

Application Number: 22/0997/NCC

Date Received: 18.01.2023

Applicant: United Welsh Housing Association

Description and Location of Development: Vary condition 2 (Approved Plans) of Planning Consent 22/0619/NCC (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 74 no. affordable dwellings, comprising of 15 no. 1-bed over 55s apartments, 42 no. social-rented units (24 no. 1-bed apartments, 15 no. 2-bed apartments, 3 no. 4-bed houses), and 17 no. shared-ownership units (13 no. 3-bed houses, 4 no. 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) to amend Block A by removing the podium deck and associated car parking and façade alterations - 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 are 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 Popular 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 a minor material amendment to the approved housing development for 74 No. affordable units. The proposed amendment would involve removing the podium deck from the rear elevation of apartment building A, which sits above the car parking area serving the proposed building. Some minor changes to the number and position of louvre vents serving the internal bin and bike store areas are also proposed. The total number of affordable units would remain unchanged.

Dimensions: The overall dimensions of apartment building A would remain unchanged from the previously approved housing development.

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

Ancillary development, e.g. parking: Proposed ancillary development would remain unchanged from the previously approved housing development and would include 83 on-site car parking spaces, bin and cycle stores and open spaces incorporating sustainable drainage features.

PLANNING HISTORY 2010 TO PRESENT

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 - Granted 30.05.2017.

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 12.06.2020.

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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works - Granted 14.04.2022.

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 14.05.2021.

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 13.05.2021.

22/0741/COND - Discharge conditions 7 (engineering layout), 12 (proposed boundaries plan), 19 (privacy screen details) and 26 (Japanese Knotweed Species Assessment) 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 74 No. affordable dwellings, comprising of 15 No. 1 bed over 55s apartments, 42 No. social-rented units (24 No. 1 bed apartments, 15 No. 2 bed apartments, 3 No. 4 bed houses), and 17 No. shared-ownership units (13 No. 3 bed houses, 4 No. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) – Pending Consideration.

22/0680/COND - Discharge of condition 16 (Reptile Strategy) 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) - Decided 18.11.2022.

22/0619/NCC - 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 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 - Granted 10.11.2022.

22/0623/FULL - Erect 2 No. 1 bed walk-up apartments and undertake associated works – Pending Consideration.

22/0908/COND - Discharge of condition 13 (Bat mitigation measures) to 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 74 no. affordable dwellings, comprising of 15 no. 1 bed over 55s apartments, 42 no. social-rented units (24 no. 1 bed apartments, 15 no. 2 bed apartments, 3 no. 4 bed houses), and 17 no. shared-ownership units (13 no. 3 bed houses, 4 no. 2 bed houses), open space, roads, footpaths, drainage infrastructure and associated works) - Decided 24.01.2023.

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), CW10 (Leisure and Open Space Provision) and CW15 (General Locational Constraints).

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 residential 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).

NATIONAL POLICY Planning Policy Wales (Edition 11, February 2021) and Technical Advice Note 12: Design (March 2016).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within 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 - 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 - Concerns are raised regarding the proposed removal of the podium deck as it helps reduce the perceived scale of the apartment building at the rear, whilst also providing valuable amenity space, natural surveillance and SuDS benefits.

CCBC Housing Enabling Officer - No comments made in respect of 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: No responses have been received.

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?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes- European protected species have been identified by a survey.

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 original reserved matters approval (planning reference 21/1090/RM). The justification previously provided for tests (i) and (ii) remain applicable and the minor material change proposed to the housing development does 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)). It should also be noted that Natural Resources Wales has issued a European protected species licence in relation to the loss of the bat roosts within the existing two storey house at the site.

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 1990 Act 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 previously varied reserved matters approval, which was granted on 10th November 2022 (planning reference:

22/0619/NCC). 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's 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;

Loss of open space;

Development viability; and

Cumulative effect of the proposed removal of the podium deck and insertion of louvre vents in conjunction with previously approved minor material amendments.

With regard to visual amenity, the podium deck, as originally approved, does not represent a key architectural design feature that directly enhances the character and appearance of apartment building A. It does, however, create 'undercroft car parking' which helps screen views of the car parking area to the rear of this apartment building. By partly screening the ground floor of the apartment building's rear elevation, the podium deck also helps reduce the perceived scale of the proposed 5 storey apartment building when viewed from the south and east of the site.

The previously approved car parking area to the rear of apartment building A would not be visually prominent within the development's street scene, due to significant screening provided by apartment building A itself and apartment building B which would be located immediately to the southwest. This car parking area would also not be visible within the street scene of the approach road adjacent to the south-eastern boundary of the site, given that this part of the site is at a lower land level than the adjacent highway and the fact that a band of existing soft landscaping runs along this section of the site's boundary. The visual impact of the proposed removal of the podium deck would therefore be to primarily allow more distant views of the car parking area, together with the full 5 storey height of the rear elevation of apartment building A, from the wider area. The visual impact of the car parking area and the full scale of apartment building A

would, however, reduce to some degree with distance, and it is not considered that this impact would be significant when viewed within the surrounding context, which includes Caerphilly Business Park with its extensive staff car parking areas to the east of the site.

In addition, whilst the proposed louvre vents to be incorporated in to the rear elevation of apartment building A would have a utilitarian appearance, it is not considered that they would be out of keeping with the design and appearance of the apartment building A as a whole. Furthermore, the proposed louvre vents would not be visible within the development's street scene or visually prominent when viewed from the wider area.

Overall, it is acknowledged that the previously approved podium deck has benefits in terms screening the car parking area to the rear of apartment building A and helping to reduce the perceived scale of this 5 storey building. However, these benefits would primarily be experienced when the site is viewed from the wider area and are not considered to be visually significant given the local context. As such, the proposed removal of the podium deck, together with the associated minor alterations to the rear elevation of apartment building A, are not considered to have an unacceptable impact on the design and appearance of the apartment building or the visual amenity of the surrounding area. As such, the proposed changes would not conflict with the requirements of Policy SP6.

In terms of open space provision, whilst the podium deck, as originally approved, did not form part of the wider open space provision for the development as a whole, it would provide a beneficial area of open space that would contribute to meeting the amenity space needs of future occupiers of apartment building A. It is, however, recognised that future residents of apartment building A would not be solely reliant on the podium deck for the provision of outdoor amenity space, as each flat would be served by a private terrace/balcony. In addition, condition 12 of the outline planning permission 20/0319/NCC only requires the provision of appropriately landscaped public open space comprising of not less than 6% of the area of the application site to serve the housing development as a whole. The applicant has submitted an illustrative open space provision plan, demonstrating that up to 15% of the development site would comprise of useable open space without the inclusion of the podium deck. As such, whilst the proposed removal of the podium deck is regrettable in terms open space provision, it is not considered to be unacceptable given that the future residents would continue to be sufficiently served by open space proposed elsewhere on the development site. Accordingly, the proposed removal of the podium deck would not conflict with the requirements of Policy CW10.

In relation to development viability, the covering letter submitted in support of the application indicates that the primary reason for the proposed removal of the podium deck is its significant cost. The most recent cost estimate for the podium deck is estimated to be £378,000 and reasons given for this cost include additional mechanical ventilation, fire alarm and sprinkler system. It is, however, noted that the installation of a sprinkler system is a choice being made by the applicant rather than a formal requirement of building regulations. Also, whilst the supporting letter makes the case

that the removal of the podium deck and the associated cost saving would allow the registered social landlord to deliver up to 4 additional affordable units, there is no suggestion that the proposed development would become unviable and undeliverable if the podium deck were to be retained. In addition, there is no suggestion in the supporting letter that the applicant would seek to provide the 4 additional affordable units as part of the housing development on the application site, or elsewhere within Caerphilly County Borough for that matter. As such, it is not considered that the cost of the proposed podium deck and its implications for the viability of the proposed housing development should be afforded significant weight.

In respect of the cumulative effect of minor material amendments on the originally approved housing development, it should be noted that permission has previously been given to remove a residential unit from a proposed two storey maisonette building and introduce an additional ground floor unit to apartment block A (planning reference: 22/0619/NCC). As part of this previous permission, the footprint of the maisonette building remained as originally approved, with only the northern half of the building reducing from two to one storey in height. A reconfiguration of the internal layout of apartment block A enabled 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 have also been approved, along with the introduction of ground floor terrace to serve the additional affordable unit.

The proposed changes would make further alterations to previously approved apartment building A through the removal of the podium deck and the insertion of a number of louvre vents into the ground floor rear elevation of the building. It is not, however, considered that the proposed changes in conjunction with those previously approved under 22/0619/NCC would be significantly different from the scale and nature of the housing development originally approved under reserved matters application 21/1090/RM. As such, the proposal is considered to meet the requirements of a minor material amendment.

With regard to other matters, the supporting letter submitted with the application raises additional concerns over the lack of natural surveillance of the car parking area beneath the podium deck and the creation of areas of concealment within enclosed but ungated parking areas. The Council's Placemaking and Building Conservation Officer has, however, confirmed that 'undercroft car parking' is a common design approach for providing car parking areas in housing developments of this nature and standard design solutions, including the use of appropriate LED lighting measures, can appropriately address Secured by Design requirements. It is also considered that sufficient natural surveillance of the access and entrance into the 'undercroft car parking' would continue to be provided by future occupiers of proposed apartment building B whose habitable room windows directly overlook this part of the site.

The Welsh Government's Development Management Manual advises that where conditions attached to a previous permission require approval of the Local Planning Authority (LPA) and that approval has already been obtained, the LPA should ensure

that conditions are redrafted on any section 73 decision notice (see paragraph 13.3.19). As the details of a number of conditions attached to the reserved matters approval have already been agreed, it is recommended that these conditions are updated accordingly, if permission were to be granted for the proposed further changes to apartment building A. No other changes in site circumstances or planning policy are considered to have occurred since the original approval of reserved matters that need to be taken into account as part of the determination of this application.

In summary, it is not considered that the viability concerns raised by the Applicant in relation to the cost of the podium deck should be given significant weight in the determination of this Section 73 application. Notwithstanding this, it is also not considered that the proposed removal of the podium deck and associated changes to the ground floor elevation of apartment building A would have an unacceptable impact on the design and appearance of the apartment building or the visual amenity of the wider area. Moreover, whilst the loss of open space provided by the podium deck is regrettable, it is considered that there is sufficient open space provision elsewhere on the development site to comply with the requirements of the outline planning permission and meet the needs of the future residents. On balance, it is therefore considered that the proposed changes are acceptable in placemaking terms.

It is also not considered that the proposed changes to apartment building A in conjunction with those previously approved under 22/0619/NCC would be significantly different from the scale and nature of the housing development originally approved under reserved matters application 21/1090/RM. As such, it is considered that the proposal meets the requirements of a minor material amendment and accordingly, it is recommended that planning permission is granted subject to a revised condition 2, which incorporates the associated changes to the approved plans, and the update of relevant conditions where the details have previously been agreed.

Comments from Consultees: Concerns raised by the Council's Placemaking and Building Conservation Officer in relation to the design benefits of the podium deck and the loss of open space provision have been addressed above. Additional concerns raised in relation to the loss of sustainable drainage benefits provided by the podium deck would also be addressed separately as part of the sustainable drainage approval process. It should be noted that an application for sustainable drainage is currently under consideration by the Sustainable Drainage Approval Body.

Comments from public: Not applicable.

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 22/0997/NCC dated [] 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. O), dated 10th November 2022;
Proposed Materials Plan, Drawing No. 9856 PL05 (Rev. E), dated 16th November 2022;
Proposed Affordable Housing Plan, Drawing No. 9856 PL06 (Rev. F), dated 16th November 2022;
Proposed Heights Plan, Drawing No. 9856 PL07 (Rev. D), dated 16th November 2022;
Proposed Parking Plan, Drawing No. 9856 PL08 (Rev. D), dated 16th November 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 PL35 (Rev. G), dated 10th March 2023;
 Apartment Block A First, Second, Third & Fourth Floor Plans, Drawing No. 9856 PL136 (Rev. A), dated 26th October 2022;
 Apartment Block A Plans & Elevations, Drawing No. 9856 PL37 (Rev. C), dated 10th March 2023;
 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. D) dated 20th March 2023;
 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) The development shall be carried out in accordance with the Method Statement (Austin Grange, Caerphilly), prepared by Wildwood Ecology Ltd, Document Ref: WWE22041_MS/REV_A as agreed on 24/01/2023 under discharge of condition application 22/0908/COND.

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) The development shall be carried out in accordance with the Reptile Mitigation Strategy (Austin Grange, Caerphilly), prepared by Wildwood Ecology Ltd, Document Ref: WWE22041 RMS REV_C_FINAL as agreed on 18/11/2022 under discharge of condition application 22/0680/COND.

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 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, buffer to water courses, 100mm gaps under all fences and site protection measures for wildlife such as preventing entrapment in trenches etc.