

Application Number: 22/0619/NCC

Date Received: 13.07.2022

Applicant: United Welsh Housing Association

Description and Location of Development: Vary condition 02 of planning consent 21/1090/RM (Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale of planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683)) to erect a total of 74no. affordable dwellings, comprising of 15no. 1 bed over 55s apartments, 42no. social-rented units (24no. 1 bed apartments, 15no. 2 bed apartments, 3no. 4 bed houses), and 17no. shared-ownership units (13no. 3 bed houses, 4no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) to relocate the 1 bed apartment at Plot 12 (as approved) to within Apartment Block A, together with other associated amendments to the plans - Austin Grange Maes Glas South UL Caerphilly CF83 1LN.

APPLICATION TYPE: Development without complying with conds.

SITE AND DEVELOPMENT

Location: The application site is located on the north/north-western side of the approach road to the park and ride facility at Caerphilly train station which is located approximately 130m to the west of the site.

Site description: The application site comprises of both a residential curtilage related to Austin Grange and an area of disused industrial land. There a number of existing buildings on both parcels of land in varying states of disrepair and dereliction. The residential part of the site primarily comprises of a mixture of grass and scrub, while the industrial part of the site has an existing hard surface. The Nant y Calch watercourse flows in a north easterly direction across the site before following a section of the site's northern boundary. There is a difference in levels across the site with the land sloping gradually in a general northerly/north-easterly direction. The area of industrial land in the north-eastern part of the site is also located at a lower level than the adjoining residential land with some retaining structures evident. A variety of boundary treatments are found on the site and include a prominent brick wall with a metal gate and bow top rail fencing adjacent to the approach road. This fencing is screened by hedging along much of its length and there are also a number of prominent mature trees located adjacent to the allotments to the north and the approach road in the north-eastern corner of the site.

Immediately to the west of the site is the residential area of Heol Awstin and residential properties at Maes Glas also adjoin the north-western corner of the site. Allotments adjoin the majority of the northern site boundary with the industrial units at Poplar Road

also lying adjacent to the site's north-eastern boundary. The approach road to the park and ride facility lies adjacent to the southern and eastern boundaries of the site.

Development: This application seeks approval of minor material amendments to the approved housing development for 74 No. affordable dwellings. The proposed amendments would involve removing a residential unit from the two storey maisonette building and introducing an additional ground floor unit to apartment block A. The total number of affordable dwellings would remain unchanged. Whilst the footprint of the maisonette building would remain as originally approved, the northern half of the building would reduce from two to one storey in height. A reconfiguration of the internal layout of apartment block A would enable the introduction of the additional unit, with only a minor change to the building's footprint. Associated minor fenestration changes to the north-eastern corner elevations of the building are also proposed, along with the introduction of ground floor terrace.

Dimensions: The overall dimensions of the proposed houses, maisonettes and apartment blocks which form part of the previously approved housing development remain largely unchanged. The only notable change relating to this proposal relates to the northern part of the maisonette building, which will reduce from two to one storey in height. The proposed ridge and eaves height of the proposed one storey element would measure approximately 6.7m and 3m respectively.

Materials: The proposed materials would remain unchanged from the previously approved housing development, comprising of a mixture of buff coloured brick and stone, dark grey horizontal cladding and slate grey roofs.

Ancillary development, e.g. parking: The proposed houses, maisonettes and apartments would continue to be served by 83 on-site car parking spaces. A plant, bin and cycle store enclosure is proposed for the 4 storey apartment building, while similar facilities would be contained within the 5 storey apartment building. The main area of proposed open space would be located in the north-eastern part of the site and would also function as a surface water attenuation area.

PLANNING HISTORY 2010 TO PRESENT 17/0403/NCC - Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years - Granted 30.05.17.

20/0319/NCC - Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years - Granted 12.06.20.

21/0408/NMA - Seek approval of non-material amendment to planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years) to amend Condition 11 (visibility splays) - Granted 13.05.21.

21/0425/NMA - Seek approval of non-material amendment to planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683 (Erect residential development) to extend the period of time for the submission of reserved matters by a further three years and extend the planning permission by a further five years) to extend the time for submission of reserved matters by a further three years and extend the planning permission by a further five years) to tweak the red-line to address previous discrepancies with ownership boundary - Granted 14.05.21.

21/1090/RM - Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale of planning consent 20/0319/NCC (Vary condition 03 of planning application 17/0304/NCC (Vary condition 03 of planning consent P/05/1683)) to erect a total of 74no. affordable dwellings, comprising of 15no. 1 bed over 55s apartments, 42no. social-rented units (24no. 1 bed apartments, 15no. 2 bed apartments, 3no. 4 bed houses), and 17no. shared-ownership units (13no. 3 bed houses, 4no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works - Granted 14.04.2022.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: HG1.65 - Land between Van Road/Maes Glas and the railway.

Policies: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 Natural Heritage Protection, CW6 Trees, Woodland and Hedgerow Protection, CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

NATIONAL POLICY Supplementary Planning Guidance LDP 4 Trees and Development sets out guidance on the protection and integration of trees in new developments.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed housing development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a low risk coal mining area and an advisory note can be added advising the applicant/developer of this fact if planning permission were to be granted.

CONSULTATION

Dwr Cymru/Welsh Water - No objection raised to the proposed changes to the development.

Transportation Engineering Manager - CCBC - No objection raised to the proposed changes to the development.

Environmental Health Manager - No objection raised to the proposed changes to the development.

Heritage And Placemaking Officer - No objection raised to the proposed changes to the development.

CCBC Housing Enabling Officer - No objection raised to the proposed changes to the development.

Strategic & Development Plans - No objection raised to the proposed changes to the development.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notices, neighbour letters and a press notice.

Response: One response was received as part of the public consultation exercise.

Summary of observations: Queries and concerns have been raised in relation to the height of the apartment building, noise and disturbance during construction works and the impact on trees surrounding the area of the allotments.

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?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes - European protected species have been identified by a survey submitted as part of the previously approved reserved matters application.

The Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied as part of the consideration of the previous reserved matters approval (planning reference 21/1090/RM). The justification previously provided for tests (i) and (ii) remain applicable and the minor material changes proposed to the housing development do not give rise to any different effects on the European Protected Species (common pipistrelle and soprano pipistrelle bats) to those previously considered. As such, it is not considered that the proposal is likely to be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (test iii)).

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes - the site is located in the higher viability area where CIL is charged at £40 per square metre plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. In this regard it should be recognised that this application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows applications to be made for planning permission without complying with conditions previously imposed on an extant planning permission. The purpose of this application is to consider minor material amendments to the approved housing development for 74 No. affordable dwellings by varying the approved plans listed under condition 2 of the extant reserved matters approval, which was granted on 14th April 2022 (planning reference: 21/1090/RM). A minor material amendment is commonly considered to be one whose scale and nature results in a development which is not substantially different from that which has been approved.

It should also be noted that the Welsh Government Development Management Manual confirms that:

"Sections 73(2) and (4) of the 1990 Act restrict the LPA in their determination of section 73 applications. The effect of the provisions is to limit the LPA 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 LPA 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 in terms of policy since the original permission was granted in order to ensure that all relevant material considerations have been assessed." (see paragraph 13.3.12)

Based on the parameters for the consideration of this section 73 application as set out above, it is considered that the main issues are:

Impact on visual amenity;
Impact on off-street parking provision;
Impact on residential amenity; and
The need for affordable housing.

With regard to visual amenity, the application seeks to make changes to two buildings on the housing development site, namely the two storey maisonette building (units 9-12) located on the western edge of the site adjacent No.11 Heol Awstin, and the five storey apartment building (block A) located on the north eastern part of the site adjacent to the industrial units at Poplar Road. The proposed removal of an affordable unit (unit 12) from the maisonette building would result in the northern half of the building reducing to single storey in height. The footprint of the building would, however, remain unchanged and the proposed single storey element would incorporate an appropriate pitched roof

design, along with complementary fenestration and materials, which would allow the building as a whole to retain a coherent form and design.

The proposed introduction of an additional affordable unit to apartment building A would be facilitated by reducing the size of the plant room, reconfiguring the internal layout of the building and utilising the internal space more effectively. The proposal would involve a minor change to the building's footprint, minor fenestration changes to the north-eastern corner elevations of the building and the introduction of a ground floor level terrace. The proposed fenestration changes and terrace would complement the design and appearance of the apartment building's elevations in terms of their size, symmetry and detail. Moreover, these changes would provide further visual interest to the building's appearance.

It should also be noted that the Council's Placemaking and Building Conservation Officer has raised no objection to the proposed changes to the scale and design of the maisonette and apartment buildings. It is therefore considered that the proposed changes are acceptable in visual and placemaking terms and accordingly, meet the requirements of Policy SP6.

In respect of off-street parking, the proposed number of car parking spaces for the housing development would remain unchanged at 83. Two additional cycle spaces would, however, be provided within apartment building A, increasing the number from 26 to 28 spaces. The proposal would not involve an increase in the overall number of residential units on the housing development and the Transportation Engineering Manager has raised no objection to the proposed relocation of the residential unit from the maisonette building to apartment building A. The proposed change is therefore considered to be acceptable in terms of car and cycle parking provision and accordingly, meets the requirements of Policy CW3.

In terms of residential amenity, the nearest existing residential properties to the proposed maisonette building are No. 11 Heol Awstin to the west and No. 142 Maes Glas to the north. The impact of the proposed housing development on these existing properties was fully considered in the determination of the previously approved reserved matters application, where the impact on residential amenity was not considered to be unacceptable. Moreover, the proposed reduction in the height of the northern half of the maisonette building would further reduce any impact on the amenity of the occupiers of these neighbouring properties.

Proposed apartment building A would be located on the eastern part of the site over 100m away from existing residential properties. The introduction of additional windows and a terrace at ground floor level would not therefore adversely affect surrounding residential properties. The Head of Public Protection has also raised no concerns in relation to the introduction of the affordable unit adjacent to the plant room and cycle store within the apartment building.

Given the above, it is therefore considered that the proposed changes to the maisonette and apartment buildings would not have an unacceptable impact on the amenity of the occupiers of neighbouring properties or future occupiers of the development itself and accordingly, the proposal meets the requirements of Policy CW2.

In relation to affordable housing provision, the 1 bed maisonette that would be removed from the housing development would be replaced by a 1 bed apartment, which is very similar in terms of the affordable housing need that it meets. Furthermore, the Council's Housing Strategy Officer has raised no objection to the proposed minor change in the type of affordable housing unit being provided.

In summary, the principle of housing development on the site has previously been established and it is not considered that the impacts of the proposed changes to the approved maisonette and apartment building would be unacceptable in terms of visual amenity, off-street parking provision, residential amenity or affordable housing provision. Moreover, it is not considered that the proposed changes would be significantly different from the scale and nature of the housing scheme previously approved under reserved matters application 21/1090/RM. As such, the proposal is considered to meet the requirements of a minor material amendment and accordingly, it is recommended that planning permission be granted subject to a revised condition 2 which incorporates the associated changes to the approved plans. As there have been no other changes in planning policy or site circumstances since the reserved matters approval was granted in April of this year, it is also recommended that all other conditions are re-imposed in their original form.

Comments from Consultees: All relevant matters raised by consultees have been addressed above.

Comments from public: In response to the queries/concerns raised as part of the public consultation exercise, the incorporation of an additional residential unit into apartment block A would not result in any change to the overall scale of the building from what was originally approved. The proposed changes to the housing development would also not give rise to any significant additional or different impacts to those originally considered in detail as part of the original reserved matters application. It should also be noted that the original conditions attached to the reserved matters approval, which addressed matters such as tree protection and a demolition/construction method statement, would be re-imposed if planning permission were to be granted.

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.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

Living Decision Document: Condition 02 has been varied by consent 22/0619/NCC dated 10.11.2022 granted by Caerphilly County Borough Council.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding this approval, all other conditions on planning permission 20/0319/NCC shall remain in force and effect in relation to the development hereby approved unless expressly varied or discharged by the Local Planning Authority.
REASON: For the avoidance of doubt that the conditions contained in the planning permission reference number 20/0319/NCC are still applicable.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Proposed Site Location Plan, Drawing No. 9856 PL01 (Rev. A), dated March 2021;
Proposed Site Plan, Drawing No. 9856 PL03 (Rev. N), dated 1st August 2022;
Proposed Materials Plan, Drawing No. 9856 PL05 (Rev. D), dated 26th October 2022;
Proposed Affordable Housing Plan, Drawing No. 9856 PL06 (Rev. E), dated 26th October 2022;
Proposed Heights Plan, Drawing No. 9856 PL07 (Rev. C), dated 26th October 2022;
Proposed Parking Plan, Drawing No. 9856 PL08 (Rev. C), dated 26th October 2022;
2B4P House Type 1 Plans & Elevations, Drawing No. 9856 PL30 (Rev. B), dated 30th March 2022;
3B5P House Type 1 Plans & Elevations, Drawing No. 9856 PL32 (Rev. C), dated 24th March 2022;
4B6P House Type 1 Plans & Elevations, Drawing No. 9856 PL33 (Rev. C), dated 30th March 2022;
4B6P House Type 2 3 Storey Plans & Elevations, Drawing No. 9856 PL34 (Rev. B), dated 15th February 2022;

Apartment Block A Ground Floor Plan, Drawing No. 9856 SCH135 (Rev. A), dated 1st August 2022;
Apartment Block A First, Second, Third & Fourth Floor Plans, Drawing No. 9856 PL136 (Rev. A), dated 26th October 2022;
Apartment Block A Elevations, Drawing No. 9856 SCH137 (Rev. A), dated 1st August 2022;
Apartment Block B Floor Plans & Elevations, Drawing No. 9856 PL38 (Rev. B), dated 15th February 2022;
1B2P Maisonette Plans & Elevations, Drawing No. 9856 PL39 (Rev. E), dated 3rd July 2022;
1B2P Single Storey Apartment Plans & Elevations, Drawing No. 9856 PL31;
Proposed Site Sections, Drawing No. 9856 SCH21 (Rev. C) dated April 21;
Proposed Levels, Drawing No. 20020 500 (Rev. P3);
Tree Protection Plan and Arboricultural Method Statement contained within Arboricultural Report, Project Reference - ArbTS_975.8_AUSTIN GRANGE, Prepared by ArbTS - Arboricultural Technician Services Ltd, dated 15th February 2022;
Ecological Impact Assessment - Austin Grange, Caerphilly (Rev. C), Document Reference: WWE20225/ECIA/REV_C Final, Prepared by Wildwood Ecology Ltd, dated 15th February 2022; and
Travel Plan - Austin Grange, Caerphilly, Document Reference: C21022/TP01, Prepared Apex Transport Planning Ltd, dated 5th November 2021.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The development shall not be brought into beneficial use 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the occupation of the residential building(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
1) constructed in porous or permeable materials, or

2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the residential building, and

3) where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,

and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.

REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) The apartment buildings hereby approved shall not be occupied until the cycle parking spaces have been provided in the locations identified for cycle parking on the approved plans. The cycle spaces shall be retained and kept available for their designated purpose at all times.

REASON: To ensure that the development is accessible by all modes of transport in the interests of sustainability in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining walls additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) Notwithstanding the details forming part of the submitted documents, prior to the commencement of development details of a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be capable of achieving a night time internal LAeq level of 30 dB(A) in the residential part of the building(s). Development shall be carried out in accordance with the approved details before the residential building(s) are brought into beneficial use.

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

- 09) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall

be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of the visual amenity of the area.

- 10) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a revised scheme depicting hard and soft landscaping together with a programme of long term maintenance of the 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 occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 11) 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 in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a revised scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is brought into beneficial use.
REASON: In the interests of the visual amenities of the area in accordance with policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) No development, including site clearance or demolition works, shall commence until a detailed bat method statement prepared by a suitably qualified ecologist has been submitted to and approved in writing by the Local Planning Authority. The bat method statement shall include mitigation measures including but not limited to bat sensitive working practices and the installation of temporary and permanent bat roosts. The demolition and development works shall be carried out in accordance with the bat method statement as approved.
REASON: To ensure adequate protection and mitigation for protected species in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) 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, 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Notwithstanding the details forming part of the submitted documents, prior to the felling of tree (T3) as identified in the approved Arboricultural Report, Prepared by ArbTS - Arboricultural Technician Services Ltd, dated 15th February 2022, a pre-felling survey shall be undertaken within 12 hours of any felling works commencing. If the survey confirms the presence of bat(s) the felling of the tree shall not proceed until the results of the survey together with proposed mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be carried out in accordance with the approved details.
REASON: To prevent accidental offences related to bats in accordance with the Wildlife and Countryside Act 1981 (as amended), Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2021) and Tan 5 Nature Conservation and Planning (2009) and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) No development, including site or vegetation clearance, shall commence on site until a strategy for the protection of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall be implemented as approved.
REASON: To prevent killing or injury to reptiles in accordance with the Wildlife and Countryside Act 1981 (as amended), Part 1 Section 6 of the Environment (Wales) Act 2016 and policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Notwithstanding the details forming part of the submitted documents, prior to the commencement of development, a biodiversity strategy shall be submitted to and

approved in writing by the Local Planning Authority. The biodiversity strategy shall be implemented as approved.

REASON: To provide biodiversity conservation measures in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first, second and third floor side windows facing Plot 24 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) Notwithstanding any details indicated on the approved Apartment Block B Floor Plans and Elevations, Drawing No. 9856 PL38 (Rev. B), prior to any works progressing beyond ground preparation and laying of the slab, details of side privacy screens for the first, second and third floor balconies positioned on the northwest corner of the building shall be submitted to and approved in writing by the Local Planning Authority. The side privacy screens shall be installed as approved prior to the building being brought into beneficial use and retained thereafter.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Notwithstanding any details indicated on the approved 2B4P Housing Type 1 Plans and Elevations, Drawing No. 9856 PL30 (Rev. B) or the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor side window facing Plots 15 and 16 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity in accordance with policies CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) 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, no fences, gates, walls, hedges or other

means of enclosure shall be erected or planted within the curtilage of the dwelling forward of the front wall of the dwelling hereby permitted or between the dwelling and any adjacent highway, driveway, footpath or car parking space other than those indicated in the approved plans without the approval of the Local Planning Authority.

REASON: To retain the open character of the development in the interests of visual amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 23) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.

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

- 24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the roofs consisting of an addition to or alteration to the roofs shall be constructed without the approval of the Local Planning Authority.

REASON: In the interests of visual and residential amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 25) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved residential buildings. The necessary infrastructure required shall be installed prior to the first occupation of the residential buildings.

REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

- 26) Prior to the commencement of the development hereby approved a Japanese Knotweed remediation plan shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall be implemented as agreed by a suitably qualified and licenced contractor.

REASON: To prevent possible offences under the Wildlife and Countryside Act 1981 (as amended) by preventing damage to the proposed new building and infrastructure and to prevent the spread of a schedule 9 species.

- 27) No development shall commence on site (including any works of demolition) until a Demolition and Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Demolition and Construction Method Statement shall include details of:
hours of working;

the on-site parking of vehicles of site operatives and visitors;
loading and unloading of plant and materials;
storage of plant and materials used during demolition and construction works;
wheel washing facilities;
the erection and maintenance of security hoardings;
measures to control noise during demolition and construction works;
measures to control the emission of dust and dirt during demolition and construction works;
details of the proposed demolition methods and a scheme for the recycling/disposing of waste resulting from demolition and construction works;
and
siting and details of any required demolition and construction compound.
Thereafter the demolition and construction of the development shall be undertaken in accordance with the approved Demolition and Construction Method Statement.
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Advisory Note(s)

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

The applicant/developer is advised that the required strategy for the protection of reptiles should include, but not be exclusively limited to, a site timing and clearance methodology, identification of receptor site(s), reptile exclusion fencing, habitat management/enhancement, remedial measures and post development monitoring.

The applicant/developer is advised that the biodiversity strategy should include, but not be exclusively limited to, working methodologies including timing/phasing for clearance works, wildlife friendly drainage, provision of bird nesting boxes (average one nest box per unit), buffer to water courses, 100mm gaps under all fences and site protection measures for wildlife such as preventing entrapment in trenches etc.