

## **PREFACE ITEM**

APPLICATION NO. 13/0784/FULL

APPLICANT(S) NAME: United Welsh Housing Association

PROPOSAL: Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works

LOCATION: Former Aberbargoed Primary School Heol Ysgol Newydd Aberbargoed Bargoed

Demolish former primary school and develop site for 26 affordable residential units, access arrangements and associated works.

This application was presented to the Planning Committee held on the 12th February 2014. A copy of the planning report is attached for information. At that Committee, Members agreed with the officers recommendation that the applicant enters into a Section 106 Agreement under the Town and Country Planning Act to pay a commuted sum of £38,080 in respect of education facilities, £10,000 in respect of highway improvements and £850 per unit to support offsite children's play facilities and sport provision and that following the completion of the Agreement Officers be authorised to grant planning permission subject to the following conditions:-

- 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) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.

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- 03) 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.
- 04) 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: To prevent contamination of the application site in the interests of public health.
- 05) 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.
- 06) Development shall not begin until an appropriate photographic survey of the existing buildings on the site has been carried out in accordance with details to be submitted to, and approved in writing by the Local Planning Authority. The resulting photographs should be deposited with the Adopted Caerphilly Historic Environment Record, operated by the Glamorgan-Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea, SA1 6EL. Tel. 01792655208).  
REASON: As the building is of historic and cultural significance the specified records are required to mitigate the impact of the development.

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- 07) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.  
The scheme shall include:  
(i) control of noise,  
(ii) control of dust, smell and other effluvia,  
(iii) control of surface water run off,  
(iv) site security arrangements including hoardings,  
(v) proposed method of piling for foundations,  
(vi) construction and demolition working hours,  
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.  
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.  
REASON: In the interests of the amenity of the area.
- 08) The development hereby approved relates to the details received on 20.1.14, drwg 002 rev. B, 003 rev. B and 001 rev. A by the Local Planning Authority.  
REASON: For the avoidance of doubt as to the details hereby approved.
- 09) Prior to the commencement of demolition works associated with the development hereby approved, a method statement for demolition of the school that minimises disturbance to nesting birds and, as a precautionary measure to potentially roosting bats, including timing of work, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved method statement.  
REASON: To ensure proper measures are taken to safeguard protected species, in the interests of biodiversity.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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- 11) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats into the new buildings along the western edge of the development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012), paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).
- 12) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of nests for House Sparrow, House Martin and Swift shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: To ensure that proper measures are taken to safeguard the habitat of priority species, in the interests of biodiversity.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 14) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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- 15) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 16) Notwithstanding the approved plans before beneficial occupation 42 off-street parking spaces shall be provided within the curtilage of the site in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.  
REASON: In the interests of highway safety.
- 17) 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.
- 18) Prior to the commencement of work on site, 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.
- 19) 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 25 metres for both junctions. No obstruction or planting when mature exceeding 0.9 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.

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To date the Section 106 Agreement has not been signed and with the introduction of the Community Infrastructure Levy (CIL) in July 2014, the developer is no longer liable for the education or leisure contribution referred to above. However the provision of highway improvements is fundamental to the development and the requirement for the developer to enter into the Section 106 Agreement in this respect is maintained. The developer and this Council's Legal Division have been instructed accordingly and the Section 106 Agreement (currently in draft) has been amended as appropriate.

In July 2014 Planning Policy Wales (7<sup>th</sup> Edition) and guidance on Sustainable Buildings dealt with changes in planning policy and advice on sustainable buildings, withdrawing the national policy requirement for sustainable building standards. Technical Advice Note (TAN) 22: Sustainable Buildings has also been cancelled. These changes coincide with the amendments to Part L of the Building Regulations (Conservation of Fuel and Power), which also came into force at that time. Consequently, there is no longer a requirement for conditions 13,14 and 15 referred to above, which deal with the Code Level 3 requirements.

The developer has requested permission to demolish the school without complying with the pre-commencement conditions 2 (drainage), 3 (contamination), 17 (highways) and 18 (travel plan) because they relate to the new development approved and do not relate to the demolition of the building. Condition 7 and 9, referred to above requires a Working Method Statement for the demolition of the school, and is required before demolition commences and this will still be the case. In order to address the developer's request and aid the development of the site it is considered appropriate to amend those conditions so that they do not extend to the demolition of the existing school building.

Recommendation: (A) That the application remains deferred to allow the completion of the Section 106 Agreement as set out in this report, and on completion of the Agreement (B) that planning permission is granted subject to the Conditions listed above apart from Conditions 13, 14 and 15 and the amendment of Conditions 2, 3, 17 and 18.

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