

**Application Number:** 20/0635/NCC

**Date Received:** 14.09.2020

**Applicant:** M5 Associates Property Development Ltd

**Description and Location of Development:** Vary condition 3 (approved plans) of planning consent 19/0010/FULL (Construct 18 self-contained 1-Bed apartments with on-site parking, amenity, cycle and refuse stores) to approve amendments to the internal layout of the building to create 14no. 1 bed 2 person units and 4no. 2 bed 3 person units instead of 18no. 1 bed 2 persons units and amendments to external appearance of approved building inclusive of removal of glazed entrance atrium and removal of full height windows to second floor units Former Pontymister Service Station Newport Road Pontymister Risca

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

### SITE AND DEVELOPMENT

Location: The application site is located on a parcel of land sited between Newport Road and Tanybryn, Pontymister.

Site description: Vacant parcel of land which was formerly the site of a petrol filling station and more recently a car sales place. The site is located in a mainly residential area and is approximately 1.0 - 1.5 metres above the land to the north and south. Planning consent was granted under application 19/0010/FULL to construct a 3-storey building comprising 18 self-contained one bedroom apartments. The development was for 100% affordable housing.

Development: This application seeks approval for two amendments to the approved scheme. The first amendment is to change the mix of apartments from 18 one bedroom apartments to 14 one bedroom apartments and 4 two bedroom apartments. The second amendment is to the design of the building which results in a small reduction in its footprint and bulk in the south east and north west corners.

Dimensions: The proposed building is sited in a roughly north-south orientation and has a footprint that measures 26.7 metres in width, 16.8 metres in depth, with a maximum height of 11.6 metres to ridge level.

Materials: The submitted details show the building being finished in a combination of grey and buff brick, and synthetic roof slate.

Ancillary development, e.g. parking: Off-street parking for 22 cars is shown, and an area of amenity space is proposed to the rear of the building. A bin and bike store is shown to the south of the proposed building.

## PLANNING HISTORY 2010 TO PRESENT

07/0971/OUT - Erect private dwellings - Granted 22.11.07.

16/0367/COU - Change the use to a vehicle washing and valeting facility, construct a canopy and erect a security fence with ancillary mobile structures - Refused 06.07.16.

17/0281/COU - Change the use to form a vehicle washing and valeting facility - Refused 24.05.17.

19/0010/FULL - Construct 18 self-contained 1-Bed apartments with on-site parking, amenity, cycle and refuse stores - Granted 06.12.19.

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary.

#### Policies:

Strategic Policies: Policy SP1 Development Strategy (SCC), 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 and Policy SP21 Parking Standards.

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

Supplementary Planning Guidance: LDP1: Affordable Housing Obligations, LDP5: Car Parking Standards and LDP6: Building Better Places to Live.

### NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018), Technical Advice Note 2: Planning & Affordable Housing (2006), Technical Advice Note 12: Design (2016), and Technical Advice Note 18: Transport (2007).

## ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

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

### CONSULTATION

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No comments received.

Parks And Open Spaces - No comments received.

Principal Valuer - No objection.

CCBC Housing Enabling Officer - Raises no objection but comments on the internal relationship between apartments within the building.

Head Of Public Services - Raises no objection but provides advice to be conveyed to the developer.

CCBC - 21st Century Schools - No objection.

Dwr Cymru - Provide advice to be conveyed to the developer.

National Grid - No comments received.

Police Architectural Liaison Officer - No comments received.

Network Rail - Provide advice to be conveyed to the developer.

Western Power Distribution - Provide advice to be conveyed to the developer.

Principal Valuer - No objection.

National Grid - No comments received.

Natural Resources Wales - No objection subject to a condition controlling the siting of the proposed building.

Network Rail - Provide advice to be conveyed to the developer.

Dwr Cymru - Provide advice to be conveyed to the developer.

Head Of Public Protection - No objection subject to conditions.

CCBC - 21st Century Schools - No objection.

CCBC Housing Enabling Officer -

Senior Engineer (Land Drainage) - No comments received.

Parks And Open Spaces - No comments received.

Head Of Public Services - Provide advice to be conveyed to the developer.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Provide advice to be conveyed to the developer.

Transportation Engineering Manager - Raises objection to the application on grounds that in the absence of adequate on-street parking facilities the development would generate additional on-street parking, to the detriment of highway safety..

Natural Resources Wales

## ADVERTISEMENT

Extent of advertisement: 17 nearby properties were consulted by way of letter and a site notice was displayed opposite to the application site.

Response: Six objections have been received.

### Summary of observations:

- Concern that the proposed development will have inadequate levels of off-street parking;
- Increased pressure on existing on-street parking;
- Loss of light by virtue of massing of proposed development;
- Loss of privacy as a result of the development;
- Scale of development out of keeping with context of surrounding area;
- Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact;
- Insufficient area allocated for bins;
- Inadequate levels of neighbour consultation undertaken;
- Noise, traffic and dust impact during construction works;
- Querying who will occupy the proposed development;
- Loss of property value;
- Increased levels of vermin attracted to the bin storage area;
- The site was brownfield land and there are underground tanks there. Therefore the site unsuitable to be developed;
- The site is crossed by a public sewer;

- The Council's Senior Engineer (Land Drainage) recommends that the application be refused as it has not been demonstrated that the development is SAB compliant;
- The site is within a Zone C1 flood area.

### 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? No. Conditions will be attached to the permission in the interests of biodiversity.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential development is CIL liable. The application site is located in the High CIL liability area whereby the chargeable amount is £40 per square metres of proposed floor space (plus indexation). However it should be noted that affordable housing can be CIL exempt.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is a former petrol filling station and more recently a car sales place and is therefore classed as brownfield land located within the settlement boundary. The site is now clear. The presumption is in favour of development on such windfall sites subject to material planning considerations. In this instance those material considerations, i.e. main issues, are:-

- Impact on visual amenity;
- Impact on residential amenity;
- Highways safety and off-street car parking provision;
- Development in Zone C1 (flood risk);
- The need to provide affordable housing.

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.

#### Impact on visual amenity

This issue was considered at length in the determination of the approved application. As the development proposed here does not materially change the scale of the proposed building and in fact is slightly smaller than that previously approved it is not considered that it would be reasonable to refuse this application on the basis of the scale and visual impact of the proposal.

Nevertheless it is considered that it would be prudent to remind Members of the considerations in that regard below.

By virtue of its massing, i.e. a three storey block measuring 26.7 metres in frontage, coupled with its position on raised ground (1.0 -1.5 metres above adjoining road level to the north and south), the development will have a significant impact in the streetscene and on the visual amenity of the surrounding area. The site has previously been used as a petrol filling station, and more recently as a car sales place. The site is also constrained by virtue of the public sewer that runs through it and the resultant loss of developable area. This has resulted in the current scheme that requires a critical mass of dwellings to render it financially viable, hence a three-storey development has been proposed.

It is noted that whilst the properties in the surrounding area, in themselves, exhibit limited architectural merit, the character of the area is essentially created by the unified semi-detached building types, hedgerows and walled gardens, set against the backdrop of the rising valley landscape to the north.

The development does not seek to mimic the scale of its surroundings and will be seen as a bold built feature in this relatively open setting. However, this impact does not necessarily make the proposal unacceptable in visual impact terms as areas naturally evolve over time. It is considered that the proposed development has attempted to mimic certain elements of the surrounding architecture whilst also introducing contemporary design that will add visual interest. The use of render as opposed to face brick could further assist to assimilate the building with its surroundings. On balance, given the site constraints, it is not considered that the development would cause harm to the visual amenity of the surrounding area, and it is therefore considered to be acceptable in visual impact terms.

#### Impact on residential amenity

Again this issue was considered at length in the determination of the approved scheme. The proposed development has no different impact to that of the approved scheme and again it is not considered that it would be reasonable to refuse this application on that basis. However, again the previous considerations are included below for Members information.

The existing residential properties on Tanybryn are located to the south and east of the proposed development, and properties located on Newport Road are to the north. Given the siting and massing of the proposed development it is important to consider the potential impact on these nearby residential properties.

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. These issues are discussed below.

- Proposals must have no unacceptable impact on the amenity of adjacent properties or land - Notwithstanding the massing of the proposed development, given the distance from the nearest part of the proposed development to the nearest part of No. 70 and No. 71 Newport Road to the north (24 metres and 31 metres respectively) it is not considered that the proposed development will have an unacceptable impact on daylight or sunlight to these properties. Furthermore, these distances ensure there will not be an unacceptable impact on privacy levels as a result of the development. Similarly, No 92 Tanybryn which is located 23 metres to the east of the proposed building will not be unacceptably impacted by the proposal in amenity terms to a degree to warrant a refusal of planning permission.

The properties primarily impacted by the proposed development are Nos. 11-16 Tanybryn which are located to the south of the application site and have front elevations that directly overlook the site. At its nearest point, the proposed building will be located 18 metres to the north of No. 13 Tanybryn. Given the style and orientation of these properties, the majority of habitable rooms are located across the rear, south facing elevations, and the properties benefit from long (20 metres or more) open aspect rear gardens. Given the scale and position of the proposed development, coupled with it being sited on a higher ground level (approximately 1.0 - 1.5 metres), the proposed development will inevitably result in a degree of loss of outlook from the front facing windows of these properties. However, as there will be no direct loss of sunlight for any significant period of time, it is not considered that this impact would in itself warrant a refusal of planning permission.

In terms of privacy, the closest relationship between existing and proposed windows is 19 metres. However, given the angle between these windows, coupled with a public highway intersecting the relevant windows, this impact is not deemed to be unacceptable, and would not warrant a refusal of planning permission.

- ii) Proposals would not result in the over-development of the site. Although the proposed development is relatively large in terms of its overall massing, adequate space is provided in terms of private amenity space and parking area, and therefore the proposal is not considered to constitute over-development.
- iii) The proposed use is compatible with surrounding land uses. The site is bounded to the north, east, south and west by existing residential properties and therefore the proposal is compatible with surrounding land uses.

Highway safety and off-street car parking provision.

In accordance with the adopted car parking standards (SPG LDP5), the proposed development generates a car parking requirement of 26 car parking spaces (on the basis that some of the flats are 2-bedroomed). However, due to the constraints of the site only 22 spaces can be provided. This provision equates to 1 space per flat plus 4 visitor spaces. On this basis the Transportation Engineering Manager raises objection to the proposal. Note 5 on residential parking standards within SPG LDP5 states "For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken. Acceptable evidence of this would be a contractual arrangement with tenants to secure low car ownership levels."

This application is supported by a Transport Note that provides the following conclusions based on research into parking levels in comparable developments both within Caerphilly and wider afield:-

- The second bedroom in the four units is a single bed as the apartments are for young families or older couples who require separate bedrooms. This is unlikely to generate any additional demand for car parking in comparison with the consented scheme as there is unlikely to be an increase in the number of people of driving age.
- The site is situated in a highly sustainable location. This will encourage sustainable travel and reduce the need for residents to own a car.
- Based on the Census data, the significant majority of flats occupied in CCBC have one vehicle or less, with over half of households not owning a vehicle. Just 6% of flats have two or more vehicles in the household. No flats in the area surrounding the site have two or more vehicles per household.
- Census data shows that flats in CCBC have less than half of the car ownership of houses. Census research also suggests that affordable housing can have up to half the car ownership of private housing.
- LINC Cymru will include a clause in tenancy agreements restricting residents to parking one car on the site to further ensure low car ownership and availability of visitor parking.
- Residents will also be aware of the parking situation prior to moving in and if they perceive parking to be an issue, they can amend their travel choices and car ownership accordingly.



- CCBC Parking Standards allow for flexibility to be applied where it is demonstrated that the site is sustainably located and there is low car ownership. This TN has clearly set out that flexibility should be applied to this site and a reduction of one space per dwelling for the two bedroom units is appropriate (a reduction of four spaces in total).
- On this basis, the provision of one space per unit plus four visitor parking spaces is fully in accordance with the CCBC Parking Standards.

The provision of parking, considering the flexibility is also in accordance with a recent appeal decision issued by the Inspectorate which the applicant has referenced (A/19/3230032: 28 Lucas Street), which states:

"In coming to this conclusion, I have considered the fact that Planning Policy Wales (Edition 10, 2018) (PPW) states, amongst other things, that parking standards should be applied flexibly and informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car, whilst supporting a modal shift to walking, cycling and public transport."

Whilst it is appreciated that each individual case should be dealt with on its own merits, this decision confirms the change in stance for the Inspectorate and Welsh Government in terms of reducing the reliance on the private car, consistent with the transport hierarchy set out in PPW10. In that regard it is not considered that it would be reasonable to refuse this application on the basis of a lack of off street parking and it would be difficult to defend any appeal on that basis.

Moreover, the research shows that the parking provision would not lead to a material impact on parking stress on the surrounding streets or have an unacceptable impact on road safety or highway capacity. The proposals are fully in accord with the objectives for encouraging sustainable travel and reducing car use as set out in PPW10 and consequently they comply with the SPG.

Notwithstanding the above, as the scheme would be delivered and retained by Linc Cymru Housing Association, there is the opportunity for the developer to appropriately control future occupiers car ownership levels, and a solution agreed to by the applicant. This car ownership control would be secured by way of a Section 106 agreement and this is considered to be a reasonable and suitable way to resolve the issue.

The S106 agreement should also require that all of the apartments are provided as affordable units as this is the basis upon which the reduced parking provision is justified. In that regard the development is considered to be acceptable in terms of car parking provision.

Development in Zone C1 (flood risk)

The location of the development in a C1 Zone has previously been accepted and on this basis a recommendation of refusal on these grounds could not be justified in this instance.

The site is located in a C1 flood zone; a high-risk flood zone served by flood defences or infrastructure. Developments within C1 zones are required to be accompanied by a Flood Consequences Assessment (hereafter referred to as FCA). TAN 15 indicates that development, particularly highly vulnerable development, i.e. residential development, in 'C' flood zones should not be permitted unless fully justified in accordance with the tests contained in paragraph 6.2 of TAN 15.

The justification tests set out in paragraph 6.2 of TAN 15, which read as follows:-

- Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The application site is brownfield land in accordance with the definition contained in PPW.

The proposed development facilitates the local planning authority to increase the number of affordable dwellings in a sustainable location at the edge of Risca Town Centre (criterion i) and the site is previously development land in accordance with PPW 10 (criterion iii).

In terms of potential consequence (criterion iv), the FCA confirms that subject to an appropriate finished floor level for the proposed development the risks and consequences can be managed to an acceptable level subject to conditions.

For these reasons it is considered that the development complies with the requirements of TAN15 and is therefore acceptable from a flood risk perspective.

The need to provide affordable housing

Paragraph 4.2.2 of PPW10 states that the planning system must enable the provision of a range of well-designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places. Furthermore, paragraph 4.2.25 states that a community's need for affordable housing is a material planning

consideration which must be taken into account when determining relevant planning applications.

The proposal will deliver 18 affordable units on a brownfield site in a sustainable location, and this consideration weighs in favour of the proposed development.

## Conclusions

The proposed development is not considered to be materially different from the scheme previously granted planning permission for the development of 18 No. one bed apartments (Ref. 19/0010/FULL). The principle of this development at this location has been established and the substitution of 4 No. one bedroom flats with 4 No. 2 bedroom flats would not, it is considered, result in a material change in circumstances in terms of its impact upon visual or residential amenity.

Whilst the Highway Authority have raised an objection on grounds of inadequate parking, the applicant has provided information assessing parking demands and car ownership levels at similar developments and within the area which represents a robust argument to demonstrate that sufficient car parking is proposed as part of the scheme and that the development would not have an unacceptable impact upon highway safety. On this basis it is not considered that a recommendation of refusal could be justified on this basis.

Subject to a Section 106 agreement to secure low levels of car ownership, the proposal is considered acceptable in all other regards, and on balance it is recommended that planning permission be granted subject to conditions.

## Comments from Consultees:

The Transportation Engineering Services Manager objects to the proposed development on the basis that inadequate levels of off-street parking have been proposed in accordance with the requirements of the adopted Car Parking Standards. However, the applicant who are a registered social landlord, i.e. LINC Cymru Housing Association, have provided a Transport Note which considers the parking demands associated with similar proposals and provides a robust argument to suggest that sufficient parking is provided as part of this scheme. They have also agreed to enter in an Agreement under Section 106 of the town and country Planning Act 1990 to ensure low level car ownership for future occupiers of the proposed dwellings. It is considered that this is a satisfactory solution to the issues raised by the Highways Department and should therefore not represent a reason for refusal in this instance.

With regard to the concerns of the Housing Enabling Officer in respect of the internal layout of the apartments (concerns are raised that bedrooms have been sited adjacent to the living rooms of the neighbouring apartments) it is considered that this matter can be addressed by the provision of sound insulation in accordance with the Building

Regulations. As this is a matter covered under other legislation, it is not material to the determination of this application.

Comments from public:

- Concern that proposed dwellings will have inadequate levels of off-street parking- This issue is considered at length above.
- Increased pressure on existing on-street parking - This issue is considered at length above.
- Loss of light by virtue of massing of proposed development - Given the position of the proposed development in relation to nearby properties coupled with the distance of separation between the existing and proposed development, it is not considered that the development would lead to a loss of sunlight or daylight to a degree to warrant a refusal of planning permission.
- Loss of privacy as a result of the development - As discussed above, it is not considered that the proposal will have an unacceptable impact on levels of privacy.
- Scale of development out of keeping with context of surrounding area - This matter was discussed in detail in respect of the previously approved application. As the scale of the building is not substantially changed and is actually smaller in respect of this proposal it is not considered that it would be reasonable to refuse this application in that respect.
- Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact - This issue is discussed in detail above.
- Insufficient area allocated for bins - This issue has been considered by the Head of Public Services and no objection is raised.
- Inadequate levels of neighbour consultation undertaken - Neighbour consultation was undertaken in accordance with the relevant legislation.
- Noise, traffic and dust impact during construction works - Whilst there will inevitably be a degree of disruption during construction works a Condition will be attached to any permission to control such issues during construction.
- Querying who will occupy the proposed development - Tenure type is not a material planning consideration. Furthermore there is a significant need to deliver affordable housing within the County Borough.
- Loss of property value - Loss of property value is not a material planning consideration.
- Increased levels of vermin attracted to the bin storage area - This matter is covered under Public Health legislation and as such cannot be considered in the determination of this application.
- The site was brownfield land and there are underground tanks there. Therefore the site unsuitable to be developed - It is acknowledged that the site is brownfield land and that underground fuel tanks were on site. However, these were previously filled and made safe. In any event, a condition has been requested by the Council's Head of Public Health and Protection requiring the submission of a scheme to deal with any contamination on the site. It is considered therefore that the site can be adequately remediated such that residential development would be acceptable on the site.

- The site is crossed by a public sewer - The proposed building has been sited such that it avoids the line of the existing sewer and no objection is raised by Dwr Cymru/Welsh Water.
- The Council's Senior Engineer (Land Drainage) recommends that the application be refused as it has not been demonstrated that the development is SAB compliant - The requirement to comply with SAB legislation is separate from Planning Legislation and as such this has no bearing on the determination of this application.
- The site is within a Zone C1 flood area - This matter is considered in detail above.

Other material considerations:

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 3 has been varied by consent 20/0635/NCC dated [3 ] granted by Caerphilly County Borough Council.

It is therefore recommended that the application be deferred to allow for the completion of a Section 106 Agreement which will secure the following:-

- A. Appropriate measures to ensure low levels of car ownership for future occupiers of the proposed dwellings.
- B. 100% of the apartments hereby approved as affordable units with 10% of those units being provided in accordance with a mixture of tenure and apartment sizes as agreed with the Local Planning Authority.

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Regeneration and Planning to exercise discretion to refuse the application on the grounds of non-compliance with Policies CW3 and CW11 of the Caerphilly County Borough Local Development Plan which require that development has regard for the safe, effective and efficient operation of the transportation network and provides an adequate level of affordable housing respectively.

- 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: AL(01)01 Rev A, AL(01)03 Rev A, AL(01)04 Rev A, AL(01)10 Rev C and Technical Note: Parking.  
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) 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 agreed details shall be carried out in the first planting and/or seeding season following the completion 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.
- 05) 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 comes into beneficial use.  
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.
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) The development hereby approved shall not be occupied until the area indicated for the parking of 22 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The proposed parking and turning areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried onto the public highway.  
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) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing the length of the proposed turning head extended to 13.6m. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the turning of vehicles only.  
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) 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.
- 11) 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.
- 12) 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.
- 13) 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 in the new apartment building at the Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local

Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.

REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new apartment building at The Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 15) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and to comply with the requirements of TAN15: Development and Flood Risk.
- 16) 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.
- 17) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.



- 18) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 19) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:  
(a) Parking of vehicles of site personnel, operatives and visitors,  
(b) Loading and unloading of plant and vehicles,  
(c) Storage of plant and materials used in constructing the development,  
(d) Wheel cleaning facilities  
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.  
REASON: In the interests of amenity and highway safety in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.