

PREFACE ITEM

APPLICATION NO. 19/0010/FULL

APPLICANT(S) NAME: Mr S Davies

PROPOSAL: Construct 18 self-contained 1Bed apartments with on-site parking, amenity, cycle and refuse stores

LOCATION: Former Pontymister Service Station Newport Road
Pontymister Risca

The above planning application was withdrawn from the 6th November 2019 planning committee agenda at the request of Officers on the basis that the car parking provision associated with the development could not be agreed prior to the Committee.

Further to the 9th October 2019 Planning Committee the applicant has amended the proposed development from 12 x 1-Bed flats and 6 x 2-Bed Flats to 18 x 1-Bed flats. On this basis the proposed development now fully complies with the adopted Car Parking Standards, i.e. 1 space per bedroom and 4 visitors spaces, and is therefore considered to be acceptable in this regard. The Section 106 agreement referred to in the original report (appended to this Preface item) is now no longer required.

With the exception of the car parking issue, the original report remains unchanged subject to an amended approved plans Condition (3) and an additional Condition relating to the proposed turning head within the site.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report, plus an amended Condition 03 and additional Condition relating to the proposed turning head within the site, as outlined below.

- 03 The development shall be carried out in accordance with the following approved plans and documents:
- Dwg. No. AL(01)10 - Proposed Elevations, received 04.01.2019;
 - Dwg. No. AL(01)04 Rev. B - Proposed 2nd Floor Plans, received 21.11.2019;
 - Dwg. No. AL(01)03 Rev. B - Proposed 1st Floor Plans, received 21.11.2019;
 - Dwg. No. AL(01)02 Rev. C - Proposed Ground Floor Plan, received 21.11.2019;
 - Dwg. No. AL(90)01 Rev. A - Site Location Plan Proposed Elevations, received 04.01.2019;
 - Dwg. No. AL(01)01 Rev. F - Proposed Site Plan (excluding bin store location and turning head dimensions), received 21.11.2019;
 - Flood Consequences Assessment, received 30.04.2019.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Additional condition (17)

Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority showing the length of the proposed turning head extended to 13.6m. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the turning of vehicles only.

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0010/FULL 30.04.2019	Mr S Davies C/o C2J Architects & Town Planners Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Construct 18 self-contained apartments (12 x 1 Bed/6 x 2 Bed) with on-site parking, amenity, cycle and refuse stores Former Pontymister Service Station Newport Road Pontymister Risca

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

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

Site description: Vacant parcel of land which was formerly the site of a petrol filling station and more recently a car sales place. The application site is approximately 1.0 - 1.5 metres above the land to the north and south.

Development: It is proposed to construct a 3-storey building comprising 18 self-contained apartments. The development is for 100% affordable housing.

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

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

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

PLANNING HISTORY 2005 TO PRESENT

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

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

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

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary.

Policies:

Strategic Policies: Policy SP1 Development Strategy (SCC), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, Policy SP15 Affordable Housing Target and Policy SP21 Parking Standards.

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

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

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018), Technical Advice Note 1: Joint Housing Land Availability Studies (2015), Technical Advice Note 2: Planning & Affordable Housing (2006), Technical Advice Note 12: Design (2016), and Technical Advice Note 18: Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

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COAL MINING LEGACY

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

CONSULTATION

Principal Valuer - Provides advice to the developer regarding an existing covenant on the land. This however is a private legal matter and does not impact on the ability to determine the application as submitted.

Natural Resources Wales - Based on the Flood Consequences Assessment (FCA) submitted with the application, raise no objection subject to conditions.

National Grid - No comments.

Wales & West Utilities - Provides advice to the developer regarding relevant infrastructure in proximity to the application site.

Network Rail - No objection. Advice provided to the developer.

Dwr Cymru - Provides advice to the developer regarding foul and surface water disposal. Also provide advice regarding the public sewer that runs through the site and the required easements in relation to this sewer line.

Transportation Engineering Manager - Objects on the basis that insufficient car parking has been proposed to serve the development. This matter is dealt with elsewhere in this report.

CCBC - 21st Century Schools - No comments.

Head Of Public Protection - No objection subject to conditions relating to site investigation for possible contamination given the previous uses at the site, i.e. petrol filling station and car sales garage.

CCBC Housing Enabling Officer - Notwithstanding the proposal being 100% affordable housing, advice is outlined relating to the affordable housing requirement in the Risca Area.

Senior Engineer (Land Drainage) - Recommends that the application be refused on the basis that the applicant has failed to demonstrate the proposal will be SAB compliant. However, as this is covered by separate legislation and approval it is not considered reasonable to refuse the planning application on this basis.

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Parks And Open Spaces - In accordance with the relevant Policy in the LDP (CW10) requests onsite play provision and useable informal spaces. Given the constraints of the site this is not possible but the development would enjoy an area of communal amenity space to the west of the proposed building.

Head Of Public Services - Provides advice regarding the position and size of the bin compound area. This would require the re-positioning of the bin storage area but it is considered that this can appropriately be dealt with by way of condition.

Police Architectural Liaison Officer - No objection.

Western Power Distribution - Provide advice to the developer.

Risca Town Council - Raises objection to the proposed development based on its scale being out of keeping with the surrounding area and potential overlooking impact on nearby properties.

Ecologist - No objection subject to conditions.

Landscape Architect - Raises objection to the proposed development based on its scale and relationship to the surrounding area.

ADVERTISEMENT

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

Response: Six objections have been received.

Summary of observations:

1. Concern that proposed dwellings will have inadequate levels of off-street parking;
2. Increased pressure on existing on-street parking;
3. Loss of light by virtue of massing of proposed development;
4. Loss of privacy as a result of the development;
5. Scale of development out of keeping with context of surrounding area;
6. Loss of wildlife habitat;
7. Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact;
8. Insufficient area allocated for bins;
9. Inadequate levels of neighbour consultation undertaken;
10. Noise, traffic and dust impact during construction works.
11. Querying who will occupy the proposed development.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. Conditions will be attached to the permission in the interests of biodiversity.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

ANALYSIS

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

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

Impact on visual amenity

By virtue of its massing, i.e. a three storey block measuring 26.7 metres in frontage, coupled with its position on raised ground (1.0 -1.5 metres above adjoining road level to the north and south), the development will have a significant impact in the streetscene and on the visual amenity of the surrounding area. The site has previously been used as a petrol filling station, and more recently as a car sales place.

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The site is also constrained by virtue of the public sewer that runs through it and the resultant loss of developable area. This has resulted in the current scheme that requires a critical mass of dwellings to render it financially viable, hence a three-storey development has been proposed.

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

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

Impact on residential amenity

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

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. These issues are discussed below.

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

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

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

ii) proposals would not result in the over-development of the site - Although the proposed development is relatively large in terms of its overall massing, adequate space is provided in terms of private amenity space and parking area, and therefore the proposal is not considered to constitute over-development.

iii) the proposed use is compatible with surrounding land uses - The site is bounded to the north, east, south and west by existing residential properties and therefore the proposal is compatible with surrounding land uses.

Highways safety and off-street car parking provision

In accordance with the adopted car parking standards, the proposed development generates a car parking requirement of 27 car parking spaces (on the basis that some of the flats are 2-bedroomed). However, due to the constraints of the site only 22 spaces can be provided. This provision equates to 1 space per flat plus 4 visitor spaces. On this basis the Transportation Engineering Manager raises objection to the proposal.

Whilst there is provision in the car parking standards to allow parking reductions in highly sustainable areas, the site does not score enough points to secure this reduction in parking provision. In this case, as the scheme would be delivered and retained by Linc Cymru Housing Association, there is the opportunity for the developer to appropriately control future occupiers car ownership levels, and a solution agreed to by the applicant.

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This car ownership control would be secured by way of Section 106 agreement and this is considered to be a reasonable and suitable way to resolve the issue. On this basis the development is considered to be acceptable in terms of car parking provision.

Development in Zone C1 (flood risk)

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

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

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

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

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

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

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

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The need to provide affordable housing

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

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

Conclusions

The proposed development will introduce a bold feature in its current setting with a scale that is not in keeping with the existing surrounding urban form. However, the site is in a prominent location, formerly occupied by a petrol filling station, and constrained by way of utilities running through the site. It is considered that the building itself proposes elements that will pay regard to surrounding properties whilst also proposing a contemporary design. This will be a striking feature as one enters Pontymister from the south. However, just because the development will be a significant departure from its surroundings does not necessarily render it unacceptable in visual terms.

This visual impact must be considered against the backdrop that the site is within the settlement boundary, is previously developed brownfield land, and will deliver 18 much needed affordable units on the edge of Risca Town Centre. Subject to a Section 106 agreement to secure low levels of car ownership, the proposal is considered acceptable in all other regards, and on balance it is recommended that planning permission be granted subject to conditions.

Comments from Consultees:

The Transportation Engineering Manager objects to the proposed development on the basis that inadequate levels of off-street parking have been proposed in accordance with the requirements of the adopted Car Parking Standards. However, the applicant who are a registered social landlord, i.e. LINC Cymru Housing Association, have agreed to enter a Section 106 agreement to ensure low level car ownership for future occupiers of the proposed dwellings. It is considered that this is a satisfactory solution to the issues raised by the Highways Department and should therefore not represent a reason for refusal in this instance.

The Council's Landscape Architect raises objection to the proposed development as outlined above.

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Application Nol. 19/0010/FULL Continued

Comments from public:

1. Concern that proposed dwellings will have inadequate levels of off-street parking - The applicant has agreed to enter into a Section 106 legal agreement to ensure low levels of car ownership for future occupiers of the proposed affordable units. On this basis the proposal is considered to be acceptable from a car parking perspective.
2. Increased pressure on existing on-street parking - This issue is covered by the point (1) above.
3. Loss of light by virtue of massing of proposed development - Given the position of the proposed development in relation to nearby properties coupled with the distance of separation between the existing and proposed development, it is not considered that the development would lead to a loss of sunlight or daylight to a degree to warrant a refusal of planning permission.
4. Loss of privacy as a result of the development - As discussed above, it is not considered that the proposal will have an unacceptable impact on levels of privacy.
5. Scale of development out of keeping with context of surrounding area - This matter is discussed in detail above.
6. Loss of wildlife habitat - No objection has been raised by the Council's Ecologist subject to conditions.
7. Application site at higher level than surrounding properties thereby increasing overbearing/overlooking impact - This issue is discussed in detail above.
8. Insufficient area allocated for bins - This matter can appropriately be dealt with by way of Condition.
9. Inadequate levels of neighbour consultation undertaken - Neighbour consultation was undertaken in accordance with the relevant legislation.
10. Noise, traffic and dust impact during construction works - Whilst there will inevitably be a degree of disruption during construction works and Condition will be attached to any permission to control such issues during construction.
11. Querying who will occupy the proposed development - Tenure type is not a material planning consideration. Furthermore there is a significant need to deliver affordable housing within the County Borough.

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Other material considerations: The proposed development would deliver 18 affordable units within the settlement boundary on a brownfield site, that will make a relatively significant contribution to the Council's current 5-year housing land availability shortfall. Furthermore as all of the proposed dwelling will be affordable units this adds significant weight in favour of the proposed development.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of securing low levels of car ownership. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows:-

- (a) They are necessary to rate the development acceptable in planning terms.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements, low levels of car ownership are required given the number of car parking spaces that can be provided onsite against the requirements of the adopted car parking standards. It is important that this matter is controlled by way of legal agreement.

In respect to the second point, appropriate levels of off-street parking provision is directly related to the development.

The third point relates to fairness of scale and kind. A Section 106 legal agreement is the only realistic mechanism to exert the appropriate level of control over future occupiers and therefore the requirement is fairly related in scale and kind to the development.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of low car ownership controls. Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

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.

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RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) 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) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 03) The development shall be carried out in accordance with the following approved plans and documents:
Dwg. No. AL(01)10 - Proposed Elevations, received 04.01.2019;
Dwg. No. AL(01)04 - Proposed 2nd Floor Plans, received 04.01.2019;
Dwg. No. AL(01)03 - Proposed 1st Floor Plans, received 04.01.2019;
Dwg. No. AL(01)02 - Proposed Ground Floor Plan, received 04.01.2019;
Dwg. No. AL(90)01 Rev. A - Site Location Plan Proposed Elevations, received 04.01.2019;
Dwg. No. AL(01)01 Rev. B - Proposed Site Plan (excluding bin store location), received 09.09.2019;
Flood Consequences Assessment, received 30.04.2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is first 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.
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety in accordance with policies CW2, CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development shall not be first occupied until the area indicated for the parking of 22 vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) No development or site/vegetation clearance shall take place until a detailed reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 09) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

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- 10) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new apartment building at the Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

- 11) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new apartment building at The Former Pontymister Service Station, Newport Road, Pontymister, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new apartment building hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).

- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021 and to comply with the requirements of TAN15: Development and Flood Risk.

- 13) 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.

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- 14) 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.
- 15) 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: To prevent contamination of the application site in the interests of public health.
- 16) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than one of the approved housing units.
 - b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
 - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
 - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy.

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Advisory Note(s)

WARNING:

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

Cont....

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Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://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, digging of 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.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the 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.

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Head of Public Services, Head of Public Protection, Western Power Distribution, Wales and West Utilities, Network Rail, that are brought to the applicant's attention.

Withdrawn from Committee

