The opening and closing times will generate antisocial behaviour.

## 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 is a material planning consideration in the determination of this application. From a planning perspective, community centres are best located in or near residential areas. Whilst it is acknowledged that security measures have been incorporated into the development, any anti-social behaviour will be a matter for the management of the occupiers of the building and the Police to enforce.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The council's Ecologist previously requested a series of conditions to be imposed to the original planning permission (19/0053/FULL) to safeguard the protection of any birds, protected species and reptiles. In that there has been no material change in circumstance on the site it is considered appropriate for the same conditions to be imposed to this application, should planning permission be granted.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as the proposal intends to create more than 100 square metres of additional floor space. However, in that the proposed use of the building falls within a D2 use class whereby the rate is charged at £0 per square metre for new development, no CIL will be collected.

## ANALYSIS

Policies: This application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The application site is an informal area of open space owned by this Council directly below an area of formal play provision. Planning permission (planning reference 19/0053/FULL) was granted by members of the planning committee in March 2019 to erect a community hall and resource centre on the land with associated car parking, improved access and garden area. The application for consideration seeks to amend the previously approved plans associated with planning permission 19/0053/FULL and their corresponding conditions.

In this regard it should be recognised that the Welsh Government Development Management Manual confirms that Sections 73 (2) and (4) of the Town and Country Planning 1990 Act restricts the Local Planning Authority in their determination of section 73 applications. The effect of the provisions is to limit the Local Planning Authority to considering the question of whether the conditions identified in the section 73 application should apply as originally stated, would be acceptable if modified or it would be acceptable to remove them. The Local Planning Authority cannot revisit the original permission and reconsider whether it should have been granted in the first place. However, as a section 73 application is a planning application in its own right, it is necessary to assess what material changes there may have been since the original permission was granted in order to ensure that all relevant material considerations have been assessed.

Therefore the main issues to be considered in the determination of this application are in relation to the loss of the informal open space; the provision of a replacement community facility, design; amenity and highway safety. These will be addressed in turn:-

#### LOSS OF INFORMAL OPEN SPACE

This issue was considered at length in the determination of the previously approved development (planning reference 19/0053/FULL). The application site is directly adjacent to formal play provision, however the application site is not a designated area of formal recreational space within the Adopted Local Development Plan. Notwithstanding this, it is recognised that the land is used by the community and as such the proposal would reduce the amount of informal open space within the area. Proposals for development on areas of open space within settlements are considered on the basis of Policy CW7 (Protection of Open Space). In these circumstances, an open space assessment is required to determine whether there is sufficient open space remaining in the area to meet the needs of the existing community should the development be granted consent. In this instance, a total of 1.99 hectares of useable open space is required in the area to meet the local standards.

Having regard to the developable area of the application site, the open space assessment identifies that 2.26 hectares of open space would remain within a 0.5km radius of the site. It is therefore considered that a sufficient amount of open space for

recreational purposes and visual amenity would remain in the area. The proposed development therefore accords with Policy CW7 and it would not be reasonable to warrant a refusal of planning permission relating to loss of informal open space.

## THE PROVISION OF A REPLACEMENT COMMUNITY FACILITY

The justification for the development has previously been considered at length in the determination of the approved development. There has been no change in circumstances in respect of the Channel View Community Centre. The building is not fit for purpose as a result of structural, locational and functional problems that cannot be addressed by further reasonable investment in the building. The intention remains for the building and associated land to be disposed of. In that Policy CW8 (Protection of Community and Leisure Facilities) requires a replacement or comparable facility to be provided, its re-allocation elsewhere in the community would satisfy criterion A of Policy CW8 together with the building and associated land afforded the protection by Policy CW8 in the future. The development therefore accords with Policy CW8.

Despite the objections received to the proposed development it would not be reasonable to warrant a refusal of planning permission on the basis that there are other community related buildings within convenient access of the site. The development therefore accords with Policy CW8.

## DESIGN

In terms of the design of the building itself, siting, scale, footprint, layout and visual appearance were previously considered in respect of the approved development. The proposed building remains single storey, albeit slightly taller in height. However, the resultant eaves height and footprint is slightly smaller and this in turn reflects a reduction in the required number of off-street car parking spaces to be provided.

It should be noted that the associated existing access still requires widening together with the provision of a 2.0 metre footway into the site but the pedestrian and vehicular access to and from the site involves changes to the layout that would reduce the overall length of road widening provision in order to protect the existing mature trees on the site together with a separate 2.0 metres pedestrian access being provided away from the vehicle access.

The proposed development therefore accords with Policy SP6 together with guidance contained within Technical Advice Note 12: Design and Planning Policy Wales Edition 10 and it would not be reasonable to warrant a refusal of planning permission regarding the amended layout and design of the proposed building.

## AMENITY

The character and appearance of the site in terms of visual amenity and neighbouring amenity as a result of the approved development has previously been considered.

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses.

Whilst the proposal will change the character and appearance of the site, it is not considered that the development will have any significant adverse impacts upon the visual amenity of the surrounding area. Furthermore, given the relationship between the application site and the nearest dwellings, it is not considered that the development will result in the privacy or amenity of the nearest neighbouring occupiers being adversely affected by the development.

The proposed development therefore complies with all of the criterion associated with Policy CW2 and it would not be reasonable to warrant a refusal of planning permission on visual amenity or neighbouring amenity grounds.

## HIGHWAY SAFETY

Policy CW3 considers Highway Safety and development proposals must satisfy the following highways requirements:

- A The proposal has regard for the safe, effective, and efficient use of the transportation network;
- B The proposal ensures that new access roads within development proposals are designed to a standard that:
  - (i) Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
  - (ii) Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve.
- C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008.
- D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity.

Highway safety was considered in the determination of the approved development. In highway safety terms the application for consideration involves changes to the existing access road into the site and associated road widening provision, providing an alternative location for the required pedestrian footpath and a reduced number of off-street car parking spaces commensurate with the floor area of the building.

The Transportation and Engineering Manager is satisfied that the proposed development accords with Policy CW3 subject to the imposition of appropriate conditions to any consent. Therefore, it would not be reasonable to warrant a refusal of planning permission on highway safety grounds.

## CONCLUSION

The proposed development is not considered to be materially different from the scheme previously granted planning permission to erect a community hall and resource centre on the land with associated car parking, improved access and garden area (planning reference 19/0053/FULL). The principle of a community facility on the site that is currently an area of informal open space adjacent to formal outdoor play provision facilities has previously been established and the substitution of an amended design regarding the building itself, together with associated changes to the approved vehicular/pedestrian access and off-street car parking requirements is not considered to result in any material change in circumstances in terms of its impact upon visual or residential amenity as well as highway safety.

On this basis it is considered that the proposed development accords with policies SP6, CW2, CW3, CW7 and CW8 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Comments from consultees: It is noted that a number of consultees have yet to respond in writing with their formal comments at the time of writing the report. Should those comments be received in the interim, they will be reported to members verbally.

The Community Council has objected to the proposed development on the basis that the land being taken to accommodate the proposed development would result in a reduction of available green space for children to play. In that regard it is accepted that there would be a loss of informal open space and this was a matter that was previously considered as part of the approved development (planning reference 19/0053/FULL). Nonetheless, as explained in the analysis above, a sufficient amount open space would remain open space would remain in the area in accordance with the relevant policy.

Comments from public: The following responses have been provided to the issues raised:

1. The land is much valued community space.
2. There are few areas of informal open space remaining for residents to enjoy at their leisure.
3. Since the pandemic the open space has been used more in that it is a flat area of land and is an important for the community to be able to have access to it for health and wellbeing purposes.



With regards to points 1-3 there is still sufficient land left over within the site and within the surrounding area for the community to continue to enjoy for recreational purposes.

4. Suggestions as to what equipment and facilities should be installed on the land to serve the interests of the community - It is not possible for the Local Planning Authority to consider alternative uses and suggestions for the site. It can only consider the merits of the application submitted before them.

5. The building will restrict vantage points of the park where parents can observe their children - In that there is difference in levels on the site between the formal play provision and informal plateau of open space, there are more appropriate vantage points closer to the formal play provision that can be utilised if required.

6. The building is too close to a busy road and residential properties - The site's suitability has previously been considered as a result of planning permission 19/0053/FULL. Matters relating to highway safety and neighbouring amenity are material planning considerations and have been addressed in the analysis above.

7. There is highway safety concerns with a car park in close proximity to a skate board park and playground.

8. On street parking is becoming a prevalent problem for existing residents, users of the group would be travelling by car and exacerbate existing problems.

With regards to points 7 and 8, highway safety has been addressed in the analysis above.

9. There are existing facilities within walking distance to the site along with improved community facilities within existing community buildings to accommodate a church group - Alternative sites were considered prior to the submission of the approved development but were considered unsuitable. The application for consideration does not provide an opportunity to revisit the merits of the previously approved development and reconsider whether it should have been granted in the first place.

10. The intended users of the building are not part of the local community - This is not a material planning consideration.

11. The Charitable Incorporated Organisation 6th February 2018, this group removed themselves 5th October 2020 - This is not a material planning consideration.

12. The Scouts no longer wish to use the building - This is not a material planning consideration.

13. The community will be left with a building and carpark that is used exclusively for Agape activities until they decide they no longer want it and then the community will be left with an unused eyesore which poses security issues for those living near to it. The

land on which the building is to be located is within the ownership of this Council together with the building being formally designated as a community facility. The intended users of the building is not a material planning consideration together with the issue of anti-social behaviour addressed below.

14. The opening and closing times will generate antisocial behaviour - Community facilities can attract anti-social behaviour, but they are best located within the communities they serve, and any such problems should be controlled by the management of the building and Police. The hours of operation imposed to the approved development were considered acceptable for the use of the building. Notwithstanding the above, it would be within the gift of the users of the building to reduce the opening hours to suit the particular needs of those groups or individuals who would require use of the building.

Other material considerations: None.

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.

Living Decision Document: Condition 02 of planning consent 19/0053/FULL has been varied by consent 20/1070/NCC dated XXX granted by Caerphilly County Borough Council in respect of Dwg No. 09 C Proposed Site Plan received on 18.12.2020 and Dwg No. 20 A Floor Plans and Elevations v3 received on 18.12.2020.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 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:  
Dwg No. 09 C Proposed Site Plan received on 18.12.2020; and  
Dwg No. 20 A Floor Plans and Elevations v3 received on 18.12.2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) The building shall not be 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: To ensure that adequate off-street parking is provided within the curtilage of the site in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The proposed parking and turning area shall be completed in permanent materials, details of which shall be submitted for consideration and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to beneficial occupation of the development.  
REASON: To ensure loose stones or mud etc, are not carried on to the public highway in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) The proposed widened access to serve the proposed development, in addition to the proposed new 2m wide footway as indicated on Dwg No. 09 C Proposed Site Plan, shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.6 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating a pedestrian landing area and pedestrian restraint barrier at the termination of the proposed pedestrian access where it abuts Rowan Road. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development commencing.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 09) Prior to beneficial occupation of the development hereby approved, the construction details for the proposed drop kerb crossing as indicated on Dwg No. 09 C Proposed Site Plan shall be submitted to and approved in writing by the Local Planning Authority provided in accordance with the submitted plans and thereafter completed in accordance with the agreed details.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) There shall be no obstruction to visibility greater than 0.6 metres above adjoining road level forward of a line drawn 2.0 metres back and parallel to the nearside carriageway edge over the entire site frontage along Rowan Road. Such visibility shall be fully provided prior to beneficial occupation of the development hereby approved and shall thereafter be maintained at all times.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Rainwater run-off shall not discharge into the highway surface-water drainage system.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021
- 12) 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),
  - 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 in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) 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. The landscaping scheme shall include details and proposed timing of hard and soft landscaping together with details of ground preparation and planting plans noting the species, plant sizes and planting densities for all new planting. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or 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.

- 14) No development shall take place until details of the retaining earthworks on the eastern side of the carpark have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The development shall be carried out in accordance with the approved details.  
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.
- 15) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the occupation of the development hereby approved, nesting sites for birds shall be provided as part of the approved development.  
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 18) The use hereby permitted shall not be open to members of the public outside the following times:  
(a) 07.00 hours to 23.00 hours Monday to Saturday, and (b) 09.00 hours to 22.00 hours Sunday.

REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 19) Notwithstanding the submitted plans details of any external and roof mounted plant and machinery (if any) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the location of the plant or machinery and the predicted noise levels (measured as LAeq 1 hour) as measured on the boundary of the application site. Thereafter, the development shall be carried out in strict accordance with the agreed details.

REASON: In the interests of protecting the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) A grease trap, details of which shall be agreed with the Local Planning Authority prior to installation, shall be installed in the foul drainage system prior to the commencement of the use hereby approved.

REASON: To prevent pollution in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 21) Prior to the commencement of the development hereby approved a scheme of odour/effluvia/fume control, including the erection of any associated stacks or vents, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out and operated in accordance with the approved scheme.

REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 22) Prior to the commencement of the development a scheme for on-site refuse storage (including any open air storage facilities) and for waste material awaiting disposal (including details of any screening) shall be submitted to and agreed in writing by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details prior to the first occupation of the development.

REASON: In the interests of public health and the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

#### Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP6, CW2, CW3, CW7 and CW8.

Please find below the comments of The Transportation Engineering Manager that are brought to the applicant's attention.

In relation to the proposed drop crossing as conditioned, the applicant should ring (01443) 863112 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

**WARNING:**

**SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO  
COMMENCEMENT OF THIS DEVELOPMENT**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:-

Phone: 01443 866511  
Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

Please find attached the comments of Dwr Cymru/Welsh Water that are brought to the applicant's attention.