

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1005/FULL 27.11.2018	Llanmoor Developments Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun Rhondda Cynon Taff CF72 8AE	Erect 55 unit residential development with associated landscaping and play provision Land At Former Bedwellty Comprehensive School 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 site is a former school site, which has been cleared. The former school playing fields are located directly south of the site, but are not included within the application boundary. The application site, measuring 1.83 hectares, is brownfield, i.e. previously developed land, located within the Settlement Boundary. The site is roughly rectangular and has TPO protected trees in its north-east corner, several along its western boundary fronting onto Pengam Road, as well as a pair of protected Oak trees approximately 50 metres east of its access point. The site rises gently from west to east, with a difference in levels of 10 metres over a distance of approximately 200 metres. A highway link from the application site into the playing fields to the south is also shown on the submitted layout.

The application site lies immediately adjacent to the Aberbargoed Site of Special Scientific Interest (SSSI) a site of national importance for its grassland communities including neutral, acid and marshy grassland communities and for its population of Marsh Fritillary Butterflies. It is also the Aberbargoed Grasslands Special Area of Conservation (SAC), a site of European importance for its purple moor-grass and rush pasture and for its population of marsh fritillary butterflies.

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Development: Full planning permission is sought in respect of residential development of 55 dwellings with associated access, landscaping, formal public open space and parking arrangements.

The proposal comprises of:

- A range of 2, 3 and 4 bedroom homes;
- A mix of detached and semi-detached two-storey properties;
- The provision of 15% affordable housing comprising of 4 flats and 4 dwellings;
- Locally Equipped Area of Play (LEAP).

Vehicular access to the proposed development will be gained via the existing access directly off Pengam Road.

The Illustrative Layout plan shows the proposed dwellings laid around two internal estate roads, as well as several private drives. The layout also shows the provision of a Local Areas of Equipped Play (LEAPs) located at the north-western corner of the site.

The planning application and related plans were supported with the following documents:

- Design and Access Statement;
- Construction Environmental Management Plan;
- Noise Impact Assessment;
- Drainage Strategy Report;
- Supplementary Site Investigation Report;
- Bat Activity Transect Survey;
- Cumulative Impact Assessment on the SAC;
- Arboriculture Impact Assessment and Method Statement;
- Tree Survey and Protection Plan;
- Transport Statement;
- Travel Plan.

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and allocated for housing (H1G 1.22).

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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.

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### COAL MINING LEGACY

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

### CONSULTATION

Senior Arboricultural Officer (Trees) - No objection subject to Conditions.

Principal Valuer - No comments.

Ecologist - No objection subject to Conditions and advice.

Transportation Engineering Manager - No objection subject to Conditions. A Condition is requested that the unnamed lane to the south of the development, known locally as Harrys Hill, shall be improved in a manner to be agreed in writing with the Local Planning Authority. The improvements shall be in the form of the provision of a 2.0m wide footway which runs from the junction with the A4049 Pengam Road along Harry's Hill for a distance of approximately 120m and that the footway shall be completed prior to beneficial occupation of any dwelling.

Landscape Architect - No objection subject to Conditions. Detailed comments are discussed further in the analysis section.

Head Of Public Protection - No objection subject to Conditions relating to site investigation; the testing of imported soils and materials; and upgraded acoustic glazing for the habitable rooms facing Pengam Road, as well as an acoustic fence in relation to Plot 49.

Natural Resources Wales - Raise concerns regarding the potential impact of the development on the adjoining SAC and SSSI. Discussions are ongoing at the time of the report and their final comments will be reported verbally at Planning Committee.

CCBC Housing Enabling Officer - Raises no objection on the basis that 15% affordable housing will be provided. This equates to 8 units of which 6 will be for social rent and 2 for LCHO (low cost home ownership).

Strategic & Development Plans - No objection on the basis that the site is an allocated housing site.

CCBC - 21st Century Schools - Confirm that there is adequate capacity in the relevant Primary and Secondary English and Welsh Medium schools in the catchment to serve the proposed development.

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Dwr Cymru - No objection subject to advice being forwarded to the applicant in relation to the public sewer that crosses the application site.

Police Architectural Liaison Officer - Raises no objection to the proposed development, but provides further advice to the developer.

Wales & West Utilities - Provide advice to the developer regarding existing utilities in close proximity to the site.

Western Power Distribution - No comments.

### ADVERTISEMENT

Extent of advertisement: A total of twelve nearby residential properties and commercial premises were consulted by way of letter and bi-lingual site notices were placed on a lamppost opposite the application site.

Response: None.

Summary of observations: Not applicable.

### 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. Bat Activity Transect Surveys were undertaken by Spectrum Ecology. The Initial Preliminary Assessment for bats was carried out on the 19th February 2018. A Preliminary Inspection was made of the trees surrounding the site, however, the trees along the boundary will be retained due to the TPO's and therefore no further survey effort was given to the trees. The remainder of the site was considered to provide commuting and foraging routes and therefore a bat activity transect survey was considered appropriate for the site.

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The proposed development site currently supports species poor grasslands and scrub which is often associated with this type of demolition site. As bat activity was recorded on the adjoining SAC it was decided to carry out a full bat activity survey in one of those months in the same 24 hours. The surveys were then carried out on the 19th May, 5th June, 2nd July and 13th/14th August 2018 (dawn survey). The observations were conducted on the tree line to the north and SAC to the east. During the course of these surveys, a low number of bats were observed commuting and foraging along the northern tree line boundary and no bats were observed or detected during the dawn survey over the site. Therefore, the surveys indicated that the site as a whole offers low foraging potential, however, the tree line along the northern boundary which connects the western side of the site to the eastern side adjoining the SAC is currently being as a commuting and foraging route of local importance by several species of bats. Conditions will be attached to the permission in the interests of biodiversity.

#### 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 £0.

#### ANALYSIS

Policies: The application site is located within the defined settlement boundary and is allocated for housing within the adopted LDP (HG1.22 Bedwellty Comprehensive School), therefore the proposed development is acceptable in principle subject to material planning considerations. Those material planning considerations, i.e. main issues, are discussed in detail below.

#### Housing density

The site is allocated for housing (HG1.22 Bedwellty Comprehensive School). The Policy identifies an indicative capacity of 74 dwellings, which was based on a notional density of 35 units a hectare, where the number of dwellings was unknown at the time of plan allocation. The supporting text for the policy states "the proposed number of units identified for each site is indicative and higher or lower densities may be acceptable where the proposed development addresses other policy considerations including design, sustainability, and comprehensive development."

It is recognised that there are constraints on the site in respect of trees with TPO designations and the need for a buffer adjoining the SAC, which will reduce the developable area. There is also an onsite LEAP. This reduction in the number of dwellings to 55 is acceptable in policy terms.

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#### Landscape considerations

The proposed layout incorporates extensive planting along the periphery of the site and includes the retention of two TPO trees. The layout also includes a public open space (hereafter referred to as POS) incorporating a LEAP. A landscaping planting plan has also been submitted to support application.

The landscape officer provided comments in respect of the application which supports the proposals including the retention of the TPO trees and the inclusion of the LEAP. Concerns have, however, been raised by the landscape officer in respect of the following:

#### Location of the POS;

The POS location accords with the Fields in Trust standards which requires LEAPs to be within 400m of dwellings. The LEAP is within 180m from the furthest away located dwelling (plots 23-26), which is well within the standards. The location of the LEAP at the front of development is deliberate to enable not only the proposed dwellings to have ease of access but also existing dwellings in the local area.

In terms of overlooking, the LEAP is located adjacent to plots no. 1 and no. 52 which are in close enough proximity to enable sufficient overlooking. The applicant was asked to provide a dual aspect to these dwellings to ensure high levels of natural surveillance are provided. The house types as current proposed do not achieve the necessary level of surveillance and therefore a condition will be imposed which requires additional windows to plots no. 1 and no. 52 to ensure the LEAP is well over looked.

It is considered that the proposed LEAP and its location is acceptable, subject to the above mentioned condition, in accordance with Policy CW10 of the LDP.

#### Location of the attenuation tank;

The location of an attenuation tank within open spaces is typical in residential dwellings and it is not considered unacceptable, subject to an agreed drainage strategy. The commuted sum for the attenuation tanks will be agreed if the LEAP and/or drainage are to be given up for adoption.

#### Boundaries of no. 47 to 49;

The boundaries to no. 47 to 49 face onto the area of formal open space and screened from the Pengam Road by retained planting. It is not considered these boundaries will result in a harmful visual impact. A Condition will be attached to the permission requiring an acoustic boundary treatment around the garden area of Plot 49. The final design of this boundary treatment for Plot 49, which will be visible from Pengam Road, will be agreed at a later stage.

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Appearance of the gabion walls;

The proposed gabion walls are modest in height at 0.6m to a maximum of 1.5m and are located along the site perimeter and, therefore, considered to have a minimal visual impact. The proposed fill material to the gabion walls is important to the overall setting of the site and therefore will be conditioned to ensure the material is acceptable in the context of the site and its location.

Size of buffer to SAC is too small;

The size of the buffer will be dealt with under sub-heading 'Ecological Considerations'.

The density of the hedging proposed should be increased;

The density of proposed bulb planting should be increased;

The wildflower species should be substituted for species rich native hedgerow;

Details of the tree pit should be provided;

Number of trees in certain locations is reduced;

Sizes of trees in front gardens to be controlled;

Certain species of trees to be reduced to a more suitable species for the proposed locations; and

Requirements outlined in terms of the planting specification and maintenance.

The principles of the landscaping proposal are supported and demonstrate that a comprehensive scheme is achievable. The details above requested by the landscape officer are acknowledged and can be secured by a condition requiring full landscape details and associated maintenance and management plan.

To conclude on landscape matters, the proposed layout is considered to include ample landscaping opportunities which promote a defined sense of place and make a positive contribution to the area. This accords with policy of the LDP and PPW10 whilst also achieving the aims of the Well-Being of Future Generation Act.

Ecological Consideration

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 they were unavailable at the time of the report.

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NRW also requested an updated Construction Environmental Management Plan (CEMP) to demonstrate how adverse impact on the SAC will be avoided during construction. This updated CEMP has been prepared by the applicant and forwarded to NRW. Again, the outcome of this matter will be reported verbally at Planning Committee.

The submitted plans show a 3m buffer strip between the eastern boundary of the application site and the SAC. To the rear of the properties' gardens at the eastern extent of the site is a 2.1m high close boarded fence, beyond which is the 3m buffer strip which will be a managed planted area, and the existing 1.8m high palisade fence that currently separates the site from the SAC will also be retained. It is considered that these two solid boundary treatments, as well as the 3m planted buffer strip, provide adequate levels of protection of the SAC. Conditions will be attached to the permission to ensure future occupiers of Plot 19 to 26 do not create accesses into this buffer strip area to ensure it performs its ecological function.

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: None.

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Other material considerations: The proposal to develop 55 dwellings would make a significant contribution to the Council's 5 year housing land supply, which currently stands at 2.3 years based on the latest JHLAS (2018).

The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing and formal public open space provision. 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 formal public open space 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 area of formal public open space, this area will provide play facilities for future residents, as well as nearby residential properties outside of the application site, and 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. 8 of the 55 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 provide the LEAP 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 dated October 2018. The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to a Registered Social Landlord. 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 provision of the LEAP prior to occupation of the first dwelling, as well as a maintenance clause whereby the developer either agrees a commuted sum with the Local Authority for its long term maintenance, or proposes an acceptable alternative management solution for the area.

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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.

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:  
Working Method Statement in the Ecological Statement (March 2018), received 23.11.2018;  
Bat Activity Transect Survey Report (September 2018) prepared by Spectrum Ecology, received 23.11.2018;  
Cumulative Impact Assessment (August 2018) prepared by Spectrum Ecology, received 23.11.2018;  
Construction Environmental Management Plan, received 09.01.2019;  
Arboricultural Method Statement and Tree Protection Plan (prepared by Treescene), received 23.01.2018;  
Site Location Plan, received 23.11.2018;  
Aberbargoed Play Area drawing - Revision 2, received 23.11.2018;  
Drawing No. HF-01 Rev. A, House Finishes, received 23.11.2018;  
Various house type plans, received 23.11.2018;  
Drawing No. TP-01 Rev. A, Proposed Site Plan, received 23.11.2018;  
Drawing No. POS-01 Rev. A, Public Open Space Plan, received 23.11.2018;  
Drawing No. BBLP-01 Rev. A, Bird and Bat Box Locations, received 23.11.2018;  
Drawing No. AF-01 Rev. A, Affordable Housing Plan, received 23.11.2018;  
Drawing No. BBL-01, Bat Box Locations, received 23.11.2018;

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Drawing No. BBL-02, Swift Box Locations, received 23.11.2018;  
Drawing No. BBL-03, House Martin Box Locations, received 23.11.2018;  
Drawing No. BBL-04, Sparrow Box Locations, received 23.11.2018;  
Drawing No. EW-01 Rev. A, External Works Plan, received 23.11.2018;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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.
- 04) 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).
- 05) 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).

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- 06) 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).
- 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).
- 08) 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).
- 09) The existing access shall be improved in a manner to be agreed in writing with the Local Planning and be completed in materials as approved by the Local Planning Authority before first occupation of any dwelling. The improved access shall have a minimum carriageway width of 5.5m with two 2.0m wide footways and alterations to the kerbs radius on the adjacent layby.  
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).
- 10) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage and to accord with Policy CW5 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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- 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.
- 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.
- 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: To prevent contamination of the application site in the interests of public health.
- 14) 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 relevant dwellings are first occupied.  
REASON: In the interests of the visual amenities of the area and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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- 15) 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 and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 16) Prior to the commencement of the development details shall be submitted to the Local Planning Authority for their written approval detailing the fill material to be used for the proposed gabion retaining wall. The development shall be completed in accordance with these agreed details.
- REASON: In the interests of visual amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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- 17) 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).
- 18) 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,

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- 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).

- 19) The plans and particulars submitted in accordance with Condition 18 shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 18 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).

Cont'd

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- 20) 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).
- 21) None of the buildings relating to plots 1, 46, 48-55 shall be occupied until upgraded acoustic glazing has been installed in all habitable room windows on the façades of the premises facing Pengam Road. The glazing specification to the habitable rooms of the aforementioned plots must be 4/ 16/ 6 glazing units which have a calculated sound reduction of 29dB as detailed in the acoustic report reference 1808073 dated 12th September 2018. Details of the glazing specification is to be agreed in writing with the Local Planning Authority prior to installation.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 22) An acoustic boundary treatment shall be erected around the western perimeter of plot 49 and shall extend along the southern perimeter of the site up to the adjacent garage as detailed in the acoustic report reference 1808073, dated 12th September 2018. The fence must have a minimum surface mass of 15kg/m<sup>2</sup>. Details of the boundary treatment must be provided to and agreed in writing with the Local Planning Authority prior to installation.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 23) An acoustic barrier with a minimum height of 2.1m and minimum surface mass of 10kg/m<sup>2</sup> must be located at the northern perimeter of the rear gardens of plots 4-7 as detailed in the acoustic report reference 1808073, dated 12th September 2018. Details of the barrier must be submitted to and agreed in writing with the Local Planning Authority prior to installation.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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- 24) Notwithstanding the submitted plans, amended plans shall be submitted in relation to Plots 1 and 52 that show windows in the south and west facing elevations respectively for the written agreement of the Local Planning Authority. The development shall be carried out in accordance with these agreed details.  
REASON: To facilitate natural surveillance of the public open space (LEAP) located in the north-west corner of the site.
- 25) Notwithstanding the submitted plan, prior to the commencement of works on site further details shall be submitted to and agreed with the Local Planning Authority demonstrating how vehicular access will be achieved from the application site into the playing fields immediately adjacent to the south.  
REASON: To ensure access is maintained into the existing leisure facility and so as not to prejudice the development of that land.
- 26) No private access and no rear garden gates are to be permitted into the Eastern Buffer Strip from the existing gardens in Plots 19, 20, 21, 22, 23-24 and 25-26.  
REASON: To ensure adequate protection to a Nationally Designated and Important Site and to accord with Policy CW4 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 27) The eastern boundary buffer strip shall be protected and managed for the lifetime of the development in accordance with a management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.  
REASON: To avoid adverse impact on the SAC as a European Designated Site and to accord with Policy CW4 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 28) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats (the northern boundary), shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity and to accord with Policy CW4 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 29) The existing boundary palisade fence shall be retained at a minimum height of 1.8m and retained along the eastern extent of the buffer strip at all times.  
REASON: To ensure adequate protection to a Nationally Designated and Important Site and to accord with Policy CW4 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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- 30) The wildflower strip along the southern boundary shall be cut and the arising's removed at an appropriate time of year.

REASON: To avoid adverse impact on the SAC as a European Designated Site. and to accord with Policy CW4 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

Advisory Note(s)

Please find attached the comments of Council's Tree Officer, Landscape Architect Officer, Head Of Public Protection, Housing Enabling Officer, Senior Engineer (Land Drainage), Head of Public Services, Dwr Cymru/Welsh Water, Wales & West Utilities, Police Architectural that are brought to the applicant's attention.

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: Policy CW2, CW3, CW4, CW5, CW6, CW10, CW11.

