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**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (Wales) Order 2012**

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**OUTLINE PERMISSION FOR DEVELOPMENT**

APPLICATION NO. 17/0804/OUT – **VERSION 4**

**APPLICANT**

GHR Developments Ltd  
Mr C Withey  
C/O Barton Willmore  
Greyfriars House  
Greyfriars Road  
Cardiff  
CF10 3AL

**AGENT**

Barton Willmore  
Mr C Parry  
Greyfriars House  
Greyfriars Road  
Cardiff  
CF10 3AL

WHEREAS on 29 September 2017, you submitted an application for permission to Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access at Virginia Park Golf Club And Driving Range Virginia Park Caerphilly CF83 3SN (hereinafter called "the development")

The Caerphilly County Borough Council as the Local Planning Authority hereby PERMITS the development.

This permission is subject to the following conditions:-

- 01 Approval of the details of Appearance, Landscaping, Layout and Scale(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.



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- 02 Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the Appearance, Landscaping, Layout and Scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05 The development shall be carried out in general accordance with the following approved plans and documents:  
Site Location Plan (22205 - 9001 Rev A);  
Access and Movement Plan (22205 - 9601 Rev E);  
Green Infrastructure Plan (22205 - 9604 Rev F); the principles and objectives of the Design and Access Statement;  
Planning Statement;  
Pre Application Consultation Report;  
Scoping Site Investigation Report;  
Air Quality Assessment;  
Transport Assessment;  
Framework Travel Plan;  
Preliminary Ecological Assessment;  
Bat Emergence Survey;  
Archaeological Desk Based Assessment;  
Utilities Statement;  
Drainage Strategy;



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Flood Consequences Assessment;  
Tree Survey;  
Tree Constraints Plan; and  
Topographical Survey.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 06 Notwithstanding the submitted details the site shall be developed for no more than 350 dwellings and in accordance with a masterplan that shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site.  
REASON: In order to retain effective control over the size of the development in the interests of amenity, highway safety and air quality.

**Details in respect of condition 06 have been refused by decision reference number 19/0977/COND dated 07.02.2020 issued by Caerphilly County Borough Council, in accordance with drawing number TP-00.**

- 07 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.
- 08 The wooded area of 15m in depth on the northern boundary of the shall be protected and managed as site a wildlife corridor area in accordance with a 5-year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).



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- 09 Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- Details in respect of condition 9 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with the covering letter from the agent dated 7th January 2020. Details in respect of condition 9 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with the covering letter from the agent dated 7th January 2020.**
- 10 Prior to the implementation of any lighting, a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 11 Prior to the commencement of any works on site, details of the provision of nest/roost sites for barn owls shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.  
REASON: To ensure proper measures are taken to safeguard the habitat of protected species present on the application site, in the interests of biodiversity.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the primary means of vehicular access to the development shall be from Heol Bro Wen only via a right hand turn facility in accordance with the general arrangement design (Drawing Number: C04337E - C001-P2. Full engineering details shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.  
REASON: In the interests of highway safety.



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**Details in respect of condition 12 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with drawing numbers 10266 - S278 - 01A - General Arrangement, 10266 - S278 - 02A - Agreement Plan, 10266 - S278 - 03A - Surfacing & Kerbing, 10266 - S278 - 04A - Site Clearance, 10266 - S278 - 05B - Highway Construction Plan, 10266 - S278 - 06A - Signing & Lining Layout, 10266 - S278 - 07A - Levels and Setting Out, 10266 - S278 - 100 - Bus Tracking, 10266 - S278 - 100A - Car Tracking, 10266 - S278 - 101A - Refuse Vehicle Tracking, 10266 - S278 - 20B - General Arrangement, 10266 - S278 - 21A - Highway Construction, 10266 - S278 - 30A - General Arrangement and 10266 - S278 - 31 - Highway Construction.**

- 13 The estate layout shall be designed to the principles of Department of Transport documents Manual For Streets and Manual For Streets 2 and shall include the pedestrian and cycle links indicated on drawing number 22205 9406 Rev F.  
REASON: In the interests of highway safety.
- 14 Prior to the commencement of work on site a residential travel plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: In the interests of highway safety.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), there shall be no vehicular access or egress from the site onto Beechgrove.  
REASON: In the interests of highway safety.
- 16 Notwithstanding the submitted plans prior to the commencement of construction of any dwellings on site full engineering details of the off-site infrastructure improvements and the timing of their implementation detailed below shall be submitted to and approved in writing by the LPA:-  
- Road junction improvements to the B4623 Pontygwindy Road/Heol Bro Wen junction by way of an extended right hand turn facility and provision of a central refuge island pedestrian crossing facility.  
- Proposed road improvements to the Parc Pontypandy arm of A468 Bedwas Bridge Roundabout.  
The improvements shall be completed in the timescale agreed in writing with the Local Planning Authority.  
REASON: In order to ensure that the development is served by an adequate highway infrastructure in the interests of highway safety.



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**Details in respect of condition 16 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with drawing numbers 10266 - S278 - 01A - General Arrangement, 10266 - S278 - 02A - Agreement Plan, 10266 - S278 - 03A - Surfacing & Kerbing, 10266 - S278 - 04A - Site Clearance, 10266 - S278 - 05B - Highway Construction Plan, 10266 - S278 - 06A - Signing & Lining Layout, 10266 - S278 - 07A - Levels and Setting Out, 10266 - S278 - 100 - Bus Tracking, 10266 - S278 - 100A - Car Tracking, 10266 - S278 - 101A - Refuse Vehicle Tracking, 10266 - S278 - 20B - General Arrangement, 10266 - S278 - 21A - Highway Construction, 10266 - S278 - 30A - General Arrangement and 10266 - S278 - 31 - Highway Construction.**

- 17 Off street parking provision shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.  
REASON: In the interests of highway safety.
- 18 The means of access serving the proposed development from Heol Bro Wen shall be laid out, constructed and maintained thereafter with visibility splays of 2.4m x 43m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 19 Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 20 Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.  
REASON: In the interests of highway safety.

**Details in respect of condition 20 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with Construction Environmental Management Plan.**



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- 21 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. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
  - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
  - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

**Details in respect of condition 21 have been refused by decision reference number 19/0977/COND dated 07.02.2020 issued by Caerphilly County Borough Council.**

- 22 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.



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- 23 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.
- 24 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.

**Details in respect of condition 24 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with Construction Environmental Management Plan.**



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- 25 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.

**Details in respect of condition 25 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with Construction Environmental Management Plan.**

- 26 No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),



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- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.



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**Details in respect of condition 26 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with the Arboricultural Method Statement and Tree Protection Plan.**

27 Prior to the commencement of any vegetation clearance, works or development a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

REASON: In the interests of visual amenity.

28 The following activities must not be carried out under any circumstances:

- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
- b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.
- d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
- e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity.



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- 29 Prior to the commencement of any vegetation clearance, works or development a scheme of supervision for the arboricultural protection measures shall be submitted to and agreed in writing with the Local Planning Authority. That scheme will be appropriate to the scale and duration of the works and where the Local Planning Authority considers appropriate include details of:
- a) induction and personnel awareness of arboricultural matters.
  - b) identification of individual responsibilities and key personnel.
  - c) statement of delegated powers.
  - d) timing and methods of site visiting and record keeping, including updates.
  - e) procedures for dealing with variations and incidents.
- REASON: In the interests of visual amenity.

**Details in respect of condition 29 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with the Arboricultural Method Statement and Tree Protection Plan.**

- 30 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 scheme shall also include details of a scheme of monitoring to ensure the ongoing effectiveness of the mitigation measures carries out. The development shall be carried out in accordance with the approved scheme.
- REASON: In the interests of public health.

**Details in respect of condition 30 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with Site Investigation and Remediation Strategy together with the Groundwater Scheme of Monitoring.**

- 31 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.



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- 32 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.
- 33 Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 34 Notwithstanding the submitted plans, the development shall be carried out in accordance with a scheme for leisure provision which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The scheme shall include as a minimum the following facilities:-  
. A suitably scaled local equipped area for play (LEAP) and appropriate wet pour safety surfacing (enclosed with 1 metre bow top fencing and easy gates for access together with connecting footpaths),  
. A tarmac court with a footprint of circa 13 metres x 22 metres (with 1 metre fencing/railing to the sides and 3 metre fencing to the ends),  
. Three no. suitably scaled local areas for play (LAP's) and appropriate wet pour safety surfacing (enclosed with 1 metre bow top fencing and easy gates for access together with connecting footpaths where applicable),  
. A suitably scaled and landscaped sports pitch.  
REASON: In order to ensure that adequate open space and leisure facilities are made available in order to meet the needs of the future occupiers of the site.

**Details in respect of condition 34 have been refused by decision reference number 19/0977/COND dated 07.02.2020 issued by Caerphilly County Borough Council.**



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- 35 Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the phasing of the development. The scheme shall include:
- (a) A list of the land use components (including floorspace/number of dwellings) of each phase of the development,
  - (b) The precise location of each phase of the development,
  - (c) A schedule for the expected completion of each phase of the development.
- In the event that there is any variation from the agreed details that accelerates the development schedule, a revised Air Quality Management Assessment shall be submitted to and approved in writing by the Local Planning Authority that sets out the mitigation measures required at the expected completion date.
- The development shall only be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.
- REASON: In order that the Local Planning Authority retains control over the development in the interests of the proper planning of the area.

**Details in respect of condition 35 have been agreed by decision reference number 19/0977/COND dated 07.02.2020 issued by Caerphilly County Borough Council in accordance with drawing number PH-01.**

- 36 Prior to works commencing on site details shall be submitted for a minimum of 50% of the residential units to be constructed to make provision to allow for the installation of electric charging points for vehicles.
- REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity.

**Details in respect of condition 36 have been agreed by decision reference number 19/0977/COND dated 07.02.2020 issued by Caerphilly County Borough Council, in accordance with drawing number VCP-01.**

- 37 During development works, should any contamination be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the remediation strategy, a revised report shall be submitted to the Local Planning Authority within an agreed timescale for written approval.
- REASON: In the interests of public health.



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Tredomen Park  
Tredomen  
Ystrad Mynach  
Hengoed  
CF82 7WF  
Tel: 01443 815588

Isdran Cynllunio  
Tŷ Tredomen  
Parc Tredomen  
Tredomen  
Ystrad Mynach  
Hengoed  
CF82 7WF  
Tel: 01443 815588

- 38 Prior to the remediation strategy commencing, a risk assessment shall be agreed in writing with the Local Planning Authority which shall include measures to protect the health and safety of persons living and working in the surrounding neighbourhood. As part of this requirement a nominated, suitably qualified person(s) shall be available site for the duration of the remediation works and attend site as and when required.  
REASON: In the interests of public health.

**Details in respect of condition 38 have been agreed by decision reference number 20/0008/COND dated 1st February, 2021 issued by Caerphilly County Borough Council in accordance with Site Investigation and Remediation Strategy together with the Groundwater Scheme of Monitoring.**

A handwritten signature in blue ink that reads 'Rhys Kyte'.

DATED: 5 December 2019

Head of Regeneration and Planning

### **Advisory Note(s)**

1. The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4 and CW6.
2. 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.



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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. 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](http://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](http://www.gov.uk/government/organisations/the-coal-authority).

3. Please find attached comments from Dwr Cymru/Welsh Water, Wales and West Utilities, Landscape Architect, Senior Engineer (Land Drainage), Transportation Engineer Manager and the Council's Ecologist.



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### **NOTICE**

THIS IS A PLANNING PERMISSION ONLY and does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

### **Appeals to the Welsh Government**

If you are aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Planning Inspectorate under Section 78 of the Town and Country Planning Act 1990. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ. The Planning Inspectorate can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

The Planning Inspectorate need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Planning Inspectorate does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by the Planning Inspectorate.

### **Purchase Notices**

If either the Local Planning Authority or the Planning Inspectorate refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances, compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

### **GUIDANCE NOTE**

Planning Policy Wales requires that when planning permission is granted, a notice should be issued to inform the applicant that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner. It should also advise the applicant that although the Local Planning Authority has used its best endeavours to determine the application on the basis of the information available to it. This does not mean that the land is free from instability.

The Guidance Note can be obtained from Her Majesty's Stationery Offices or inspected at Caerphilly County Borough Council, Tredomen House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7WF during normal working hours.