

Application Number: 24/0254/FULL

Date Received: 21.05.2024

Applicant: Aldi Stores Limited

Description and Location of Development: Demolish existing retail foodstore (Use Class A1) & replace with a new discount retail foodstore (Use Class A1) with reconfigured access and car parking, external lighting, drainage, landscaping, and other associated site works - The Co-operative Food Mafon Road Nelson Treharris CF46 6PE

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is the current Co-op Supermarket and car park at Mafon Road, Nelson.

Site description: The site is an operational supermarket with access from Mafon Road. It is adjacent to an existing petrol filling station which sits to the north west of the site. There is a culverted watercourse running through the site, under the existing building. There are trees on the site boundaries.

Development: The proposal is to demolish the existing supermarket and replace it with a larger Aldi supermarket. The new building would be at the rear (south) of the site and accessed from Mafon Road in the same location as at present.

Dimensions: The site is 1 hectare in size. The proposed building is 72.5 metres in total length, 31 metres in width and 6.4 metres in overall height.

Materials: The building is proposed to be finished in a mix of brickwork, metal cladding and timber cladding. Areas of glazing are proposed on the east elevation and in the north east corner of the building, as well as some high level windows being proposed on the north elevation.

Ancillary development, e.g. parking: Parking for 112 vehicles, cycle parking and landscaping are also proposed as part of the proposal.

PLANNING HISTORY 2010 TO PRESENT 10/0483/ADV - Erect 3 x fascia signs (A/B & C) - externally illuminated by overhead trough lights and 1 x internally illuminated Totem sign (D) - Granted 25.08.2010.

15/1088/FULL - Install an Automated Teller Machine (ATM) – Granted 24.12.2015.

15/1089/ADV-Install non-illuminated signs – Granted 24.12.2015.

POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021.

Site Allocation: The site is within the settlement boundary of Nelson, which is identified as a Local Centre in LDP Policy SP4 (Settlement Strategy).

Policies: SP2 (Development Strategy- Development in the Northern Connections Corridor); SP4 (Settlement Strategy); SP5 (Settlement Boundaries); SP6 (Placemaking); SP10 (Conservation of Natural Heritage); SP21 (Parking Standards); CW2 (Amenity); CW3 (Design Considerations: Highways); CW5 (Protection of the water Environment); CW6 (Trees, Woodland and Hedgerow Protection); CW15 (General Locational Constraints); CW16 (Locational Constraints- Retail); CM1 (Principal Town Centre Boundaries); CM4 (Principal Town and Local Centre Development Sites); and EM1 Employment Allocations (EM1.2 Ty Du).

Supplementary Planning Guidance: LDP 4 – Trees and Development (2017); LDP 5 – Car Parking Standards (2017); LDP 6 – Building Better Places to Live (January 2017); Ystrad Mynach Masterplan (2019).

NATIONAL POLICY Future Wales - The National Plan 2040 (2021): Policy 2-Shaping Urban Growth and Regeneration – Strategic Placemaking, Policy 6-Town Centre First, Policy 9-Resilient Ecological Networks and Green Infrastructure, Policy 12-Regional Connectivity.

Planning Policy Wales (Edition 12, 2024).

Technical Advice Notes: 4: Retail and Commercial Development (2016); 5 Nature Conservation and Planning (2009); 11: Noise (1997); 12: Design (2016); 18 Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within an area of low risk due to past coal mining activities. The Coal Authority have advised that they have no specific comments to make.

CONSULTATION

Environmental Health Manager - No objections subject to conditions. No concerns with regard to food hygiene and general comments provided with regard to food safety and health and safety.

Rhondda Cynon Taf Council - No objections to the proposal.

Strategic & Development Plans - It is considered that the proposed development would meet local need in a manner which supports the role and function of Nelson as a local centre. It would serve to increase the level of expenditure retention within the primary catchment area identified, and would not have a detrimental impact upon, or undermine the vibrancy, attractiveness and viability of, any principal town centre. The sequential assessment undertaken by the applicant complies with relevant policy, and the site is considered appropriate in relation to the proposal. Therefore, notwithstanding the need to comply with all other applicable planning considerations, there is no objection to this proposal.

Waste Strategy And Operations Manager - No comments made.

Estates Manager - Property Division - No comments made.

Landscape Architect - CCBC - Still has concern regarding a number of issues, including the requirement for additional rooting space, the requirement for larger trees, use of close boarded fencing and the length of time that maintenance will be provided for any landscaping defects.

Transportation Engineering Manager - CCBC - No highway objection is raised subject to conditions.

Senior Engineer (Drainage) - Request informative notes in respect of the requirement for SAB approval and ordinary watercourse consent. Request a drainage statement.

Senior Arboricultural Officer (Trees) - No comments made.

Placemaking Officer - Douglas McGlyn - Concerns raised regarding lack of landscaping, the design of the building, its location at the rear of the site, the dominance of parking on the site, the lack of a green roof and lack of discussion of other sustainability measures. Concern that the proposal conflicts with Policy SP2 of the Local Development Plan due to a lack of sustainable design measures.

Ecologist - Conditions are recommended to secure biodiversity conservation and enhancement on the site.

Merthyr Tydfil County Borough Council - No comments made.

Police Architectural Liaison Officer - Have provided advice in respect of site security.

Nelson Community Council - No comments made.

Heritage Officer - Peter Thomas - No comments made.

Chief Fire Officer - No objection to the proposed development.

Natural Resources Wales - Concerns can be overcome through attaching conditions.

The Coal Authority - No specific comments to make.

Dwr Cymru - Request a condition in respect of no surface water and /or land drainage being allowed to connect with the public sewerage network and advisory notes.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by a press notice, site notice and letters to neighbouring properties.

Response: 47 representations have been received in support of the application.

It should be noted that a number of the representations received are from outside the County Borough, primarily from residents in Treharris and the surrounding villages.

1 representation has been received objecting to the application.

Summary of observations: The representations received in support of the application are summarised as follows:

This proposal is needed in the area;

Will reduce the need to travel for local people;

The proposal will create jobs;

The proposal is an investment in the area;

The proposal will benefit the community;

The design of the site and current secluded nature of the car park results in antisocial behaviour;

The proposal would be an improvement in the appearance of the site;

Support, but concerns regarding traffic flow and highway safety, particularly from right hand turns into and out of the development;

Support, but queries if the number of disabled parking spaces provided is sufficient.

The representation objecting to the development raises concern regarding the impact of the proposal on nesting swallows in the eaves of the building.

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?

No significant impact is anticipated. The comments of the Gwent Police Designing Out Crime Officer are broadly supportive of the layout of the proposal.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? In respect of European Protected Species, a bat survey report has been submitted. No bats were observed emerging from the building during the emergence survey.

There are known to be active swallow nests in the eaves of the existing building.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. As an A1 retail development, the development is liable for a CIL charge of £100 per square metre.

ANALYSIS

Policies: The site is within the settlement boundary of Nelson, which is identified as a Local Centre in LDP Policy SP4 (Settlement Strategy). The site is nearly 4 kilometres from the nearest Principal Town Centre, this being Ystrad Mynach. The site is already within a retail use, as a food store. The proposal would replace the existing supermarket with a larger one.

Principle of Development: Policy 6 of Future Wales (Town Centre First) requires that significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres, with good access by public transport to and from the whole town or city and, where appropriate, the wider region.

Section 4.3 (Retail and Commercial Development) of Planning Policy Wales (PPW) (Edition 12, February 2024) advises that the need for additional retail provision should first be considered.

Policy CW16 (locational Constraints – Retailing) of the adopted Local Development Plan only permits additional retail floorspace outside the defined Principal Town Centres where the vitality and viability of nearby Principal Town Centres will not be undermined, taking into account the cumulative effects of other approved retail development, recently completed developments and Plan commitments; and the proposal would not undermine the Council's retail strategy, a Town Centre Action Plan or any regeneration plans that the Council has formally approved; or the proposal is a new retail unit of 1000 sq m or less in size, or the change of use of such a size and to serve neighbourhood needs, or is ancillary to another commercial use.

The scheme submitted in this application proposes an increase of 410m² in gross internal floorspace, and 633m² in net retail sales area – the latter representing an increase of 87.6%. In the context of the above policy requirements, the applicant has submitted retail capacity and sequential assessments in order to demonstrate local need and suitability of the site within the context of the sequential approach, as well as an impact analysis with respect to the effect of the proposal on surrounding centres.

Of the total proposed uplift in net retail sales area, 434m² will be convenience floorspace, with the remainder (199m²) for comparison goods. Applying Experian-derived sales densities to these sales areas and combining them with population estimates produces a total convenience expenditure figure for the study area. Zone 3 of the Council's Retail Capacity Study (which includes Nelson, Gelligaer, Penpedairheol, Llanfabon, Pengam, Tir-y-Berth and Treharris, but excludes Ystrad Mynach) represents the primary catchment, which is characterised by low levels of expenditure retention and inflow. On the basis of the analysis presented, it is acknowledged that, in quantitative terms, there is capacity within the catchment to accommodate additional floorspace.

As a local centre, Nelson has no defined, town centre boundary. However, the applicant's assertion that the proposal would support Nelson's role and function as required by policy SP4 of the adopted LDP, particularly in respect of the anticipated Ty Du development, is accepted.

The catchment area adopted for the application of the sequential test (the consideration of town centre; edge-of-centre; out-of-centre sites in that order) is based upon professional judgement and is regarded as appropriate. No suitable or available sites have been identified in any of the locations forming part of the catchment area (comprising the centres of Nelson, Treharris and Abercynon).

While the proposal is below the 2,500m² threshold set out in national policy for requiring a retail impact assessment, the applicant has undertaken one at the request of the Council, due to the need to demonstrate that the vibrancy, attractiveness and viability of nearby principal town centres (Ystrad Mynach, in practice) would not be undermined. By virtue of its location adjacent to the Ty Du site, it is considered that the proposal would play a complementary role to the ambitions for Nelson set out in the Ystrad Mynach Masterplan, and would not impact on committed or planned investment, or prospects for the implementation of allocated sites.

The retail capacity assessment has identified a fairly localised catchment for the proposed facility. The smaller, comparison goods element of the proposed, additional floorspace would be unlikely to compete with existing, comparison goods retailers due to its 'special buy' nature, which offers a limited and ever-changing range of items. In terms of the larger, convenience element, 95% of the trade draw is expected to come from within zone 3, which contains no principal town centres. As the proposal concerns a food-led shopping destination, it is reasonable to expect that the vast majority of trade will be diverted from equivalent facilities, including the existing store on the site in

question as well as the Aldi store at Tir-y-berth – the latter of which is overtrading and, due to its location, is not protected by policy.

As mentioned, there is significant 'leakage' from zone 3 presently, including to the nearest principal centre at Ystrad Mynach. The new store would result in some retention at the expense of Ystrad Mynach, although the impact is anticipated as being 6.9% in expenditure terms which is not significant.

In accordance with Policy 12 (Regional Connectivity) of Future Wales, a minimum of 10% of car parking spaces should have electric vehicle charging points. 20 potential spaces are proposed within the car park for this purpose, but only 4 are proposed to be provided with fully operational charging points at present, representing a shortfall of 8. As such, a condition is recommended that 10% of parking spaces shall be provided with full operational electric vehicle charging points.

It is noted that a small part of the site to the east of the existing access is in the Ty Du Employment Allocation (EM1.2) in the Local Development Plan and is considered to be "natural and semi natural greenspace". This area is currently well vegetated and is proposed to be retained as an area of landscaping with maintenance access provided to the headwall of the culvert. The inclusion of this area within this site is not considered to impact on the potential to deliver a scheme on the Ty Du site.

Design and Landscaping: Policy SP6 (Place Making) of the Local Development Plan requires that development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:

- A. An appropriate mix of uses that reflect the role and function of settlements.
- B. A high standard of design that reinforces attractive qualities of local distinctiveness.
- C. Design in accordance with best practice in terms of designing out crime.
- D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all.
- E. The incorporation of resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation, and where appropriate the use of sustainable drainage systems.
- F. The efficient use of land, including higher densities where development is close to key transport nodes.
- G. The incorporation and enhancement of existing natural heritage features.
- H. The incorporation of mitigation measures that improve and maintain air quality.

In respect of the above policy, there is concern that the proposed design of the building is "shed-like" in appearance and lacks visual interest, particularly on the northern elevation that faces the proposed car park. There is also concern that the layout of the site, with the building at the rear, results in car parking being dominant in appearance in the street scene.

In respect of the proposed site layout, it is acknowledged that although the current store is located on top of the culverted watercourse in the north of the site, the watercourse does present a significant constraint to the location of the proposed replacement building within the site, due to Caerphilly's current drainage byelaws.

It is also noted that Gwent Police Designing Out Crime Officer considers that the new proposed layout and orientation of the building will be a huge improvement on the current site and that moving the building to the south of the site and the parking to the north improves overall surveillance and in turn reduces the fear of crime.

In respect of the appearance of the building itself, some alterations have been made to the proposed building elevations to provide a greater level of visual interest including an element of timber cladding, and additional glazing. While these have resulted in some improvement to the proposal, it is considered that the building still lacks visual interest.

It is also considered that the levels of parking provided could have been reduced further to allow for a greater level of green infrastructure on the site which would have assisted further in improving the appearance of the site and in making this a more pleasant destination to visit. It should be noted that the applicant has raised concern that this would result in insufficient parking being provided for the development.

However, while the site is on the edge of the countryside and there are a number of trees around the site boundary, there is currently little green infrastructure within the car park area. Along the frontage with Mafon Road, the current green infrastructure is restricted to a small grass verge. While further landscaping provision would have been beneficial, the redevelopment of the site would still result in significant additional landscaping and green infrastructure being provided on the site, including tree planting along the frontage with Mafon Road, native hedgerow along the site boundaries and shrub planting within the carpark.

It is also noted that the buildings facing Mafon Road in this immediate area are dominated by the existing store, petrol station, and vehicle repairs/sales buildings, which provide the immediate local area with little in the way of architectural merit.

Therefore, on balance, it is considered that, notwithstanding the shortcomings of the design and layout presented, the scheme does still represent a visual improvement, particularly in respect of green infrastructure on the existing situation and as such is considered acceptable.

In respect of the comments of the Council's Landscape Architect, some further revised plans and documents have been submitted to address the concerns raised and it is considered that any outstanding issues can be addressed through the recommended conditions for the final landscaping scheme and landscape management and maintenance plan.

In respect of the Placemaking Officer's concern regarding lack of provision of a green roof, the justification for this and concern regarding the sustainability of the building, it is acknowledged that a green roof would have had the potential to be beneficial for the appearance, sustainability and biodiversity of the site. However, the lack of provision of this in itself is not considered to warrant refusal of the application.

In terms of the sustainability measures that are proposed, solar panels are included on the roof and the submitted energy statement sets out that an air source heat pump and a system of heat recovery from the refrigeration utilised at the store will be used.

Highways and Parking: In respect of highway safety, the Council's Transportation Engineering Manager has advised that the proposed means of access gives no fundamental cause for concern. In addition, it is considered that the submitted Transport Assessment demonstrates that there would be no adverse impact on the local highway network.

In respect of parking, in accordance with the Council's approved Car Parking Standards Supplementary Planning Guidance, the development has an off-street parking requirement of 1 space per 40m², which equates to a requirement of 50 spaces. The submitted information indicates that 112 spaces are to be provided, including 8 spaces for staff within the proposed service area. As such sufficient levels of parking are considered to be provided.

A Transport Assessment and draft travel plan have been submitted as part of the application, with the travel plan being specifically for staff. A condition has been recommended for the provision of a full travel plan for the development.

A condition has been requested by the Council's Transportation Engineering Manager for details of the proposed tie in of the access with Mafon Road, which has been recommended. A condition has also been requested in respect of surface water run off not discharging on to the public highway or connecting to the existing highway drainage system, but it is considered that this matter should be addressed by the SAB process (see below).

In respect of the provision of disabled parking spaces, the Council's Car Parking Standards Supplementary Planning Guidance suggests that 6% of the layout should be provided as disabled car parking spaces. This in turn suggests that 7 bays should be provided in this scheme as opposed to the 5 proposed. Therefore, a condition is recommended that the final layout of the car parking shall be agreed via a planning condition so extra spaces can be provided for this purpose.

Comments from Consultees: A geo-environmental appraisal, noise assessment and waste management plan have been submitted as part of the planning application. The conditions requested by the Council's Environmental Health Team in respect of these documents have been recommended. This is with the exception of a condition relating to the lighting of signage, which would be more appropriately

addressed through a future advertisement consent application for signage. Subsequent to the comments provided, the Council's Environmental Health Team have accepted a request from the applicant for delivery hours on Sundays between 8.00.a.m. and 6.00 p.m.

Conditions have also been recommended which reflect the comments made by Natural Resources Wales in respect of contamination, piling, invasive species, lighting and construction management.

It is noted that the applicant has submitted a Construction Method Statement, Construction Environmental Management Plan (CEMP) and Lighting Plan at this stage. However, it is still considered that conditions are required for the final details of these and these have been recommended accordingly.

It is noted that significant areas of the site are within zones 2 and 3 for flood risk from surface water and small watercourses on the Flood Map for Planning and that a Flood Consequences Assessment has been submitted. In respect of the comments made by the Council's Drainage Engineers and Dwr Cymru/Welsh Water, it is considered that further matters related to surface water drainage are most appropriately addressed by the SAB process. However, the advisory notes requested have been recommended for inclusion on the decision notice.

It is acknowledged that the building is an active swallow nesting site. The submitted Ecological Impact Assessment recommends the erection of five nest shelters, each containing two nesting cups as compensation and enhancement for this. However, the Council's Ecologist has advised this should be increased to 18 nest cups to ensure appropriate conservation and enhancement. This is included as part of a recommendation for a condition for a biodiversity strategy. Conditions requested by the Council's ecologist for a CEMP in relation to wildlife, a lighting plan and invasive species have been recommended.

Comments from public: It is noted that the comments from the public are largely supportive of the proposal. It is considered that the matters raised have been addressed above.

Other material considerations: The western boundary of the site is adjacent to the Mynydd Eglwysilan Special Landscape Area (allocation NH1.3 in the Local Development Plan). Given the site is a brownfield site that is already developed as a supermarket and car park and the location of the existing petrol station adjacent to this boundary, it is not considered that the proposal would have a significant impact on the Special Landscape Area.

An arboricultural impact assessment has been submitted. While the proposal will not result in any trees being removed, the development will require two trees on the site boundary to be pruned and surfacing works within the root protection area of another. As such, a condition for an arboricultural method statement is recommended.

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 Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
200413-1000 Rev P02- Site Location Plan;
200413-1310 Rev P08- Proposed Site Plan;
200413-1320 Rev P04- Proposed Hard Landscaping;
200413-1330 Rev P05- Proposed Boundary Treatment;
200413-1350 Rev P02- Proposed Floor Plan;
200413-1360 Rev P02- Proposed Roof Plan;
200413-1410 Rev P03- Proposed Elevations;
200413-1450 Rev P04- Proposed Site Sections;
200413-1703 Rev P03- Proposed Boundary Treatment; and
200413-AD5950 Rev P02- EVCP Parking Space Detail.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,

- (ii) control of dust, smell and other effluvia,
- (iii) control of surface water run off,
- (iv) site security arrangements including hoardings,
- (v) proposed method of piling for foundations,
- (vi) construction and demolition working hours,
- (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

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

- 04) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:
- (a) Parking of vehicles of site personnel, operatives and visitors,
 - (b) Loading and unloading of plant and vehicles,
 - (c) Storage of plant and materials used in constructing the development,
 - (d) Wheel cleaning facilities
- and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.
- REASON: In the interests of amenity and highway safety in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of development, a Construction Environment Management Plan (CEMP) for the protection of wildlife shall be submitted to and approved in writing by the Local Planning Authority.
- The CEMP shall include, but not be specifically limited to:
- Site clearance methodology with respect to hedgehog, birds, amphibians.
 - Provision of a buffer a minimum of 10m from the stream, details of location and methods for demarcation.
 - Details of pollution prevention measures to protect the watercourse during construction (to include oils, dusts and noise).
- The CEMP shall be implemented as agreed throughout the construction period.
- REASON: To protect the environment in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024), Tan 5 Nature Conservation and Planning (2009) and BS5837:2012 and in accordance with Policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the

contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.

REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.

REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 09) If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

REASON: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 10) No development (other than demolition), shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

REASON: Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development, in

accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the commencement of work on site, a method statement setting out the manner in which the existing building is going to be demolished shall be submitted to and agreed in writing with the Local Planning Authority. The demolition shall thereafter be carried out in accordance with the agreed statement unless it is varied with the written agreement of the Local Planning Authority.
REASON: To ensure that the demolition is carried out in an appropriate manner in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Prior to the commencement of the development hereby approved, an arboricultural method statement for works to trees and the protection of trees during construction shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed details.
REASON: To ensure the protection of the trees on the site, and in accordance with Policy CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the commencement of development, an Invasive Non-Native Species (INNS) remediation and management plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include, but not be exclusively limited to details of containment, control, removal and post development monitoring. The plan shall be implemented as agreed by a suitably qualified and licenced contractor.
REASON: To prevent 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.
- 14) Prior to the commencement of development, a Biodiversity Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy shall include, but not be exclusively limited to: Site clearance methodology for birds, amphibians, hedgehog and otter; a plan showing details for the provision of 18 No. swallow nest cups under bespoke shelters, 3 No. general purpose nest boxes (such as the Schwegler 2GR Nest Boxes), 2 No. bat boxes (Vivara Pro Woodstone Bat Box, or similar) and 2 No. swift boxes (such as the Schwegler 18 Swift Nest). The strategy shall be implemented as agreed.
REASON: To secure mitigation, compensation and enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024) and Tan 5 Nature Conservation and Planning (2009) and Policy SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the first beneficial use of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Notwithstanding the submitted plans, development shall not commence until details providing for the tie-in between the public highway and the proposed development together with any further proposed highway works required have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to beneficial use of the proposed development.
REASON: To ensure the adequacy of the proposed tie-in in the interests of highway safety and the free flow of traffic, in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Prior to the development commencing, a lighting scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. That scheme shall indicate the type and positioning of luminaires, and a plan indicating expected illuminance levels both on and off site. The lighting shall thereafter be installed and maintained in accordance with the agreed scheme and no additional lighting shall be installed without the approval of the Local Planning Authority.
REASON: In the interests of nature conservation in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) 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.
- 19) Notwithstanding the submitted details, prior to the markings being provided for the car parking layout, the final layout for vehicle and cycle parking shall be submitted to and agreed in writing by the Local Planning Authority. The vehicle and cycle parking shall be provided on site as agreed prior to beneficial use of the development and remain for the purpose of vehicular and cycle parking only.

REASON: To ensure vehicles and cycle can park off the public highway, in the interests of highway safety and the free flow of traffic., in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 20) A Landscape Management Plan, including
(a) long term design objectives,
(b) management responsibilities, and
(c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
The Landscape Management Plan shall be carried out as agreed.
REASON: To ensure that the landscaping is maintained 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.
- 21) No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall be operated in accordance with the approved details. The rating level of the sound emitted from the site shall not exceed 41 dBA between 0700 and 2300 hours, and 30 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014+A1:2019.
REASON: In the interest of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 22) Before any of the development hereby approved is occupied, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) Prior to their installation, details of the photovoltaic panels shall be submitted to and agreed in writing by the Local Planning Authority. The panels shall be installed in accordance with the agreed details.
REASON: To clarify these details and in the interests of visual amenity, in accordance with Policy SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 24) At least 10% of car parking spaces within the car park shall be provided with electric vehicle charging points as shown on drawing 200413-AD5950 Rev P02

and these shall be fully operational prior to the commencement of the beneficial use of the building.

REASON: To provide appropriate electric vehicle infrastructure to comply with Policy 12 of Future Wales: The National Plan 2040.

- 25) Prior to the commencement of the use hereby approved arrangements for the storage, collection and disposal of commercial waste shall be implemented in accordance with the waste management plan dated 13th February 2024.
REASON: In the interest of public health in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 26) A 2m-high solid acoustic barrier along the west of the loading bay shall be constructed prior to the beneficial use hereby permitted, as per the noise report dated 16th February 2024.
REASON: In the interest of residential amenity in accordance with Policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 27) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the approved development. The necessary infrastructure required shall be installed prior to the first occupation of the building.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 28) No deliveries shall be taken at or dispatched from the site outside the hours of 0700-2100 Monday-Saturday and 0800-1800 Sunday and Bank Holidays.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 29) The use hereby permitted shall not be open to customers outside the following times 0700-2200 hours Monday to Sunday.
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. Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the

town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

2. 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

3. WARNING - SEPARATE APPROVAL UNDER THE LAND DRAINAGE ACT (1991) / CAERPHILLY COUNTY BOROUGH COUNCIL LAND DRAINAGE BYELAWS (2018) REQUIRED: Please note that Caerphilly County Borough Council operate Land Drainage Byelaws and that works on a near a watercourse may require Ordinary Watercourse Consent (OWC). The erection or construction of any Building or Structure within the Byelaws distance is only permitted following written consent from the Lead Local Flood Authority. Planning Permission granted here does

not remove the requirement for approval from the Lead Local Flood Authority to be obtained. You are advised to contact the Lead Local Flood Authority. Their contact details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website:

<https://www.caerphilly.gov.uk/Services/Roadsand-pavements/Flood-riskmanagement/Consent-to-work-on-an-ordinarywatercourse>

4. Natural Resources Wales advise that infiltration of surface water drainage into the ground should only be permitted for parts of the site where it has been demonstrated there is no resultant unacceptable risk to controlled waters. This should be informed by the applicant's existing ground investigations and/or remediation strategy. If this is not properly controlled, the development may create pathways for pollution to controlled waters.

5. Please note, Dwr Cymru/Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. It is recommended that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

The applicant may need to apply to Dwr Cymru/Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e., a drain which extends beyond the connecting property boundary) or via a new sewer (i.e., serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and private Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned

and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru/Welsh Water. Under the Water Industry Act 1991 Dwr Cymru/Welsh Water has rights of access to its apparatus at all times.

The applicant will need to apply to Dwr Cymru/Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to the new water connection application guidance notes available on their website.

6. It should also be noted that a registered Asbestos contractor should remove any asbestos within the boundary of the development.