

## **PREFACE ITEM**

APPLICATION NO. 17/0804/OUT

APPLICANT(S) NAME: Mr C Withey

PROPOSAL: 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.

LOCATION: Virginia Park Golf Club And Driving Range, Virginia Park, Caerphilly, CF83 3SN

1. Members will recall that this application was deferred at Committee on 20<sup>th</sup> March 2019. A copy of the previous report is attached.
2. Members will recall that the applicant had offered to provide 10% of the dwellings on the site as affordable units on a 'Discount Market Value' basis. Their viability review was forwarded to the District Valuer (as the Council's independent advisor on such matters) who determined that a 14% of the dwellings could be provided as affordable on that basis.
3. Members were advised at committee that 'Discount Market Value' houses did not comply with the definition of affordable housing as set out in Planning Policy Wales and as such the proposal was effectively not providing any 'policy compliant' affordable housing. Members expressed concerns with this and requested that the matter be referred back to the developers to discuss the provision of 'policy compliant' affordable housing.
4. The matter was subsequently referred to the District Valuer. They have carried out a thorough review of the viability of the proposal and have determined that a 'policy compliant' affordable housing level of 7.14% is viable on this site. The developer has confirmed that this is acceptable and has agreed to the provision of 7.14% of the dwellings as affordable units in a mix to be agreed with the Local Planning Authority.
5. It is considered that the review carried out by the District Valuer is a thorough examination of the costs of developing this site having regard for its former use as a refuse tip and the associated contamination therein.
6. Whilst Members may be concerned that the target of 40% affordable housing as set out in Policy CW11 of the Local Development Plan, it should be noted that this is a target rather than a fixed requirement and it must be considered against viability. In that regard it is considered that, having regard for the viability of the development, the provision of 7.14% affordable housing complies with Policy CW11.

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7. Since the previous meeting Local Members have also raised further concerns with regard to the ownership of the access to the site and the method for dealing with the contamination of the site. Each of these matters will be dealt with in turn below
8. In respect of the ownership of the access to the site off Heol Bro Wen, the submitted details confirm that all of the land to which the application relates, including the access point, is owned by the applicant.
9. In respect of the measures for dealing with the contamination of the site Members are advised that the applicant has submitted a comprehensive report that sets out a raft of measures. These would include removing approximately 1.5m depth of contaminated material from the site, lining the site with a non-permeable membrane and importing clean material to restore the site to an agreed level. These measures have been commonly used in other contaminated sites throughout the County Borough and are considered to be an acceptable means of dealing with contamination.

#### Recommendation

That the application be approved in accordance with the Officer's recommendation contained in the attached report.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0804/OUT 29.09.2017	GHR Developments Ltd Mr C Withey C/O Barton Willmore Greyfriars House Greyfriars Road Cardiff CF10 3AL	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 Virginia Park Golf Club And Driving Range Virginia Park Caerphilly CF83 3SN

**APPLICATION TYPE:** Outline Application

**SITE AND DEVELOPMENT**

Location: The application site is located approximately 1km to the north of Caerphilly Town Centre and to the south and east of Caerphilly Leisure centre.

Site description: The site was previously a municipal rubbish tip which was closed in 1963 and was most recently used as a golf course and a driving range covering approximately 16.94 hectares of flat land. A golf club and car park are located in the southern area of the site and to the west of the leisure centre. Natural features on the site consist of mown grass, golf bunkers, small clumps of woodland, scattered trees and several ponds and ditches.

A mix of mature woodland and scrub lines all the boundaries except where the Caerphilly Leisure Centre and Rugby Club are located to the west. A Public Right of Way runs along the northern boundary. The site benefits from views south to Caerphilly Castle and north to the Ridgeway.

Apart from the leisure centre and Caerphilly Rugby Club to the north, the site is surrounded by residential development of differing styles and tenures ranging from terraced dwellings on Pontygwindy Road to the west and more modern housing developments to the south and east.

The site is currently accessed via a shared access with the leisure centre off Virginia Park which leads onto Heol Bro Wen and then either to the west onto Pontygwindy Road or to the north east towards Gallagher Retail Park.

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Development: The application seeks outline planning consent with all matters other than access reserved for future consideration.

Residential development is proposed comprising of up to 350 new homes, local centre, new accesses for vehicles, pedestrians and cyclists, creation of public open space and landscaping, and sustainable drainage measures and associated works.

The indicative layout shows the majority of development being located in the central and northern part of the site with the existing Golf Clubhouse being retained as a local centre, surface water drainage attenuation ponds and the area in the southern part of the site being developed as public open space with a playing field immediately to the south of the clubhouse.

The main vehicular access to the site will be obtained from a new junction off Heol Bro Wen with a secondary access to the local centre off the existing shared access to the leisure centre. Several pedestrian access points are also proposed to link the development to the wider area.

Dimensions: Dwellings will have minimum dimensions of 4m by 7m with maximum dimensions of 12m by 15m. The ridge height of the dwellings will depend on their location within the site with those in the central core having higher maximum heights of up to 12.5m and the remainder on the edges of the site being lower with maximum ridge heights of 10.5m.

Materials: A pallet of materials will be used that reflect the character of the surrounding area such as render, stone, brick, slate and concrete tiles.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

13/0088/RET - Retain the change of use of the first floor/roof from offices to D1 use - Refused 21.06.13.

POLICY

Local Development Plan: Within settlement limits.

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Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place Making), SP7(Planning Obligations), SP10 (Conservation of Natural Heritage), SP14(Total Housing Requirements), SP15(Affordable Housing Target), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW5 (Protection of the Water Environment), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW8 (Protection of Community and Leisure Facilities), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 4 Trees and development provides relevant advice.

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

Supplementary Planning Guidance LDP 8 Protection of Open Space confirms that for the purposes of development management, golf courses are to be considered as a leisure facility rather than public open space and therefore the applicable LDP policy in this instance is Policy CW8 'Protection of Community and Leisure Facilities'.

National Policy: Planning Policy Wales

2.24 states:- Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle. There may be occasions when one benefit of a development proposal or site allocation outweighs others, and in such cases robust evidence should be presented to support these decisions, whilst seeking to maximise contributions against all the well-being goals.

2.25 states:- Key factors in the assessment process include: Social Considerations, Economic Considerations, Cultural Considerations and Environmental Considerations.

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## Application 17/0804/OUT Continued

3.16 states:- Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

3.51 states:- Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re use will promote sustainability principles and any constraints can be overcome. It is recognised, however, that not all previously developed land is suitable for development. This may be, for example, because of its unsustainable location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health. There may be instances where it may not be possible to develop sensitive uses on previously developed land without placing unnecessary constraints on adjacent existing businesses and activities which require that particular location. In such circumstances the agent of change principle will be a relevant consideration.

3.52 states:- Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.

The Definition of Previously Developed Land is as follows:-

Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure.

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The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures. Excluded from the definition are:

- land and buildings currently in use for agricultural or forestry purposes;
- land which has not been developed previously, for example parks, recreation grounds, golf courses and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings;
- land where the remains of any structure or activity have blended into the landscape over time so that they can reasonably be considered part of the natural surroundings;
- land which is species rich and biodiverse and may qualify as section 7 habitat' or be identified as having nature conservation value; and
- previously developed land subsequently put to an amenity use.

4.11 states:- The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- Enabling More Sustainable Travel Choices - measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel;
- Network Management - measures to make best use of the available capacity, supported by targeted new infrastructure; and
- Demand Management - the application of strategies and policies to reduce travel demand, specifically that of single-occupancy private vehicles.

4.1.35 states:- The availability of public transport is an important part of ensuring a place is sustainable. It enables people to undertake medium and long journeys without being dependent on having access to a car. The planning system should facilitate this by locating development where there is, or can be, good access by public transport. The design, layout, density and mix of uses of a place are also fundamental to sustaining public transport services, and encouraging and enabling people to use them.

4.1.36 states:- Planning authorities must direct development to locations most accessible by public transport. They should ensure that development sites which are well served by public transport are used for travel intensive uses, such as housing, jobs, shopping, leisure and services, reallocating their use if necessary. In rural areas, planning authorities should designate local service centres, or clusters of settlements where a sustainable functional linkage can be demonstrated, as the preferred locations for new development.

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4.1.39 states:- To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development.

4.2.15 states:- Planning authorities must ensure that sufficient land is genuinely available or will become available to provide a five year supply of land for housing judged against the general objectives, scale and location of development required in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints and be economically viable, in order to support the creation of sustainable communities. For land to be regarded as genuinely available it must be a site included in either a Joint Housing Land Availability Study (JHLAS) or, until a JHLAS is required to inform the first Annual Monitoring Report (AMR), in the housing trajectory agreed as part of an adopted development plan. The housing trajectory demonstrates how the planning authority will maintain a five-year supply of housing land over the plan period.

6.4.3 states:- The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 states:- It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.



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National Planning Guidance contained in Technical Advice Note 12 - Design, and Technical Advice Note 15 - Development and Flood Risk.

### 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? Yes but The Coal Authority is satisfied that an adequate assessment of the coal mining risks associated with this development has been carried out and subject to the imposition of a condition requiring that the development is carried out in accordance with approved remediation and mitigation measures the proposal is considered to be acceptable from a mining risk perspective.

### CONSULTATION

Strategic & Development Plans - On balance, the proposal is considered acceptable in policy terms subject to the detailed consideration of technical matters in respect of issues such as flood risk, contamination, minerals and transportation.

Transportation Engineering Manager - No objection subject to conditions.

Natural Resources Wales - No objection subject to conditions.

Rights Of Way Officer - Footpath 57 on the community of Caerphilly abuts the northern boundary of the site and must not be affected.

CADW - No objection.

Principal Valuer - Raises objection with regard to the proposed access as this is immediately adjacent to a proposed access to the nearby leisure centre that may be constructed in the future.

Glam/Gwent Archaeological Trust - No objection.

The Coal Authority - No objection.

Countryside And Landscape Services - Raises no objection to the principle of the development but offers advice in respect of the indicative layout as submitted.

Head Of Public Protection - No objection subject to conditions.

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Senior Arboricultural Officer (Trees) - Raises no objection to the principle of the development but offers advice in respect of the indicative layout and the impact on trees.

CCBC Housing Enabling Officer - Raises no objection subject to the provision of 40% of the units as affordable homes.

Senior Engineer (Land Drainage) - No objection subject to the submission of a comprehensive drainage scheme.

Parks And Open Spaces - Raises no objection to the principle of development and requests the provision of adequate leisure provision within the development in accordance with Policy CW10 of the Local Development Plan.

Head Of Public Services - No objection to the principle of development subject to the provision of adequate refuse facilities.

Dwr Cymru - Raises no objection to the proposal but offers advice to be conveyed to the developer.

Police Architectural Liaison Officer - No objection.

Wales & West Utilities - Provide advice to be conveyed to the developer.

Western Power Distribution - Provide advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: A petition containing 38 signatures and 249 objection letters were received together with 6 letters in support of the application.

Summary of observations:

1. There has been an over-provision of housing in the Caerphilly Basin area since the adoption of the LDP.
2. Whilst the site is a former refuse tip it does not comply with the definition of Brownfield Land as set out in Planning Policy Wales and approval of the application would be contrary to Policies contained in the LDP.
3. Recent applications have been approved at appeal because of the reported shortage of a 5 year housing land supply despite not meeting other planning criteria. Hopefully this will not be the case here.
4. At least half of the site should be retained as public open space.

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5. The proposed layout does not adequately address pedestrian and cycling routes to the town centre.
6. More consideration should be given to the views into the site and out from the site and the relationship with Caerphilly Castle.
7. The proposal would have an unacceptable impact on traffic in the area with the highway network unable to accommodate the increased flows.
8. The increase in traffic will lead to an increase in pollution.
9. The ground under the site is heavily contaminated and development is likely to release these pollutants into the atmosphere.
10. There is inadequate public transport in the area to serve the development.
11. The developer has removed a requirement to provide 40% of the homes as affordable units. This risks pricing out future purchasers.
12. There is a covenant in place requiring the land to be retained for leisure purposes.
13. The new residents would place a strain on dental and health services in the area, which are already at or nearing capacity.
14. The site is defined as being within Zone C2 in the flood maps attached to Technical Advice Note (TAN) 15 - Development and Flood Risk and is liable to flooding.
15. The dwellings will be out of keeping with the character of existing houses in the area.
16. A permanent access onto Beech Grove is unacceptable.
17. Insufficient capacity in the local schools.
18. There is little advantage in the provision of electric charging points as only a very small percentage of the cars purchased in the Country are electric vehicles.
19. The trees around the site should be retained.
17. All future housing should be directed to the northern part of the County Borough.
18. Pedestrian access from the site into Beechgrove will lead to anti social behaviour.
19. The development will lead to increased flooding elsewhere.
20. Where are the play areas proposed to be?
21. The proposal will have unacceptable ecological impacts.
22. The proposed dwellings will have an overbearing impact on adjacent dwellings.
23. The impact of the development on areas outside Caerphilly County Borough is not fully considered as part of the application.
24. Potential encroachment onto neighbouring land.
25. Potential damage to property during construction.
26. Conflict with other uses in the area such as floodlighting at the adjacent tennis club.
27. How will the proposed community centre be funded?
28. Devaluation of property.

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?  
None.

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### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The application is supported by ecological reports that assess the impact of the development on the ecology of the area. Based on the amended plans that seek to retain the wooded area on the northern boundary of the site it is not considered that the proposal would have a negative impact on the ecology of the area.

Is this development Community Infrastructure Levy liable? Yes, but this can only be calculated at the reserved matters stage.

### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application is assessed as follows:-

#### Principle of Development and Housing Land Supply

The Application Site is a vacant site which lies within the defined settlement boundary of Caerphilly (as defined by Policy SP4), which comprises a 'Principal Town' within the County Borough and therefore the principle of new residential development is considered to be acceptable. Whilst the site has commonly been referred to as a brownfield site given its past use as a refuse tip, under the definition of previously developed land contained in Planning Policy Wales (PPW) the site would be considered to be predominantly greenfield (except for the clubhouse, driving range buildings, and car park which are brownfield).

Policy SP3 Development Strategy (Southern Connections Corridor) requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The application is for the development of a predominantly greenfield site within the identified settlement limit, and whilst the development in its entirety would not use previously developed land as defined by PPW, it would nevertheless make use of land within the identified settlement limit of the town. The site is also located in an area that is well served by regular bus services.

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In terms of the role and function of the area, the Strategy defines Caerphilly as a Principal Town within the SCC, based on its role as a provider of retail and other services and as an area that provides significant employment opportunities. The Principal Towns are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 Settlement Strategy. The LDP targets new residential development in Caerphilly to a number of brownfield sites throughout the Caerphilly Basin area. A significant number of these have since been developed and the plan has successfully regenerated these areas as a consequence. The development of additional housing to serve Caerphilly would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3.

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Clearly, there would be some impact on natural heritage features as a consequence of this development but satisfactory protection and mitigation has been proposed as part of the proposal and the development is considered acceptable in terms of Criterion E of Policy SP3.

The proposal is contrary to the provisions of Criterion A when the PPW definition of previously developed land is applied. However the site is conveniently located, in close proximity to Caerphilly Town centre and is capable of promoting short trips by sustainable modes of transport. The site is well served by existing public transport routes and has the potential to maximise walking and cycling for short trips. The proposal is therefore considered to be acceptable in terms of the remaining Criteria B to E of Policy SP3.

Whilst Policy CW8 seeks to protect existing community facilities (including golf clubs), criterion (B) of Policy CW8 allows for the loss of such facilities where it can be demonstrated that the facility is surplus to requirements. Virginia Park Golf Club closed in March 2017 due to the continued operation of the club proving to be financially unviable, which was caused by a decline in memberships. In addition, Caerphilly is well served by a number of alternative golf clubs including Caerphilly Golf Club, Castell Heights Golf Club and Ridgeway Golf Club. Residents of Caerphilly are also served by a number of other golf clubs slightly further afield including Bryn Meadows Golf Club (Ystrad Mynach), Castell Coch Golf Club (Tongwynlais) and Llanishen Golf Club (Thornhill, Cardiff). In light of the above, it is considered that the continued use of Virginia Park Golf Club is unviable and surplus to requirements in accordance with criterion (B) of Policy CW8.

Moreover, the Council currently cannot demonstrate a five-year supply of housing as required by PPW (with the latest JHLAS demonstrating only a 2.3 year housing land supply), which comprises a material consideration in favour of the Proposed Development. The Proposed Development will make a significant and much needed contribution to the overall housing land supply in the County Borough in accordance with paragraph 9.2.3 of PPW.

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Sustainability

As mentioned above, Caerphilly is a defined 'Principal Town' within the LDP settlement hierarchy (which is the highest rank within the hierarchy) due to the wide range of employment opportunities and local services and facilities that it provides. The Application Site is also highly accessible via modes of transport other than the private car including bus, rail, cycle and foot.

In light of the above, it is considered that the Proposed Development complies with Policies SP3, SP6 and Key Objectives 8 and 16 of the adopted LDP. The proposed development also complies with the Welsh Government's Key Policy Objectives relating to sustainability set out with paragraph 4.4.3 of PPW.

Design

This application is submitted in outline with all matters other than access reserved for future consideration. However, a comprehensive rationale for the design of the Proposed Development is set out within the Design & Access Statement ("DAS") submitted with the application. It is suggested that, the proposed development will create a distinctive place with new walking and cycling links to the site. A green corridor running north to south will be provided on site while landscape buffers to nearby dwellings will be retained wherever possible.

Adequate amenity standards can be maintained throughout the Proposed Development and on adjacent land and the proposed residential use of the site is considered to be compatible with surrounding land uses. The Proposed Development therefore complies with the requirements of Policies SP6 and CW2 and Key Objectives 2, 10 and 13 of the LDP, taking into account the local character and context, amenity, energy efficiency, public open space, footpaths and cycle paths, biodiversity and landscaping.

Flood Risk and Drainage

As confirmed within the Flood Consequences Assessment that accompanies the application, the Application Site is located between Porset Brook and Nant yr Aber on their approach to the Afon Rhymni. Following the recent revision of Natural Resources Wales' (NRW) Development Advice Maps (DAMs) attached to Technical Advice Note 15 Development and Flood Risk, the majority of the site is located within Flood Risk Zone A. Flood Risk Zone A comprises land that is "Considered to be at little or no risk from river, tidal or coastal flooding".

Approximately 13% of the site is located within Flood Zone C2. This area is at risk of flooding (during a 1 in 1000-year return period event) by flood waters from the Nant yr Aber routing west-east through the site from the Rugby Club to Hazel Grove. Whilst the predicted depth of flooding remains shallow, these areas are inappropriate for residential development and as such they have been allocated as public open space.

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Any modifications to the existing ground profile will need to ensure that flowpaths through the site are maintained. Where residential buildings are in close proximity to Flood Risk Zone C2 a threshold of 300mm above ground levels is recommended to mitigate uncertainty in model results. This will also be considered for areas predicted to be at flood risk were a significant blockage to coincide with an extreme flood event.

Following consultation between the developer and NRW, the proposed community centre has been relocated outside of Flood Zone C2 in order to remove any perceived conflict with TAN15. A local centre, consisting of 'Less Vulnerable' retail / commercial uses and associated parking is proposed partly within Flood Zones C2 and A. Commercial development is generally suitable in Flood Zone C2 (with a minimum threshold requirement and flood resilience/resistance incorporated into the design). Care has also been taken to ensure flood flowpaths are unhindered through the site.

To ensure that the development does not create additional run-off, Sustainable Drainage Systems ("SuDS") form an integral part of the site. In light of the above, the Proposed Development is considered to fully comply with LDP Policy CW5, Key Objectives 4 & 15 and the relevant guidance contained within PPW and TAN15.

## Access and Parking

Access is the only matter that is not reserved for future consideration and as such the adequacy of the site with regard to highway safety has to be considered at this stage. In terms of access, the Transport Assessment by Hydrock, which has been assessed by a firm of consultants working for the Council, confirms that the Application Site is sustainably located in close proximity to public transport facilities together with local services and facilities. The Proposed Development will therefore encourage and promote sustainable travel behaviour. A Framework Travel Plan has also been produced in order to promote the use of alternative modes of transport at the Application Site.

Following the statutory public consultation exercise undertaken by the Applicant prior to the submission of this planning application, the Applicant has resolved to amend the scheme's access arrangements. The initial scheme included a primary access off Heol Bro Wen with a secondary access off Beech Grove for emergency vehicles only.

The Access and Movement Plan and Illustrative Layout Plan by Barton Willmore demonstrate that the primary vehicular access will be achieved via Heol Bro Wen to the north-west of the Application Site with an emergency access proposed via Beech Grove. An emergency access (which will also serve the local centre) is also proposed via the existing access road adjacent to the leisure centre. Pedestrian and cycle access points are proposed at various locations around the Application Site boundary including at Sir Stafford Close, Hazel Grove, Close Tir Maes / Meadowland Close and Caerbragdy.

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The Proposed Development will incorporate an appropriate level of car parking and cycle parking in accordance with adopted standards, and the operational assessments undertaken at the application site confirm that the key junctions are capable of accommodating the proposed development, subject to minor mitigation works at Heol Bro Wen / Pontygwindy Road. These mitigation works include extending the right turn lane at the junction and the provision of central refuge islands. Discussions during the application process have also identified that minor improvements to the Parc Pontypandy arm of Bedwas Bridge Roundabout. These works have been agreed with the developer and can be required by condition.

In light of the above, the Proposed Development is considered to comply with all transport related policies and objectives set out within Policies SP3, SP6 and CW3 and Key Objectives 8 and 16 of the adopted LDP. Furthermore, the Proposed Development is considered to comply with the relevant transport-related guidance set out within PPW and TAN18.

### Air Quality

With regards to air quality, the Air Quality Assessment by Hydrock suggests that the Proposed Development would have a "Negligible" to "Moderate" impact on emissions in the area in the construction and operational phases of the development. The Application Site lies immediately to north of the Caerphilly Town Centre Air Quality Management Area and the Air Quality Assessment sets out a number of mitigation measures to reduce the impact of the Proposed Development both in terms of the operational phase and the construction phases. Accordingly, the Proposed Development is considered to comply fully with the requirements of Policy SP6 of the adopted LDP. However Para 4:1.39 of PPW states that the planning system should encourage the use of ULEV's through the provision of electric charging points as part of development schemes. In that regard it is considered that it would be reasonable to require electric charging points on 50% of the dwellings on the site. This would be secured by condition.

### Arboriculture

A Tree Survey has been prepared for the Application Site by Treescene. The Survey confirms that the Application Site contains a number of mature trees and hedgerows although none are affected by any Tree Preservation Orders ("TPOs"). Whilst the majority of the trees fall within Categories B, C and U, the Application Site does however contain one Category A tree, which is situated at the central portion of the site. The proposed development will incorporate the retention of existing trees where possible, although it should be noted that there is a need to remediate this brownfield former landfill site in its entirety. Further details are set out within the Site Investigation Report submitted with the application. This report suggests that the site will be completely stripped of the vegetation contained within the site (other than those trees on the boundaries of the site that screen it from the surrounding development) in order to carry out the remediation.

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## Application 17/0804/OUT Continued

The remediation includes the removal of a large group of mature trees in the northern part of the site identified as Category A or B trees. BS5837:2012 describes Category A trees as "trees of high quality" which should be retained and protected during the development phase as far as is at all possible. Category "B" trees are described in the Standard as "trees of moderate quality" whose retention and subsequent protection is desirable. Category "C" trees are of lower quality and may usually be removed if their effective retention is in conflict with approved development plans: Category "U" trees are those in such a condition that their removal is recommended. In that regard it was considered that these trees have significant merit and were worthy of retention, notwithstanding the need to remediate the site for development.

It was also considered that the wooded area had significant ecological importance as a wildlife corridor for protected species. The removal of this wooded area would remove this important wildlife corridor which could not be adequately mitigated and as such the removal was considered to be unacceptable. This view was conveyed to the applicant and whilst it was argued that the remediation of the site was of paramount importance it was acknowledged that the site could be remediated without the need to remove the group of trees. The applicant has now submitted an indicative layout plan that retains this group of trees and indicates that 350 dwellings can still be accommodated within the site.

Therefore, subject to the retention of the group of trees referred to above the proposed development is considered to comply with Policy CW6 of the LDP.

#### Ecology

The Preliminary Ecological Appraisal submitted with the application states that the application site supports a 'limited range' of habitats comprising "intensively managed amenity grassland with ponds, semi-natural broadleaved woodland, scrub and scattered trees and small patches of poor semi improved grassland, and tall ruderal vegetation (that which tends to occur on waste ground).

In terms of protected species, the Preliminary Ecological Appraisal confirms that no evidence of badgers or great crested newts were found on site. However, the Appraisal sets out a number of recommended works / measures to mitigate any impact of the Proposed Development on protected species including badgers, bats, birds and reptiles.

A Bat Emergence Survey has subsequently been prepared which states that the existing buildings within the Application Site can be demolished (if required) without compromising the favourable conservation status of bats.

The Application Site is therefore capable of accommodating the Proposed Development without unacceptable adverse impact upon ecology. The Proposed Development is therefore considered to comply with Policies SP10 and CW4 of the adopted LDP.

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## Application 17/0804/OUT Continued

## Ground Conditions

The Scoping Site Investigation Report by Integral Géotechnique confirms that the whole Application Site was previously used as a landfill (for inert industrial, commercial and household waste) prior to the development of the golf club and course. The Report sets out the recommended remediation works in detail. The report has been assessed by a firm of consultants employed by the Council and the proposed remediation measures are considered to be acceptable subject to the imposition of conditions requiring that the works be carried out in accordance with an agreed scheme. In that regard it is considered that the remediation of the site would not only not have any detrimental impact on the public health of the area it would in fact have a positive impact on public health by remediating the contamination on the site. The proposed development therefore complies with Policies SP3 and SP5 of the adopted LDP.

## Archaeology &amp; Cultural Heritage

In terms of archaeology and cultural heritage, the desk-based assessment submitted with the application confirms that no designated archaeological assets (inc. Scheduled Ancient Monuments, Listed Buildings, Conservations Areas, Historic Parks & Gardens and Historic Landscapes) will be directly affected by the Proposed Development. However, the Application Site does enjoy views of Caerphilly Castle, which lies approximately 900m to the south-west, which is a Grade I Listed Building and a Scheduled Ancient Monument. Notwithstanding the above, the impact of the Proposed Development on views and the setting of the Castle is considered to be negligible. Moreover, the indicative layout shows that the proposed development can be sensitively designed incorporating a central spine route which has been aligned to allow for direct views of the Castle. In light of the above, the Proposed Development is considered to be fully in accordance with Policy SP6 of the LDP.

## Leisure &amp; Open Space Provision

Policy CW10 of the LDP requires the provision of well-designed open space, formal children's play facilities and adequate outdoor sport provision. In this instance the indicative layout plan shows the provision of a Local Equipped Area for Play (LEAP), three local areas for play (LAP's) and a full sized sports field, changing rooms and significant areas of open space. It is considered that this is in accordance with the requirements of Policy CW10 and can be secured by an Agreement Under S106 of The Town & Country Planning Act 1990.

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## Application 17/0804/OUT Continued

## Affordable Housing

Policy CW11 Affordable Housing Provision indicates that where there is evidence of need the Council will seek to negotiate 40% affordable housing within the Caerphilly Basin. This target is indicative and regard should be had for the up to date Local Housing Market Assessment, the information from the Housing Division in terms of the affordable housing waiting list, and critically the viability of the development. A viability assessment has been submitted with the application which indicates that the provision of affordable housing is not viable having regard for the costs of developing the site, particularly with regard to remediation of on-site contamination. This report has been independently assessed by the District Valuer who agrees with these findings and in that regard it is considered that the provision of affordable housing on the site is not viable in this instance. Whilst this is regrettable it is not considered that the proposal is contrary to the above Policy.

Nevertheless the applicant has agreed to provide 14% of the total units on site on a 'Discounted Market Rate' basis. Whilst this does not meet the definition of affordable housing as set out in national planning guidance, it is considered to be a planning gain over and above the planning requirements. This provision should be secured through a legal agreement under Section 106 of the Town and Country Planning Act 1990.

Comments from Consultees: Whilst the Councils Principal Valuer has raised concerns in respect of the access to the development site, this is purely in order to safeguard the Councils position as adjacent landowner. This is a private matter between the two parties and has no bearing on the determination of this application. No other objections have been raised in respect of the application and all matters raised can be adequately addressed by conditions.

Comments from public: The comments of the public are addressed as follows.

1. Figures have been produced by an objector that suggests that there has been an overprovision of housing in the Caerphilly Basin area since the adoption of the LDP. The first point to note in response to this is that the LDP does not contain specific targets for house building in the Caerphilly Basin area but does allocate certain sites. Criterion A of Policy SP3 of the LDP states that Development of the Southern Connections Corridor will promote sustainable development that uses previously developed land within settlement limits as this would serve to constrain development within the area and also provide remediation of those sites. However, evidence suggests that house building in the north of the County Borough is not viable or attractive to developers or purchasers and as such the Council is under pressure to consider applications in the south of the County Borough. Each application has to be treated on its own planning merits and in that the housing demand for the County Borough does not distinguish between the three areas within the LDP, any proposal that serves to meet that demand has to be considered. In that regard it is not considered that the proposal would lead to an overprovision of housing in the Caerphilly Basin area and in fact would make a positive contribution to meeting the housing needs within the County Borough as a whole.

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## Application 17/0804/OUT Continued

2. It is acknowledged that the proposal does not strictly conform to Criterion A of Policy SP3 of the LDP in that the site is not Brownfield Land (in accordance with the definition contained within PPW) and there is a preference for the use of previously developed land in the Southern Connections Corridor. However, it should be noted that the supporting text to that Policy states that brownfield land should only be used where feasible to do so and each application should have regard for the role and function of settlements within the strategy area. In this instance the site is in close proximity to Caerphilly Town Centre and is within walking and cycling distance of it and other retail and community facilities in the area. As such the development of the site would serve to support the role of Caerphilly as a Principal town centre. In that regard it is considered that the proposal complies with the broad aims of Policy SP3 and would not be contrary to National Planning Policy.
3. The Housing Land shortage within the County Borough is well reported and the latest Joint Housing Land Availability Study identifies that there is currently only a land supply of 2.3 years in the borough. Nevertheless it is wrong to suggest that other applications approved at appeal have been granted despite non-compliance with development control criteria. It is accepted that the majority of these sites have been outside of the defined settlement limits and as such the applications were refused for failure to comply with Policies seeking to restrain development in the open countryside. In this instance the application site is within the defined settlement limits, situated in a sustainable location within walking distance of a Principal Town Centre and well served by public transport and facilities. It is also considered, as demonstrated above, that the site can be developed without having detrimental impacts on amenity, privacy and highway safety and as such it is considered that this proposal is acceptable in planning terms.
4. Whilst the application site was previously used as a golf course and there was an element of open access to it, at present it is not in use and access to the site is only within the gift of the land owner. It is also noted that some of the surrounding dwellings, particularly those in Caerbragdy, Meadowland Close and Pontygwindy Road, have views into the site and as such the land has significant amenity value in visual terms. However, the indicative layout shows that approximately 1/3 of the site is to be left undeveloped as a result of issues such as flooding and ecology and as such the visual amenity of the site will be largely retained. The area to the north of Caerbragdy and Meadowland Close is to be retained as public open space thereby retaining most of its existing character and the trees around the remainder of the boundary are proposed to be retained thereby screening views into and out of the areas that are to be more affected by development. It should also be noted that the proposal will actually improve public access into the site by the introduction of pedestrian links and the formalising of the leisure provision on the site. In that regard it is considered that adequate amenity space can be provided and retained as part of the development and that the proposal would not have a detrimental impact on the visual character of the area.

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## Application 17/0804/OUT Continued

5. A total of 7 pedestrian links and three vehicular accesses are shown on the indicative layout plan shown with the application. Notwithstanding that links can only be created where there is sufficient control over land ownership to enable the connections to be made, it is considered that those suggested provide an adequate level of permeability to the site and connect it as far as is practically possible to the town centre.
6. As stated above the south west part of the site, which is within Flood Zone C2, is not capable of being developed and is to be left as public open space. The indicative layout also shows the main spine road being designed in such a way that it frames views from the site towards the Castle. In that regard it is considered that adequate regard has been given to the impact of the development on that structure and vice versa.
7. As discussed earlier in this report the traffic impact of this development has been assessed by a consultant working for the Local Planning Authority and is considered to be acceptable subject to improvements to road junctions in the area.
8. Again as discussed earlier it is not considered that the proposal would have an unacceptable impact in terms of air pollution subject to the provision of mitigation.
9. The remediation of the site is fully considered above and is considered to be acceptable subject to works being carried out in accordance with an agreed scheme.
10. The issue of public transport has been considered and it is considered that adequate provision is made in the area.
11. Whilst the developer has indicated that affordable housing is not viable on this site, this has been justified by a Viability Assessment. This is in line with Policy CW11 of the LDP.
12. The covenant on the land is not a material planning consideration.
13. Additional demand on health facilities is a matter for the Local Health Board to consider.
14. The issue of flooding on the site is addressed above.
15. As the design of the dwellings is reserved for future consideration it is difficult to see how it can be determined that the design of these dwellings would be out of keeping with the character of the area. Moreover, there is such a diverse range of house types and styles in the surrounding area that there is no overriding character at present.

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## Application 17/0804/OUT Continued

16. A recent application for four dwellings accessed off Beechgrove was refused planning consent and an appeal was subsequently dismissed. The development was considered to be unacceptable in terms of the impact on the belt of trees between Beechgrove and this application site. That site was immediately adjacent to the proposed emergency access onto Beechgrove. This application proposes the creation of an emergency only access through that wooded belt but precise details of its construction have not been provided at this time. Whilst the provision of an emergency access may be desirable in health and safety terms, a permanent vehicular access is neither required in this location nor would it be acceptable in planning terms. In that regard it is considered that a condition should be attached to any consent granted preventing such an access from being created.
17. The desire for building in the Southern Connections Corridor in preference for the remainder of the County Borough is discussed above.
18. The provision of pedestrian links can lead to an increase in anti-social behaviour but they are an essential part of any development of this type and scale, and have to be appropriately designed. As such this issue would not warrant refusal of the application.
19. The application will be required to be carried out in accordance with a comprehensive drainage scheme that will be required by condition. This scheme would have to ensure that the development does not increase the risks of flooding onto adjacent land.
20. The proposed play areas are clearly shown on the indicative layout but as the application is submitted in outline this is subject to change. However, as the area that is proposed for the open space is within Zone C2, that area of the site would not be suitable for house building and would be most suitable to locate the open space.
21. The impact of the proposal on the ecology of the area has been fully assessed by the Council's Ecologist and it is considered that the proposal is acceptable in ecological terms.
22. Again as the application is submitted in outline only it is not possible at this stage to determine the exact impact of the development on surrounding properties. However, it is considered that there is adequate space within the site to accommodate the development whilst not having a detrimental impact on the amenity of neighbouring properties.
23. The impact of the development on areas outside of Caerphilly County Borough has been considered as part of the Screening Opinion under the Environmental Impact Regulations. The impact is considered to be acceptable.

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Application 17/0804/OUT Continued

24. Encroachment onto neighbouring land is a private legal matter.
25. Potential damage to property is a private matter.
26. Whilst the application site is located within a mainly residential area it is accepted that there are some commercial and leisure uses surrounding the site. It would be for the developer to ensure at the reserved matters stage that the neighbouring land uses would not impact on the amenity of occupiers of the new dwellings on the site.
27. There is no requirement for the Council to adopt any community centre if it is not considered that such a facility is viable in this area. The ownership and use of the existing Golf Club for community and leisure uses is being considered separately by the Council and whilst the determination of this application would have a bearing on whether or not such a facility is required it has no bearing on the acceptability of the proposal.
28. Loss of property value is not a material planning consideration.

Other material considerations:

Whilst the Welsh Government has chosen to dis-apply paragraph 6.2 of TAN 1 in relation to the need to have regard for the 5 year housing land supply and the considerable weight to be given to that matter, it is still a material planning consideration that has to be taken into account.

However, an important consideration here is the fact that the site is within the defined settlement limits and situated in a sustainable location in close proximity to Caerphilly Town Centre and well served by facilities. As such development of the site would meet the objectives set out in the LDP and complying with the policies set out therein. There would be no demonstrable harm to amenity, highway safety, air quality, public health, drainage or flooding and the site can be developed without having an impact on the privacy of neighbouring uses. Therefore and on balance it is considered that the proposed development is acceptable in planning terms subject to the imposition of conditions.

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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Application 17/0804/OUT Continued

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

1. The necessary funding of the proposed Travel Plan and the sustainable transport measures contained therein.
2. The provision of 14% of the total number of dwellings on site on a 'Discounted Market Rate' basis in accordance with details to be submitted for approval.
3. The provision of on-site open space and play provision and the necessary commuted sum for the long term maintenance of same, in accordance with details to be submitted for approval.

On completion of the Section 106 Obligation that (B) planning permission is granted 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.
- 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.

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Application 17/0804/OUT Continued

- 05) The development shall be carried out in 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);  
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;  
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.
- 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.

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Application 17/0804/OUT Continued

- 08) The wooded area on the northern boundary of the site shall be protected and managed as 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).
- 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).
- 10) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
 REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 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 means of vehicular access to the development shall be from Heol Bro Wen only via a right hand turn facility in accordance with details that 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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Application 17/0804/OUT Continued

- 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 work 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.
- 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.

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Application 17/0804/OUT Continued

- 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.
- 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.
- 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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Application 17/0804/OUT Continued

- 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 runoff,
  - (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.
- 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.

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Application 17/0804/OUT Continued

- 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),
  - 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,

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Application 17/0804/OUT Continued

- 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.

- 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.
- 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.
- 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.
- 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.



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- 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.
- 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.
- 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.
- 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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- 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.

Advisory Note(s)

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.

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. 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.

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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).

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

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