

Application Number: 21/0477/RM

Date Received: 14.05.2021

Applicant: Taylor Wimpey UK Ltd & Withey Developments Ltd

Description and Location of Development: Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale of planning consent 17/0804/OUT (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) to erect 174 No. dwellings, open space, roads, footpaths, drainage infrastructure and associated works in respect of Phase 1 - Virginia Park Golf Course Virginia Park Caerphilly

APPLICATION TYPE: Approval of Reserved Matters

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 an area of approximately 16.94 hectares. 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 consisted of mown grass, golf bunkers, small clumps of woodland, scattered trees and several ponds and ditches although the land has recently been cleared to facilitate the development.

A mix of mature woodland and scrub line the boundaries of the site 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.

This application relates to Phase 1 of the development, which is the land in the northern and western part of the site adjacent to Larch Grove, Beech Grove and Heol Bro Wen.

Outline planning consent was granted under application reference number 17/0804/OUT for the development of the whole site for up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses and associated engineering works. The access to the site off Heol Bro Wen was also approved at that stage and that access is currently under construction together with the remediation of the whole of the site following the grant of outline planning permission.

Development: This application seeks reserved matters consent for the appearance, landscaping, layout and scale of Phase 1 of the development, amounting to 174 dwellings. The development is to be accessed via the aforementioned new access road off Heol Bro Wen with the main site access road then meandering from north west to south east through the site. The dwellings would then be accessed off this main spine road by a mixture of roads and shared surfaces with some dwellings being located on private drives.

The dwellings would largely be two stories with one detached bungalow and would comprise of the following:-

4no 1 bedroom flats,
1no 2 bedroom bungalow,
6no 2 bedroom dwellings,
94no 3 bedroom dwellings, and
69no 4 bedroom dwellings.

There would be 162 open market dwellings comprising of 6 different house types with 12 affordable units comprising of 4 different house types including the detached bungalow and flats. The dwellings are proposed to be finished in a mixture of either stonework or face brickwork and rough cast render with contrasting brick detailing and window heads with stone cills. The dwellings would have dark grey tiled roofs with brick chimneys.

A number of properties would have detached garages set back from the front of the dwellings in matching materials.

The site layout also provides for the retention of the majority of the existing tree belt along the northern boundary of the site together with the introduction of new landscaped Sustainable Urban Drainage (SUD's) infrastructure throughout the site.

A Local Area for Play (LAP) is also proposed together with footpath links within and accessing the site from the surrounding developments.

Dimensions: The Dunham would be I-shaped with overall dimensions of 10.4m by 10m by 8.3m tall,

The Manford has dimensions of 8.8m by 8.4m by 7.7m tall,

The Easedale has dimensions of 9m by 5.8m by 7.9m tall,

The Byford has dimensions of 5.8m by 9.5m by 8m tall,

The Gosford has dimensions of 5.4m by 9m by 7.9m tall,

The Midford has dimensions of 6.4m by 10m by 8.1m tall,

The affordable 2 bed has dimensions of 5.7m by 8.2m by 8.1m tall,

The affordable 3 bed has dimensions of 6m by 8.9m by 8.1m tall, and

The affordable flats are in a block of 4 with overall dimensions of 16m by 7.8m by 7.6m tall with a porch serving the first floor units measuring 4.8m by 2.8m by 4.8m to the ridge.

The detached garages measure 6.5m long by 3.4m wide for a single garage and 6.7 for a double. Both would be 4.9m tall.

Materials: As specified above.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2010 TO PRESENT 13/0088/RET - Retain the change of use of the first floor/roof from offices to D1 use - Refused 21.06.13.

17/0804/OUT - 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 - Granted 05.12.19.

19/0977/COND - Discharge conditions 06 (masterplan), 21 (hard and soft landscaping), 34 (leisure provision), 35 (phasing), and 36 (electric charging points) of planning consent 17/0804/OUT (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) - Decided 07.02.20

19/0978/RM - Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale reserved under planning consent 17/0804/OUT (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) - Withdrawn 23.11.20

19/0979/COND - Discharge conditions 19 (Construction - engineering details) and 33 (Drainage) of planning consent 17/0804/OUT (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) - Decided 06.03.20.

20/0008/COND - Discharge conditions 9 (Hedgerow), 12 (Means Of Access), 16 (Off Site Highway Works), 20 (Mud On Road), 24 (Site Control), 25 (Site Control), 26 (Arboricultural Impact Assessment), 29 (Trees), 30 (Contamination) and 38 (Remediation Risk Assessment) of planning application 17/0804/OUT (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) - Decided 01.02.21.

20/0078/COND - Discharge condition 27 (Trees - new planting) of planning application 17/0804/OUT (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) - Withdrawn 24.11.20.

21/0478/COND - Discharge conditions 14 (Travel Plan) and 31 (Contamination) of planning consent 17/0804/OUT (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) - Pending Consideration.

POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Policies Within settlement limits.

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

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.

3.57 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.

3.56 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. 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:

1. land and buildings currently in use for agricultural or forestry purposes;
2. 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;
3. 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;
4. land which is species rich and biodiverse and may qualify as section 7 habitat' or be identified as having nature conservation value; and
5. previously developed land subsequently put to an amenity use.

4.1.1 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:

1. Enabling More Sustainable Travel Choices - measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel;
2. Network Management - measures to make best use of the available capacity, supported by targeted new infrastructure; and
3. 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.

4.1.40 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.

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:

1. support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
2. ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
3. ensure statutorily and non-statutorily designated sites are properly protected and managed;
4. 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
5. 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.

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 - No objection.

Rights Of Way Officer - No objection.

Transportation Engineering Manager - CCBC - No objection subject to conditions.

Head Of Public Protection - CCBC - No objection.

Heritage And Placemaking Officer - Raises concern that the proposed layout does not adequately meet the placemaking principles as set out in Welsh Government guidance. Particular concern is raised with regard to the main spine road through the site, which leads to a number of areas within the development being divorced from this spine road as it does not pass through the middle of the site.

Principal Valuer - No objection.

CCBC Housing Enabling Officer - No objection subject to the provision of a footpath directly to the front door of the bungalow on plot 61 in order to meet Equalities Act requirements.

CCBC - 21st Century Schools - Advises that there are adequate spaces within the schools in the catchment area.

Dwr Cymru - No objection.

ADVERTISEMENT

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

Response: 39 letters of objection were received, including comments from all Ward Members.

Summary of observations:

1. The land should be retained as public open space.
2. The previous applicant had to be prevented from tipping material on the site. This shows a distinct lack of duty.
3. The previous developer pulled out of the site as the cost of remediation was too high.
4. Ongoing works on site are causing noise disruption to local residents.
5. There are concerns over contaminated water on site.
6. Trees within the buffer zone have been removed.
7. The application site is greenfield land and as such the development is contrary to Policy SP3 of the Local Development Plan.
8. There is inadequate screening of the development.
9. The proposed footpath into Larch Grove is unacceptable from a pedestrian safety perspective.
10. The highway network is incapable of dealing with the increase in traffic.
11. The proposal does not have sufficient regard for the protection of the biodiversity of the area.
12. No visitor or disabled parking is provided on site.
13. Parking should be provided for the Local Areas for Play (LAP) on the site.
14. Pedestrian footpaths and cycleways should be separate.
15. The surface water drainage would discharge into contaminated land and would not be cleaned prior to discharge into local watercourses.
16. There is insufficient variety in building heights and designs throughout the site.
17. The mix of housing proposed does not meet demands.
18. All units should be provided with electric charging points.
19. Refuse collection provision is inadequate in that some properties need to move bins to a collection point.
20. No details of foundations are provided. Driven piles should not be used.
21. Drive widths are not suitable for disabled people.
22. The main access road no longer provides a view of Caerphilly Castle as referred to in the outline application.
23. The number of affordable units should be reassessed given the time that has lapsed since the approval of the outline application and the increase in sales values.
24. Garden sizes are too small.
25. Is the contaminated material on site to be removed?
26. No details of the footpath link into Beech Grove have been submitted.
27. Potential loss of privacy.

28. Potential flooding issues.

29. Social infrastructure in the area would be unable to cope with the additional dwellings.

A letter of objection was also received from Caerphilly Town Council. The objections related to loss of the greenfield site, impact of the proposal on the infrastructure in the area, inadequate screening of the development and concerns about the safety of the new access in Larch Grove.

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.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The outline planning application was supported by a suite of ecological reports and details have also been submitted to discharge the conditions attached to that consent. The ongoing and future works on site will need to comply with those details.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

is this development Community Infrastructure Levy liable? Yes, the site is within the higher viability area where CIL is charged at £40 per square metre plus indexation.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. Outline planning consent has been granted for the development of this site and as such the principle of development has been established. This application merely seeks approval of the reserved matters in respect of appearance, landscaping, layout and scale of Phase 1 of the development and as such the principle of the development cannot be reconsidered at this time. In that regard each of the reserved matters will be addressed below in turn:-

Appearance

The application proposes the erection of 174 dwellings, which would be of mainly two storeys with one detached bungalow. The dwellings would be finished in a mixture of either stone work or face brickwork and rough cast render with dark tiled roofs. The dwellings have architectural features that seek to provide interest such as porches, canopies and contrasting brick courses and efforts have been made to provide variety to the roofscape with the introduction of some gable fronted dwellings and projecting

gables. Efforts have also been made to have double fronted properties on corner plots to avoid blank elevations facing the principal spine road through the estate. All of the dwellings are served by front and rear gardens with areas of planting to public areas to break up the built development and street scape size trees have been proposed to the main spine road.

Overall the appearance of the dwellings and of the development as a whole is considered to be in keeping with the character of the predominant housing styles in the surrounding area, with the scale of the dwellings and proposed materials having regard for the diverse character at present. In that regard it is considered that the appearance of the development is acceptable in planning terms and complies with Policy SP6 of the LDP.

Landscaping

In respect of the landscaping of the site it should be noted that the Council's Landscape Architect has raised concerns with regard to the submitted scheme. Whilst it is considered that the proposed landscaping within the site is acceptable in principle, it is felt that the loss of an existing area of mature planting in the north west corner of the site together with a narrowing of the remainder of the landscape buffer on the northern boundary in order to accommodate sustainable urban drainage (SUD's) features would have an unacceptable impact on the landscape character of the area. It is considered that this mature existing vegetation provides important screen and integration of the new development and would assist to reduce the visual impact on the existing residential housing to the north. It is noted that mitigation planting is proposed, although no specific details are provided at this stage which are addressed by condition on the outline consent. However, this would take a considerable number of years to reach a level of maturity comparable to the vegetation that would be removed to facilitate the development.

With regard to this matter it should be noted that the existing tree buffer on the northern boundary of the site runs for a length of 500m and is 15m deep. Whilst a portion of this buffer measuring 50m long would be removed, this would be replaced with a landscaped SUD's feature in the north west corner and for the remainder of the northern boundary of the site the buffer would be supplemented by a SUD's feature increasing its depth to 18m. This would result in a net increase in the landscaped buffer between the existing development and the proposed site of approximately 1300 square meters. Whilst it is acknowledged that it would take some considerable time for the proposed landscaping to replicate the character and function of the existing buffer it must also be accepted that a balance has to be struck between the benefits and impacts of a development. In this instance the benefits of the provision of the housing in an area of high demand together with the provision of an adequate land drainage scheme are considered to outweigh the impacts of the proposal on the landscape character of the area. In that regard it is considered that the landscaping of the site is acceptable in accordance with Policy SP6 of the LDP.

Layout

The layout of the application site has gone through a number of iterations and has caused considerable concern for the Local Planning Authority. At the centre of these discussions has been the 6 values of place making set out in the Placemaking Wales Charter which are:-

1. . Involve the local community in the development of proposals
2. . Choose sustainable locations for new development
3. . Prioritise walking, cycling and public transport
4. . Create well defined, safe and welcoming streets and public spaces
5. . Promote a sustainable mix of uses to make places vibrant
6. . Value and respect the positive distinctive qualities and identity of existing places.

Each of these values is addressed in turn as follows. In respect of community involvement it is apparent that the development of this site for housing has attracted significant opposition from local residents as evidenced by the number of objections received and referenced above. It is also apparent, however, that many of the objections to the current application do not by and large refer to the design or layout of the scheme, rather they refer to the principle of the development itself. In that regard it is highly likely that the views of the wider public would be that they have not been involved in the development of the proposals on this site. However, it should also be noted that residents have been consulted on both the outline and reserved matters applications for this site together with 2 separate rounds of Pre Application Consultation (PAC) carried out by two different developers of the site. In that regard it is considered that the public have been given adequate opportunity to engage with the development of these proposals.

The application site is located in a central location with good walking links to surrounding services with the local area being well served by public transport links and the highway network. There are several large food stores within walking distance of the site and it is well related to Caerphilly Town Centre. In that regard, and notwithstanding that the site was previously used as a golf course it is considered that the location of the development is sustainable.

As stated above, the application site is well served by public transport. The development also proposes footpath links within the site and from the site to surrounding areas. However, it is considered that the development would have benefitted from improved linkages within the development site. As previously stated, the main spine road through the estate is located towards the southern and western side of the site such that pedestrian links from east to west through the site are somewhat constrained. A footpath around the perimeter of the site would have also improved connectivity and pedestrian activity within the site. It should also be noted that the topography of the site has resulted in a number of proposed pedestrian links into and out of the site being removed from the scheme as they were unachievable.

However, and notwithstanding the above, significant efforts have been made to try and achieve a development that has good pedestrian links both within the site and with the wider environment and given the context it is not considered that the proposals are so unacceptable in this regard that they would warrant refusal of this application.

Amendments have been made to the layout to improve the connectivity from the eastern side of the site to the west and these improvements have provided more direct routes for pedestrians from culs de sac and private drives as well as enabled permeability through the site by connecting the site to Beech Grove (and on to Bedwas Road) in the east, to Larch Grove (and Pontypandy Estate) to the north and to Heol Bro Wen (and Pontygwindy Road) to the west.

It should also be noted that the main spine road has been designed to allow for future provision of a bus service through the development to link to the existing service that runs through the Pontypandy Estate and that it also provides for an integrated footway and cycle lane alongside the carriageway. In that regard it is considered that, on balance, efforts have been made to provide a development that prioritises walking, cycling and public transport to an acceptable standard.

Another concern for the Local Planning Authority has been the lack of a significant sense of place with regard to the layout of the development. Whilst Local Areas of Play (LAP's), landscaped SUD's features and adequately scaled trees are proposed as part of the development, the layout lacks one large focal area to act as a central focus for the development. However, it should be recognised that this represents the first phase of development and once again on balance it is not considered that this is a fatal flaw that would justify refusal of this application. The LAP's proposed are well located and are overlooked by surrounding houses such that levels of security and surveillance are acceptable whilst the main spine road would be a tree lined boulevard that would give glimpsed views of destination buildings located on corner plots. It should also be noted that the area to the south of the wider site encompassed by the outline planning consent is where the majority of open space is to be provided and the open space provision on this part of the site is intended to meet the more local needs of the occupants of the dwellings nearby.

It is accepted that this application does not propose any mixed use development. However, it is not considered that this is a necessary requirement on a development of this scale, particularly having regard for the existing services available in the surrounding area.

As stated above, it considered that the proposed development has regard for the character and appearance of the surrounding area and as such it is considered that it values and respects the positive distinctive qualities and identity of existing places.

Scale

The number of dwellings proposed within the development is established by the outline consent, which allows for up to 350 dwellings on the overall site. As this phase of the development occupies half of the wider development site the number of dwellings proposed is considered to be in accordance with that approved at the outline stage. The scale of the proposed dwellings is also in accordance with the scale parameters set out in the outline consent and as discussed above, it is considered that the dwellings are in keeping with the scale of the dwellings in the surrounding area.

Comments from Consultees: The concerns of the Council's Placemaking and Historic Buildings Officer and Landscape Architect are addressed above.

It is also noted that the Council's Senior Engineer (Land Drainage) has raised objection to the application in respect of overdevelopment of the site, adequacy of pedestrian facilities, removal of existing water features, loss of existing landscape features to accommodate sud's and the absence of detailed land drainage plans.

With regard to over development of the site it is considered that this is addressed above. It is acknowledged that there is a reliance on future phases of the wider development to provide the majority of open space to serve the development but this was always envisaged at the outline stage.

The adequacy of pedestrian facilities is addressed above. It should also be noted that the Transportation, Engineering Services Manager does not raise any objection to this element of the development.

The watercourse that were previously present within the development site had to be removed in order to remediate the site. Whilst the SUD's features will be the subject of an application for SAB approval under separate legislation, the latest iteration of the site layout plan states that they will include permanent water features of some sort. The exact detail of this would be for consideration under the SAB legislation.

Whilst there is a land drainage condition attached to the outline planning consent, this reserved matters application was submitted after 7th January 2020 and as such SAB approval is now required for all future development on the site. In that regard details of drainage would need to be approved under that legislation. Notwithstanding this, it is considered that adequate space has been provided within the proposed layout to accommodate sud's features without the need for any changes to the layout at a later stage. In that regard it is considered that the development is acceptable in relation to land drainage from a planning perspective.

No other objections were raised by consultees.

Comments from public: 1. The land should be retained as public open space - This matter was addressed at the outline consent stage.

2. The previous applicant had to be prevented from tipping material on the site. This shows a distinct lack of duty - This has no bearing on the determination of this application.

3. The previous developer pulled out of the site as the cost of remediation was too high - There is no evidence to substantiate this claim and in any event it has no bearing on the determination of this application.

4. Ongoing works on site are causing noise disruption to local residents - The ongoing remediation works are constantly being monitored by officers of the Authority and to date there have been no significant breaches of the controls provided by the conditions attached to the outline planning consent. It should also be noted that some level of noise and disturbance is to be expected from any construction site.

5. There are concerns over contaminated water on site - This matter is currently being considered by officers of the Authority together with colleagues working for Natural Resource Wales. All surface water is currently being retained within the site and measures for its removal during subsequent phases are currently being considered. There is currently no evidence that the development of the site has caused any pollution to adjacent watercourses.

6. Trees within the buffer zone have been removed - No trees within the protected buffer zone have been removed. The conditions of the outline consent required the management of a 15m buffer on the northern boundary of the site and this has been retained as part of the ongoing remediation works. The loss of a small element of this buffer to facilitate this proposal is discussed above.

7. The application site is greenfield land and as such the development is contrary to Policy SP3 of the Local development Plan - This matter was addressed at the outline stage.

8. There is inadequate screening of the development - As discussed above, an 18m landscaped buffer between the development and the existing houses to the north is to be retained. This buffer contains a significant number of mature trees which adequately screen the development. Notwithstanding this and as discussed above, the proposed development is considered to be acceptable from a design perspective and would not have a detrimental impact on the visual amenity of the area. In that regard it is not considered that the development needs to be screened from views into and out of the site.

9. The proposed footpath into Larch Grove is unacceptable from a pedestrian safety perspective - This issue has been considered by the Transportation, Engineering Services Manager and no objection has been raised. The location of the access onto Larch Grove on the outside of a bend is considered to be acceptable in principle subject to the submission of a detailed scheme which can be secured by condition.

10. The highway network is incapable of dealing with the increase in traffic - This matter was addressed at the outline stage.
11. The proposal does not have sufficient regard for the protection of the biodiversity of the area - The impact of the proposal on the biodiversity of the area has been fully considered. Whilst removal of part of the northern buffer would have a negative impact on the ecology of the area, the net gain from the increased width of the buffer when the sud's features are added is considered to overcome these concerns.
12. No visitor or disabled parking is provided on site - The level of parking within the site has been considered by the Transportation, Engineering Services Manager and no objection has been raised.
13. Parking should be provided for the LAP's on the site - The LAP's on the site are intended for use by residents local to the provision and should encourage access by modes of transport other than the private motor car. It is considered that the provision of car parking adjacent to these areas would not only be unnecessary, it would also be counterproductive in this regard.
14. Pedestrian footpaths and cycle ways should be separate - Integrated footways and cycle ways are a common feature in urban areas and are considered to be acceptable from highway safety perspective.
15. The surface water drainage would discharge into contaminated land and would not be cleaned prior to discharge into local watercourses - This matter is addressed above.
16. There is insufficient variety in building heights and designs throughout the site - As discussed above, the design and scale of the dwellings is proposed is considered to be acceptable in planning terms.
17. The mix of housing proposed does not meet demands - It is for the market to decide what housing mix is appropriate for an area and this is not a material planning consideration.
18. All units should be provided with electric charging points - Whilst the Local Planning Authority would not disagree with this sentiment, this is not supported by national planning guidance or local plan policy at present. In that regard it would be difficult for the Local Planning Authority to insist on such provision in respect of this development. It should also be noted that the outline planning consent makes provision for 50% of the units to provide cabling for future electric charging points.
19. Refuse collection provision is inadequate in that some properties need to move bins to a collection point - This is in accordance with the guidance set out by the Council's Head of Public Services.
20. No details of foundations are provided. Driven piles should not be used - This is a matter for the Building Regulations and is not a material planning consideration.
21. Drive widths are not suitable for disabled people - The widths of the proposed drives are in accordance with adopted supplementary planning guidance.
22. The main access road no longer provides a view of Caerphilly Castle as referred to in the outline application - Whilst the outline planning consent suggested that attempts would be made to provide a vista of Caerphilly Castle

along the main spine road, the developer has not been able to achieve this having regard for highways design and safety.

23. The number of affordable units should be reassessed given the time that has lapsed since the approval of the outline application and the increase in sales values - As this reserved matters consent would not be a planning consent in itself, it is not possible to reconsider the level of affordable housing at this stage.

24. Garden sizes are too small - The garden sizes are considered to be adequate to provide sufficient amenity space for occupiers of the dwellings.

25. Is the contaminated material on site to be removed? - This matter is controlled by conditions attached to the outline consent and as such this issue is not relevant to the determination of this application.

26. No details of the footpath link into Beech Grove have been submitted - Further details of this link and the link into Larch Gove can be secured by condition.

27. Potential loss of privacy - All of the dwellings within the site have been designed such that they provide a minimum distance of 21m between habitable room windows and it is considered that this provides an adequate level of privacy.

28. Potential flooding issues - Land drainage will be addressed under separate legislation. The application site is not within a designated flood zone.

29. Social infrastructure in the area would be unable to cope with the additional dwellings - This issue was addressed at the outline stage.

Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

In conclusion and on balance, it is considered that the proposal is acceptable in planning terms. Whilst the proposed development would lead to the loss of a small area of existing landscape buffer, it is considered that the net increase in the buffer as a result of the proposals is sufficient to mitigate this impact. Moreover, the works would also result in the removal of a significant element of Japanese Knotweed within the

buffer area leading to an improvement in the natural biodiversity of the area. In that regard the proposal would comply with Policies CW4 and CW6 of the LDP.

Whilst there remain some concerns with regard to the place making principles of the development, it is not considered that these are fatal and would warrant refusal of the application. The appearance, use of materials and scale of the proposed dwellings has a high standard of design that reinforces attractive qualities of local distinctiveness and as such the proposal complies with Criterion B of Policy SP6 of the LDP.

The application site is located in a sustainable location with good access to public transport and other services and the proposed development provides for linkages both within and around the site to these services. Adequate parking and servicing is provided for the development and the development has been designed to accommodate a bus service through the site at some point in the future. In that regard it is considered that the proposal has regard for the safe, effective and efficient use of the transportation network and as such the proposal complies with Policy CW3 of the LDP.

The application site is located within a mainly residential area and the layout of the site is designed such that there would be no unacceptable overlooking or overbearing on any adjacent dwellings. In that regard it is considered that the proposal would not have an unacceptable impact on the amenity of adjacent properties or land and is compatible with surrounding land uses in accordance with the provisions of Policy CW2 of the LDP.

Adequate leisure and affordable housing provision has been made within the site and as such the proposal complies with Policies CW10 and CW11 of the LDP.

In light of the above considerations it is considered that the proposed development is acceptable in planning terms and is recommended for approval subject to conditions.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents:
Layout 8 - 19.01.22-Model - Amended Site Layout,
Virg-21-04-100 - Rev A Tracking 19.01.22 - Amended Vehicle Tracking Layout,
House Type Booklet (Core Road - Brick),
House Type Booklet (Spine Road - Stone),
200723-TWC-H-001 - Highway Longitudinal Sections, and
200723-TWC-H-002 - Highway Longitudinal Sections.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) There shall be no obstruction to visibility greater than 300mm above adjoining road level within the splay areas that are shown on amended site layout Virg-21-04-100 - Rev A Tracking 19.01.22 - Amended Vehicle Tracking Layout along the proposed estate road. Such visibility splays shall have demarcation in a manner to be agreed by the Local Planning Authority and fully provided before beneficial occupation of the dwellings and shall thereafter be maintained at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
- 1) Constructed in porous or permeable materials, or
 - 2) Provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) Where a surface is to be used as a parking area or drive it shall not be constructed in loose materials,
- and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Prior to the commencement of development, a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include, but not be exclusively limited to:
- Habitat creation or improvement, further to that required as mitigation and compensation, to help the site achieve no net-loss to biodiversity. (Including a management plan for such a site);
 - Enhancements for bats and birds (bird and bat boxes shall be provided on a minimum of 25% of the total number of units on site);
 - Restriction of timing on vegetation clearance to protect breeding birds;
 - Sensitive lighting plan for the benefit of biodiversity; and
 - Management plan for all retained and created areas, and newly created areas such as but not limited to highway verges and amenity areas that are for the benefit of biodiversity.
- The strategy shall be implemented as agreed.
- REASON: To provide biodiversity conservation measures, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).
- 08) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order) with or without modification, no fences, gates, walls, hedges or other means of enclosure shall be erected or planted within the curtilage of any dwelling forward of the front walls of those dwellings hereby permitted or between the dwellings and any adjacent highway, driveway, footpath or car parking space other than those indicated in the approved plans without the approval of the Local Planning Authority.
- REASON: To retain the open character of the development in the interests of visual amenity in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 09) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the dwellings consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
- REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.

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

- 11) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve all of the approved dwellings. The necessary infrastructure required shall be installed prior to the occupation of the first dwelling.

REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

- 12) Notwithstanding this approval, all other conditions on planning permission 17/0804/OUT shall remain in force and effect in relation to the development hereby approved unless expressly varied or discharged by the Local Planning Authority.

REASON: For the avoidance of doubt that the conditions contained in the outline planning consent reference number 17/0804/OUT are still applicable.

- 13) Prior to the commencement of development details of the proposed footpath links onto Larch Grove and Beech Grove together with a programme for their implementation and completion shall be submitted to and approved in writing by the Local Planning Authority. The footpath links shall be completed and thereafter retained in accordance with the approved details.

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