

**Application Number:** 23/0891/FULL

**Date Received:** 26.02.2024

**Applicant:** Mr & Mrs Carrafa

**Description and Location of Development:** Demolish existing property and erect 5 No. detached dwellings on land and the formation of a new access onto Victoria Road to be undertaken as a phased development - Land At Grid Ref 315476 196261 And Including 40 Victoria Road Fleur-de-lis Blackwood NP12 3UG

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property and associated land is located on the western side of Victoria Road, Fleur De Lys.

Site description: Detached two storey dwelling set back off the highway with a significantly large garden to the rear which stretches behind the row of detached dwellings on Victoria Road. The rear western boundary of the site is made up of a tree-lined embankment, which is covered by a Woodland Tree Preservation Order No. 50/09/CCBC with the embankment falling to the River Rhymney. The application site is relatively flat, gently sloping from east to west and from north to south with the adjoining woodland falling more sharply down towards the river. Vehicular access is derived off Victoria Road, which is the main access to both Maesycwmmmer and Ystrad Mynach to the south of Fleur De Lys and Blackwood to the north.

Development: Full planning permission is sought to demolish the existing property and erect 5 No. detached dwellings on land and the formation of a new access onto Victoria Road to be undertaken as a phased development.

Dimensions: Plot 1 has a maximum footprint measuring 17.88 metres wide and 17.46 metres long with a maximum height of 5.2 metres to the eaves and 8.74 metres to ridge height.

The ground floor comprises of an entrance hallway, lounge, snug, wc, office, TV room, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 1 x double bedroom, 3 x double bedrooms with en-suite and 1 x master bedroom with en-suite and dressing room. The bedrooms on the rear elevation are all served by a walkout balcony.

Plot 2 measures 12.18 metres wide and 10.15 metres long with a height of 5.06 metres to the eaves and 8.04 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x

double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Plot 3 measures 12.18 metres wide and 10.15 metres long with a height of 5.08 metres to the eaves and 7.85 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Plot 3 measures 11.27 metres wide and 9.25 metres long with a height of 5.28 metres to the eaves and 8.38 metres to ridge height.

The ground floor comprises of a hallway, lounge, wc, utility room, dining room, open plan kitchen/diner and a double bedroom. The first floor comprises of a landing, 2 x single bedrooms, 2 x double bedrooms and a family bathroom.

Plot 5 measures 12.18 metres wide and 10.15 metres long with a height of 5.08 metres to the eaves and 7.85 metres to ridge height.

The ground floor comprises of an integral garage, entrance hallway, lounge, wc, utility room and open plan kitchen/dining room. The first floor comprises of a large landing, 2 x double bedrooms with en-suite, 2 x double bedrooms with a shared en-suite and 1 x master bedroom with en-suite.

Materials: The external surfaces have not been specified.

Ancillary development, e.g. parking: Off-street parking is to be provided in accordance with Supplementary Planning Guidance LDP 5: Car Parking Standards. The proposal will include the demolition of existing outbuildings.

PLANNING HISTORY 2010 TO PRESENT18/0593/NCC - Vary condition 1 of planning consent 08/1355/FULL (Erect residential development) to extend development for a further five years from 31st July 2018 - Granted 04.09.18.

21/1101/FULL - Remodel existing house to include single storey front extension, rear ground and first floor extension and second floor loft extension together with proposed dwelling with access arrangements and associated works - Refused 07.01.2022.

## POLICY

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

Site Allocation: The site is located with defined settlement limits.

POLICIES The Policies of relevance in the Local Development Plan are:-

### Strategic Policies

Policy SP2 Development Strategy - Development in the Northern Connections Corridor (NCC);

Policy SP4 Settlement Strategy;

Policy SP5 Settlement Boundaries;

Policy SP6 Placemaking;

Policy SP7 Planning Obligations;

Policy SP10 Conservation of Natural Heritage;

Policy SP14 Total Housing Requirements;

Policy SP15 Affordable Housing Target;

Policy SP19 Transport Infrastructure Improvements; and

Policy SP21 Parking Standards.

### Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;

Policy CW2 Amenity;

Policy CW3 Design Considerations - Highways;

Policy CW4 Natural Heritage Protection;

Policy CW5 Protection of the Water Environment;

Policy CW6 Trees, Woodland and Hedgerow Protection;

Policy CW10 Leisure and Open Space Provision;

Policy CW11 Affordable Housing Planning Obligation; and

Policy CW15 General Locational Constraints.

### Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;

LDP4: Trees and Development;

LDP5: Car Parking Standards; and

LDP6: Building Better Places to Live.

### NATIONAL POLICY Future Wales: The National Plan 2040

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.

Planning Policy Wales Edition 12, February 2024;

Technical Advice Note 2: Planning and Affordable Housing;

Technical Advice Note 4: Retail and Commercial Development;

Technical Advice Note 10: Tree Preservation Orders;

Technical Advice Note 11: Noise;

Technical Advice Note 12: Design; and

Technical Advice Note 18: Transport.

## 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 high risk coal mining legacy area. A Coal Mining Risk Assessment (CMRA) has been submitted and based on the findings of this report the Coal Authority raises no objection to the proposed development subject to conditions imposed to any permission granted. Standing advice will be provided to the developer by way of an informative note.

## CONSULTATION

The Coal Authority - No objection subject to conditions.

CCBC Housing Enabling Officer - Requested for the development to provide on-site affordable housing as indicated by Policy CW11 and that the proposed dwelling should provide a five bedroom dwelling in that there is an identified need for this type of accommodation.

Revised plans have been submitted to reflect this request however no further comments have been received.

Transportation Engineering Manager - CCBC - No objection subject to conditions relating to providing an appropriate access and vision splay, details of the surfacing to serve the driveway, secure off-street car parking, removing permitted development right to convert the integral garages and controlling surface water run-off.

Environmental Health Manager - No comments received.

Senior Engineer (Drainage) - No comments received.

Strategic & Development Plans - It is noted that comments on the principle of development have been provided as part of pre-application advice reference SPA/22/0131. I shall offer further comments on the density and the requirement for affordable housing.

The site occupies an area of 0.73 Ha and should accommodate a greater number of houses than the proposal seeks to provide, particularly as Future Wales now requires higher densities.

Whilst a previous permission, now expired, proposed 20 dwellings, this development did not progress and I understand there are constraints that will affect deliverability of a higher density scheme.

Further supporting evidence should be submitted to demonstrate and justify such a low number of dwellings and in the absence of such evidence we would consider a formal objection to the proposed development.

Ecologist - The absence of bats or nesting birds on the building to be demolished is noted and therefore we no further comments are offered on this matter. We welcome the retention of the mature trees on site, both the individual standards and the boundary trees. There are no major concerns with the application but suggests biodiversity enhancements to be included by way of condition.

Landscape Architect - CCBC - No objection but further detailed information is required in relation to a detailed hard and soft planting scheme as the plan submitted extends to SUDs planting only with indicative tree planting. Further detail in relation to boundary treatments will also be required, all of which can be suitably controlled by way of condition.

Dwr Cymru - No objection, informative advice is however provided.

Police Architectural Liaison Officer - No comments received.

Natural Resources Wales - NRW have concerns with the application as submitted given the proximity of the site to the Main River (Rhymney River) approximately 13 meters west of the site and the associated potential risk of pollution from the proposed development. However, are satisfied that those concerns can be overcome by imposing a Construction Environment Management Plan (CEMP) condition to any planning permission granted. Without the inclusion of the condition NRW would be raising an objection.

Senior Arboricultural Officer (Trees) - No comments received.

Rights Of Way Officer - No objection, informative advice is however provided.

## ADVERTISEMENT

Extent of advertisement: The application has been advertised by means of a site notice and 27 neighbours were notified by way of letter.

Response: One letter of representation in support of the development was received.

Summary of observations: The representation confirmed that there is no objection to the proposal of five houses and that regard to the existing Tree Preservation Orders within the site would be had.

## 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? No, a Preliminary Ecological Survey and Dusk Emergency Survey Report accompanies the application and confirms that bats are not using the dwelling but there is activity passing through the site which is a route likely to be used by commuting and foraging bats. An advisory note will however be attached to the consent and sent to the applicant as a precautionary measure.

## COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development falls within the mid-viability area for which CIL is charged at a rate of £25 per square metre of new floor space plus indexation.

## ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues in relation to this application are considered to be the principle of residential development in this location, the scale of the proposed development, the effect the development would have upon the character of the surrounding area and the amenity of neighbouring properties together with highway safety implications.

By way of background history it should be noted that outline planning permission was granted upon completion of a Section 106 Agreement in July 2013 for the erection of 20 dwellings comprising detached and semi-detached houses and flats on the land that included the demolition of the application property also (Planning reference: 08/1355/FULL). That permission was also renewed in 2018 to extend the period of time in which to commence development by a further five years (Planning reference: 18/0593/NCC) and granted in September 2018 subject to the provisions of the Section 106 Agreement being varied by way of a Deed of Variation to address any new consent issued and to ensure compliance with current policy in terms of affordable housing provision.

The affordable housing provision agreed by way of the S106 Agreement required the proposed development to provide 19% affordable housing comprising of 2 x 1 bedroom flats and 2 x 3 bedroom houses.

It should be noted that the previous permission included additional land to front of Victoria Road to provide the required highway infrastructure improvements to serve 20 dwellings and is now in separate ownership meaning that the access and indicative layout would no longer be achievable in planning terms.

In that the site's location within the settlement boundary remains unchanged and the principle of residential development on the site has been established, this is a material planning consideration in the determination of this application.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement and realise the efficient use of land. The Council's Strategic and Development Planning Team have concerns that the proposed development would represent an inefficient use of land in density terms in that a higher density of residential units including a higher number of affordable units was previously approved, particularly where national planning policy is advising to increase density in urban areas. In that regard the applicant has fully justified to the Local Planning Authority (LPA) that even with the additional land it would not be possible to construct 20 dwellings on the site without failing to comply with national and local planning policies. In that regard the LPA is satisfied that the principle of 5 dwellings is considered acceptable subject to all other relevant material planning considerations.

Policy SP6 also requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. In that regard the proposed development focuses upon the inclusion of the existing green infrastructure within the site to accommodate the significant Oak and Maple Trees and protect the woodland TPO trees along the western boundary. The development would be served by a high quality landscaping scheme including the addition of new native trees and hedges as well as incorporating a fully planted Sustainable Drainage scheme to increase ecological and biodiversity within the site.

In terms of the built form Plot 1 is of a much larger scale compared to Plots 2-4. The design of Plot 1 is not in keeping with the traditional local vernacular, however there is no strong design nor architectural character to the locality of Victoria Road. Furthermore, recent planning approvals within the area are incrementally introducing more contemporary design elements into new build developments and householder projects. There is a subjective element to architecture and building design and significantly, national planning policy seeks to ensure that innovative and new designs are not stifled by the planning process. Moreover, Planning Policy Wales makes it clear that whilst design should be carefully considered, planning authorities 'should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.' It is considered that this proposal fits into that category.

Whilst Plots 2-5 are considered to be large detached dwellings in their own right, individually their overall footprints are smaller than Plot 1. In design terms, both phases tie together and indicate a unified material palette and architectural features within a high quality landscaped setting and are all well served by a proportionate amount of outdoor amenity space.

In terms of external finishes, boundary treatments and hard surfacing, additional detail is required, and it is therefore considered necessary to control such matters by way of imposing conditions to any permission granted to ensure the proposals add richness and identity to the development together with being visually acceptable within the local context.

Policy CW2 sets out the criteria relating to amenity. In this respect it is considered that the proposed development is compatible with surrounding residential land uses, and it is not considered that there would be any adverse impacts upon the character of the surrounding area and will only serve to add visual interest.

With regards to neighbouring amenity, careful consideration has been given to the siting, scale and orientation of the proposed dwellings to avoid any overbearing, overshadowing or overlooking impacts to the nearest occupiers along Victoria Road. Whilst balconies are proposed on the northern elevation of Plot 1, their locations nonetheless demonstrates that the required privacy distances can be achieved for neighbouring occupiers. Consequently, it is not considered that the proposed dwelling would give rise to any adverse impacts in amenity terms.

Policy CW6 requires that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. The proposed layout has taken account of the existing trees within and around the site's peripheries together with the landscaping scheme proposing additional tree planting and native hedges. An Arboricultural Method Statement (AMS), Tree Protection Plan (TPP) will be required to be submitted by condition to ensure that scheme for the protection of trees can be provided and to ensure compliance with any agreed scheme during the demolition and construction phases of the proposed development.

Policy CW3 considers highway implications and in this respect the development must have regard for the safe, effective and efficient use of the transportation network. Appropriate levels of off-street parking are proposed to serve each dwelling together with a large turning facility to enter and leave the site in forward gear. The Council's Transportation Engineering Manager raises no objection to the proposal subject to conditions. On that basis the proposed dwelling accords with Policy CW3 of the LDP.

In terms of affordable housing Policy CW11 seeks to negotiate the inclusion of an appropriate element of affordable housing on housing developments of five or more dwellings. Policy CW11 states:



Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of:

- 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
- 25% in the Northern Connections Corridor (excluding Newbridge); and
- 10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area) up to 25% in the Northern Connections Corridor subject to viability.

The site falls within the Cefn Fforest and Pengam ward, which attracts an affordable housing target of 25%. The Council's Housing Enabling Officer has requested that the proposed development should provide 25% of the overall number of dwellings proposed as affordable housing, this equates to 1 x 5 bedroom 8 person dwelling. Whilst the proposal only provides one affordable dwelling, the Local Housing Market Assessment (LHMA) indicates a need for this type of accommodation and the affordable dwelling proposed would directly meet this identified need to provide a family home to meet this need.

In tandem with Policy CW11 Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council will be seeking to secure the residential development to provide the indicated 1 x 5 bedroom 8 person dwelling. A Section 106 Agreement will be required to secure affordable housing provision on the site. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required;
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to criterion (a) it has been evidenced that there is a need to secure affordable housing provision on-site to comply with national and local policy.

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide the delivery of an affordable home within the local community and there is no other mechanism available to the Local Planning Authority to secure affordable housing other than through granting consent for residential development schemes.

With regard to criterion (c) in view of the scale of the development, the proximity to the existing community and the planning commitment at both national and local level to securing such provision, on-site provision is considered reasonable.

Comments from Consultees: The comments of the consultees have been addressed in the report above.

Comments from public: The comment in support of the application has been noted and the development, as well as the suggested conditions, has appropriate regard to existing trees within the site.

Other material considerations: None.

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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

RECOMMENDATION that (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

1. 25% provision of Affordable Housing.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. A1.1 Site Location Plan received 21.12.2023;  
Tree Constraints Plan received 21.12.2023;  
Tree Survey Report received 21.12.2023;  
Dwg No. 17341/C3000 Rev 03 Landscaping Plan received 21.12.2023;  
Report 17341-PS01-R01 SuDS Planting Schedule received 21.12.2023;  
Preliminary Ecological Appraisal received 21.12.2023;  
Report 21872R01SWPK Noise Assessment received 21.12.2023;  
Dwg No. HPS 001 Demolition Plan received 21.12.2023;  
Coal Mining Risk Assessment (CMRA) received 21.12.2023;  
Report 17341-FCA-R01 Flood Consequences Assessment received 21.12.2023;  
Dusk Emergency Survey Report received 21.12.2023;  
Dwg No. A1.3 Rev F Proposed Site Layout Plan received 11.06.2024;  
Dwg No. A1.4 Rev C Proposed Context Elevations received 11.06.2024;  
Dwg No. A1.5 Rev D Floor Plans - Plot 3 and 5 (Plot 3 Handed) received 11.06.2024;  
Dwg No. A1.6 Rev C Elevations - Plot 3 and 5 (Plot 3 Handed) received 11.06.2024;  
Dwg No. A1.7 Rev C Floor Plans - Plot 2 received 11.06.2024;  
Dwg No. A1.8 Rev B Elevations - Plot 2 received 11.06.2024;  
Dwg No. A1.9 Rev C Floor Plans - Plot 1 received 11.06.2024;  
Dwg No. A1.10 Rev C Front and Rear Elevations - Plot 1 received 11.06.2024;  
Dwg No. A1.11 Rev B Side Elevations - Plot 1 received 11.06.2024;  
Dwg No. A1.12 Rev D Proposed Site Sections received 11.06.2024; and  
Dwg No. A1.17 Rev E Proposed Phasing Plan received 11.06.2024;  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
  
- 03) No development shall commence other than demolition until;
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented

on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In the interests of public safety to overcome instability in accordance with Planning Policy Wales.

- 04) No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- Construction methods: details of materials, how waste generated will be managed;
  - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
  - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
  - Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
  - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
  - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
  - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations;
- The CEMP shall be implemented as approved during the site preparation and construction of all phases of the development.
- REASON: To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction in accordance with policies CW2, CW5 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of the development on site full details of the tree protection measures for the existing trees, shrubs and hedges growing adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include a plan clearly showing the location and specification of the protective fencing. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground

disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

REASON: To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include a suitably scaled, detailed and annotated plan as appropriate:  
Hard surfacing size, texture, colour and edging materials;  
Proposed tree species, sizes, means of support, mulching and pit details;  
Hedgerow plant mixes, species, sizes at planting, along with planting numbers / density, cultivation and means of mulching;  
Grass seed mixes and sowing rates. Grass seed mixes that contain a percentage wildflower mix should be included, to improve biodiversity net gain; and  
Five year maintenance and management plan.  
REASON: To ensure appropriate landscaping provision in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
REASON: To ensure that the works are carried out as approved in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) This permission does not grant any consent for or allow the felling or any other works to any trees protected by Tree Preservation Order No. 50/09/CCBC.  
REASON: For the avoidance of doubt as to the scope of the permission hereby granted and in accordance with policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Prior to the occupation of Plot 1 the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 43 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before each phase of the development is occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The dwellings shall not be occupied until the areas indicated for the parking and turning of vehicles of vehicles have been laid out in accordance with the approved plans to the written satisfaction of the Local Planning Authority and 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.
- 12) The proposed private driveway, as indicated on Dwg No. A1.3 Rev F Proposed Site Layout Plan and Dwg No. A1.17 Rev E Proposed Phasing Plan shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development. The turning area incorporated in the proposed private driveway shall be maintained free of obstruction to ensure that vehicles can both enter and leave the site in a forward gear at all times.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) Surface water run-off associated with the development hereby approved shall not discharge into the highway surface-water drainage system.  
REASON: To prevent hydraulic overload of the existing highway system in the interest of highway safety in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to beneficial use of the building, 1 x integrated bird box shall be included at the gable apex on each of the new dwellings. The boxes shall be retained in situ for a minimum of 5 years.  
REASON: To provide nesting for birds as a biodiversity enhancement in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales)

Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 16) Prior to beneficial use of the building, all boundary fences shall include access for hedgehog via a continuous 100mm high gap under fence panels; Or 130mm x 130mm gaps every 2m throughout all boundaries. The hedgehog gaps shall be maintained for a minimum of 5 years.  
REASON: To provide biodiversity conservation and enhancement measures, in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 17) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.  
REASON: In the interests of public safety to overcome instability in accordance with Planning Policy Wales.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 19) 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 hard surfacing forward of the principal elevation of the dwellinghouse and between the principal elevation and a highway shall be constructed or laid without the approval of the Local Planning Authority other than those indicated on the approved plans.  
REASON: In the interests of visual amenity and to safeguard the highway drainage system in accordance with policies SP6, CW2 and CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) 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 whatsoever shall be erected or planted without the approval of the Local Planning Authority other than those indicated on the approved plans.  
REASON: To retain the open character of the development in the interests of visual amenity in accordance with policy 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 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.

#### Advisory Note(s)

1. Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention. Informative information is also provided.

2. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

3. The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.



Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: [www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

#### 4. NOTE:

Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01443) 866511 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

The applicant will need to liaise with the Council's Street Lighting Team in terms of relocating the street lighting column to facilitate the proposed new access. The applicant should ring (01443) 866511 in this regard.

#### 5. 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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)