

**Application Number:** 22/0072/FULL

**Date Received:** 22.02.2022

**Applicant:** United Welsh

**Description and Location of Development:** Erect residential development of 153 No. units with new access, landscaping, drainage arrangements and associated works - Land At Grid Ref 311809 189556 Windsor Way Abertridwr

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is located at the former Windsor Colliery site, Windsor Way, Abertridwr.

Site description: The application site is a largely level plateau of land created when the former colliery site was remediated in 2007. At that time an access was created to the site and that access also serves the Ysgol Ifor Bach Welsh Medium Primary School from the junction of Windsor Way with Caerphilly Road to the north east of the site. The site extends to approximately 3.2 hectares and is irregular shaped. Immediately to the north of the site is Ysgol Ifor Bach with the Ty'n Y Parc housing development to the north east. The other boundaries of the site are adjacent to parkland created by the remediation of the colliery site with open countryside further to the west and housing to the south west, south and east. A footpath and cycle route runs around the perimeter, connecting into the wider neighbourhood.

Development: The application seeks full planning permission for residential development. The development will comprise of a total of 152 dwellings with a mixture of open market, social rented and shared ownership tenures being provided. There will be 29 No. 1 bed units, 52 No. 2 bed units and 71 No. 3 bed units, all of which will be housed within structures with a maximum of two storeys. The development also proposes a new access road into the site with a main spine road travelling from north to south. The majority of dwellings will be served by shared surfaces and private drives. Three areas of public open space are also proposed together with improved pedestrian and cycling links to the wider footpath network surrounding the site.

Dimensions: The one bedroom apartment buildings measure 9.9m wide by 8.4m deep at ground floor and 7m deep at first floor by 8.7m high;  
The flats over garages (FOG's) measure 12m wide by 7.5m deep by 8.6m high;  
The 2 bed 4 person dwellings (Type C) measure 5.2m wide by 9m deep by 8.5m high;  
The 3 bed 5 person dwellings (Type D1) measure 5.7m wide by 9m deep by 8.7m high;  
and  
The 3 bed 5 person dwellings (Type D2) measure 8.8m wide by 7m deep by 8.3m high.

Materials: The dwellings will be finished in a mixture of render or face brickwork with timber cladding to some elevations. Roofs will be concrete tiles with upvc windows, doors and rainwater goods. Garden boundaries to public areas will be finished in brickwork or render to match the host dwelling, with close boarded fencing to internal boundaries. There will be 0.45m high knee rail fencing to all grassed areas on the edge of the site and 1.2m high railings to frontages along the main spine road.

Ancillary development, e.g. parking: Each of the flats will have one parking space, with each of the dwellings having 2 spaces. All of the dwellings are to be fitted with air source heat pumps and will meet Welsh Design Quality Requirements (DQR).

PLANNING HISTORY 2010 TO PRESENT None.

## POLICY

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

Policies Within settlement limits and allocated for housing under Policy HG 1.72 Windsor Colliery.

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

2.27 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.

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

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.

3.55 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:

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.

4.1.36 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.

4.1.37 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:

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.

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

Glamorgan-Gwent Archaeological Trust - No objection.

Estates Manager - No objection

CCBC Housing Enabling Officer - No objection.

CCBC - 21st Century Schools Manager - No objection.

Ecologist - No objection subject to a condition to secure bio diversity enhancement.

Dwr Cymru - Provide advice to be conveyed to the developer.

Police Architectural Liaison Officer – No comments received.

Natural Resources Wales - No objection subject to conditions.

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

Invasive Plant Species Officer - The site location plan associated with this application appears to include a section of the Nant Llan watercourse. This area is currently being treated with herbicide as part of the CCBC programme to address invasive non-native plant species. The area is heavily infested with both Japanese Knotweed and Himalayan Balsam.

The site is included in the work programme for treatment in 2022 and will be subject to further herbicide treatment later this year.

Chief Fire Officer - Provides advice to be conveyed to the developer.

Parks And Countryside Operations Manager - Comments provided by the Council's Landscape Architect

Environmental Health Manager - No objection subject to conditions.

Senior Engineer (Drainage) - The development will require separate consent under the Land Drainage and SAB legislation. Advice is also provided to be conveyed to the developer.

Senior Arboricultural Officer (Trees) - No objection subject to conditions.

Landscape Architect - CCBC - Raises no objection but requests the submission of further details prior to the commencement of works on site.

Heritage And Placemaking Officer - No objection.

Waste Strategy And Operations Manager - No further comments received.

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

Placemaking Officer - Douglas McGlyn - Raises concern with regard to a lack of detailing on a number of plots at prominent locations and the siting of the electricity sub stations.

## ADVERTISEMENT

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

Response: 26 letters of objection were received.

Summary of observations: The objections are as follows:-

1. The local highway network will not cope with the increase in traffic. The traffic survey was carried out during the pandemic and is not a true reflection of the traffic in the area.
2. The local school will be unable to cope with the increased numbers.
3. The local health facilities will be unable to cope with the increase in numbers.
4. The site is home to wildlife and gives local people a place to walk and spend time with families.
5. Possible instability from disturbance of the old coal tip.
6. Unreliable public transport links.
7. There is no need for more social housing in the Aber Valley.
8. Potential anti-social behaviour as a result of the reduced amenity space.
9. Impacts on air quality.
10. Noise, dust and pollution during the construction phase.
11. Loss of privacy to the properties in the Ty'n Y Parc estate.
12. The suggested access into Ty'n Y Parc is unnecessary.
13. Loss of view.

## 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? This application, and the preceding Outline Planning Application are supported by extensive ecological surveys and mitigation schemes. The impact on protected species has been fully considered and acceptable mitigation measures can be provided as part of any scheme.

Is this development Community Infrastructure Levy liable? As the application proposes new residential development it is liable for CIL. However, as the site is located within a lower viability area that CIL is charged at £0 per square metre so the development would not be chargeable.

## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks full planning permission for residential development in a mainly residential area within the defined settlement limits. The site is also allocated for housing in the LDP under Policy HG 1.72 and as such the principle of the development is acceptable in accordance with Policies SP3, SP5 and CW15 of the LDP. In that regard the main points to consider in the determination of this application are whether the design and layout of the development is acceptable having regard to the context,



whether there would be any unacceptable impacts on neighbouring land and whether the proposal is acceptable from a highway safety perspective.

With regard to the first issue, it is considered that the relatively modern detailing and design of the proposed dwellings would depart from the traditional character of the dwellings in most traditional valleys scenarios, which are characterised by the use of stone and slate with some later alterations to render etc.. However, the area has also been subject of several more modern developments using more modern materials and design features and it is not considered that the more modern design of the dwellings would be unacceptable from a planning perspective. Moreover, taken in their own right it is considered that the proposed buildings incorporate a good design philosophy comparing favourably with the scale and pattern of development in the area, with a complimentary pattern of materials and architectural detailing which replicate features that can be found in both the traditional and modern dwellings in the area.

However, it should be noted that the Placemaking Officer has raised concerns with regard to the lack of articulation to a number of plots that are located in prominent locations throughout the site and the siting of the sub stations within the open space areas. This issue has been discussed with the applicant and they have advised that amended plans will be produced but that these are unlikely to be available prior to the determination of any application. It is considered therefore, that it would be prudent to impose conditions requiring the submission of amended details in relation to these matters on any consent granted.

In this respect it is considered that, subject to the imposition of conditions relating to the location of proposed substations and the design, materials and finishes of the dwellings referred to above, the proposal has sufficient regard for the context of the local, natural, historic and built features through a high standard of design that reinforces attractive qualities of local distinctiveness and as such complies with Criterion B of Policy SP6 of the LDP.

With regard to the possible impacts of the development on neighbouring properties it is clear that local residents have raised significant concerns. The main points to consider from a planning perspective are whether the proposal would have a detrimental impact on terms of loss of privacy or whether there would be an unacceptable overbearing impact on the adjacent dwellings. In that regard it should be noted that the nearest residential properties to the application site are those on the Ty'n Y Parc estate to the north east. In this respect the properties at Nos. 39 and 40 Ty'n Y Parc, are sited closest to the proposed dwelling at Plot 130. This property is some 30m away, dwelling to dwelling, and is some 10m away from the rear boundary of the dwellings in Ty'n Y Parc. The dwellings at 41-44 Ty'n Y Parc, are some 46m away, dwelling to dwelling, and 25m dwelling to rear boundary. Finally with regard to the dwelling at No. 45 Ty'n y Parc, this is some 24m dwelling to dwelling and 13m dwelling to side boundary. In view of the above these separation distances are considered sufficient and the proposal would not, it is considered, have an unacceptable impact upon the amenity of neighbouring properties in terms of overlooking, overshadowing or overbearing impacts.

Concern has also been raised in respect of the new access road serving the development and the relationship with the dwellings at Nos. 45-56 Ty'n Y Parc. In that regard the proposed pavement is some 10m away from the rear boundaries of those dwellings and the highway is a further 9m away. In that regard it is considered that there is sufficient separation distance between the existing and proposed dwelling that there would be no unacceptable impact on the neighbouring dwellings which sufficient warrant refusal of the application.

Further concerns have been raised in respect of the privacy of children at the adjacent school but it should be noted that the development is located some 21m away from the boundary of the school at the nearest point. In that regard it is considered that the proposal would be acceptable in terms of the impact on neighbouring properties and as such the proposal complies with Policy CW2 of the LDP.

In respect of highway safety matters it is noted that the Transportation Engineering Manager raises no objection to this application subject to the imposition of conditions.

It is noted that members of the public have raised concerns with regard to the Transport Assessment submitted with this application, in that it was conducted during the pandemic, and as such is not considered to represent an accurate reflection of the traffic issues in the area. However the Transportation Engineering Manager has assessed the report and considers it to be a robust document that accurately assess the highways impacts of the development and as such its findings should be considered in the determination of this application.

Concerns have also been raised that the Redrow housing development at Hendredenny has already had a negative impact on the highway network such that it is now working beyond capacity. In that regard it should be recognised that, in his consideration of the appeal for the Hendredenny site, the Inspector noted that the Transport Statement supporting that application included a number of scenarios for increased traffic on the network, including an 11% increase in traffic flows at sensitive junctions. In noting that, the Transport Statement argued that there had actually been a stagnation in traffic flows in the preceding years from 2008 and as such an 11% increase was highly unlikely, the Inspector acknowledged that even an increase of that magnitude would not have an unacceptable impact on the highway network and as such the appeal was upheld.

With regard to this development, it should be noted that the Transport Assessment acknowledges an increase in traffic flows at the junctions closest to the application site. However, it also suggests that the increases at junctions further afield would equate to less than 4%. Given the reasoning of the Inspector referred to above it is not considered that a refusal of this application on the basis of congestion on the highway network could be justified or supported at appeal.

In terms of the internal layout of the site, Paragraphs 4.1.19 - 4.1.24 of Planning Policy Wales provide the following advice:-

4.1.19 Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play. To make streets safer and more attractive places for people, the Welsh Government is making 20 mph the new default speed limit for most streets and taking measures to prevent pavement parking.

4.1.20 The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds of 20 mph or less.

4.1.21 Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout.

4.1.22 The Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 221, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance<sup>22</sup>, and not adhere to rigid standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

4.1.23 Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, risk-adverse street designs.

4.1.24 In residential areas, Home Zones are a way in which streets can be designed to slow vehicular traffic speeds down and give priority to people over motorised uses. Local authorities should consider using powers available under the Transport Act 2000 to designate Home Zones.

In light of this advice, the layout of the site has been subject to significant discussion between the applicant and the Local Planning Authority. It is considered that the latest iteration of the site layout plan strikes an appropriate balance between providing a layout that is acceptable from a highway safety perspective whilst having regard for Placemaking principles. In that regard it is considered that the design of the internal layout of the site responds to the above guidance creating a design that is not dominated by the car and creates a sense of place that does not follow the traditional engineering led approach to highway layout and instead gives greater priority to the individual over the car.

Finally, it should be noted that the proposal has full regard for the guidance contained in Supplementary Planning Guidance LDP5 Car Parking Standards and adequate parking is provided throughout the site. Therefore, it is considered that the proposal is acceptable in highway safety terms and complies with Policy CW3 of the LDP.

Policy CW11 of the LDP requires the provision of affordable housing on all sites of 5 dwellings or more or with a site area exceeding 0.15 hectares. The Policy also sets targets for the provision of 10% of the units on a site to be affordable in the Caerphilly Basin Area. Notwithstanding that the application proposes a significantly higher level of affordable housing, the applicant has provided information that establishes that such provision is only achievable subject to Social Housing Grant (SHG) from Welsh Government. The supporting text to Policy CW11 makes it clear that the suggested targets assume that no SHG is available and that the targets are indicative as factors such as viability will have an impact on what is achievable on each site. In that it has been established that the development would be unviable in the absence of SHG it is not possible for the affordable housing units to be secured through the planning system either via a legal agreement under Section 106 of the Town and Country Planning Act 1990 or via a condition attached to this consent. Nevertheless, the proposal does comply with Policy CW11 as the lack of viability has been established.

In relation to housing need, Policy SP14 of the LDP made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15-year plan period up to 2021 plus 6 years (see Appendix 1 of AMR). This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) has also not been met and the AMR continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply.

Policy CW10 of the LDP states that on sites of 10 dwellings or more adequate leisure and open space provision should be provided. In that regard the Council's Landscape Architect, on behalf of the Parks Service has suggested that the proposed provision would be adequate in that regard. In order to ensure that this is provided and maintained in perpetuity, a legal agreement under Section 106 of the Town and Country Planning Act 1990 will be required. As the application site is currently in Council ownership it is not anticipated that the agreement would be signed prior to the determination of any application but would instead be signed upon transfer of the land to the applicant.

The proposed housing development would provide 152 residential units with a mixture of open market and social housing tenures. It is considered that the proposed

development would make a much-needed contribution to the supply of land for housing to help address the shortfall of houses being delivered elsewhere within the County Borough, and accordingly, the proposal would meet the requirements of Policies SP14 and SP15. It is also noted that the site is allocated for this use in the LDP.

Comments from Consultees: No objections were received from consultees. Whilst it is noted that Natural Resources Wales have referred to conditions relating to land drainage, it should be noted that this is now covered under separate legislation and as such cannot be controlled here.

The concerns of the Council's Landscape Architect in respect of the lack of detail of landscaping throughout the site are noted. It is agreed that the details submitted to date lack sufficient detail to make the proposal acceptable. However, this issue can be adequately addressed by a condition attached to any consent granted.

Comments from public: The concerns are addressed in turn below:-

1. The local highway network will not cope with the increase in traffic. The traffic survey was carried out during the pandemic and is not a true reflection of the traffic in the area - This matter is considered in depth above.
2. The local school will be unable to cope with the increased numbers - The Head of Education Planning and Strategy has raised no objections to the application and has confirmed that there is capacity in all of the catchment schools.
3. The local health facilities will be unable to cope with the increase in numbers - This is not a material consideration which can be given any significant weight in the determination of this application. It is a matter for the Local Health Board to ensure that adequate provision is made within an area.
4. The site is home to wildlife and gives local people a place to walk and spend time with families - as stated above, the application is supported by an ecological survey which confirms that no protected species would be affected by the development. Subject to the imposition of a condition requiring ecological mitigation/enhancement, the proposal is considered to be acceptable from an ecological perspective.
5. Possible instability from disturbance of the old coal tip - There is no evidence to suggest that the development would cause any instability to the surrounding properties. In order to secure compliance with the Building Regulations a Site Investigation would be required to establish what, if any special measures are required to mitigate any potential risks to future properties from such instability and it is incumbent on the developer to comply with such measures.
6. Unreliable public transport links - Again it should be noted that the Transportation Engineering Manager has raised no objection to the application. Therefore, and whilst

the development is not reliant on public transport to make it acceptable in planning terms, it is not considered that this matter would warrant refusal of this application.

7. There is no need for more social housing in the Aber Valley - The need for housing in the area is addressed above.

8. Potential anti-social behaviour as a result of the reduced amenity space - There is no evidence to suggest that the development would lead to an increase in anti-social behaviour and in any event this is not a material planning consideration in this instance.

9. Impacts on air quality - The application is supported by an Air Quality Impact Assessment. This assessment has been considered by the Head of Public Health and is considered to be a robust document and the findings are therefore considered acceptable. In that regard it is not considered that the proposal would have any detrimental impacts in terms of air quality.

10. Noise, dust and pollution during the construction phase - It is inevitable during any construction scheme that there will be an element of disruption to local residents. However, given the nature of this scheme and the timespan of construction works in relation to the lifespan of the proposed dwellings, it is considered that such disturbance would be a small and transient part of the overall development. Notwithstanding this, some elements of the development would be controlled by other legislation and it is also possible to impose a condition to any consent granted requiring the submission of a Construction Environmental Management Plan (CEMP). This document would provide controls over elements of the construction process in order to mitigate the impacts to local residents to acceptable planning levels. In terms of the contamination on site, the submitted site investigation sets out a method for dealing with this and this has been assessed by the Council's Head of Public Health. The method is considered to be acceptable and there is no reason to believe that there would be any risks to human health as result of the works.

11. Loss of privacy to the properties in the Ty'n Y Parc estate - This is addressed above.

12. The suggested access into Ty'n Y Parc is unnecessary - The latest iteration of the site layout does not propose an access directly to the Ty'n Y Parc estate.

13. Loss of view - This is not a material planning consideration.

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 it is considered that the proposed development is acceptable in planning terms and it complies with the policies contained in the LDP. The design and layout of the development is considered to be acceptable subject to conditions and it is not considered that the proposal would have a detrimental impact on the amenity of the area or on highway safety.

The proposal would make an important contribution to the provision of housing within the County Borough and, notwithstanding that it cannot be secured via the planning system, a significant proportion of the dwellings would be provided as affordable units.

RECOMMENDATION that the application be approved subject to conditions.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The development shall be carried out in accordance with the following approved plans and documents: 17062 (05) 101 Rev. X (Site Development Plan);  
17062 (05) 103 Rev. H (Site Materials Layout);  
17062 (05) 104 Rev. H (Site Tenure Housing Plan);  
17062 (05) 105 Rev. H (Refuse Management Plan);  
17062 (05) 108 Rev. H (Phasing Plan);  
17062 (05) 109 Rev. H (Enclosures Plan);  
17062 (05) 111 Rev. E (Proposed Street Elevations (Sheet 1 of 2));  
17062 (05) (Proposed Street Elevations (Sheet 2 of 2));  
17062 (05) 120 (Boundary Type A);  
17062 (05) 121 (Boundary Type B);  
17062 (05) 122 (Boundary Type C);  
17062 (05) 123 (Boundary Type F);  
17062 (05) 124 (Boundary Type D);  
17062 (05) 200 A (House Type C);  
17062 (05) 205 A (House Type D1);  
17062 (05) 206 A (House Type D1 (Render));

17062 (05) 2010 A (House Type D2 (Brick));  
17062 (05) 211 A (House Type D2 (Render));  
17062 (05) 215 A (Flat - 1B2P Walk Up (Brick));  
17062 (05) 216 A (Flat - 1B2P Walk Up (Render));  
17062 (05) 220 (2B4P FOG);  
17062 (05) 235 (2B4P (SR SO) Option 1);  
17062 (05) 236 (2B4P (SR SO) Option 2);  
17062 (05) 240 (2B5P (SR SO) Option 1);  
17062 (05) 200 (2B5P (SR SO) Option 2);  
CC2123-CAM-ZZ-XX-GA-C\_0102 Rev. P05 (Refuse Vehicle Tracking Sheet 1 of 4);  
CC2123-CAM-ZZ-XX-GA-C\_0103 Rev. P05 (Refuse Vehicle Tracking Sheet 1 of 4);  
CC2123-CAM-ZZ-XX-GA-C\_0104 Rev. P05 (Refuse Vehicle Tracking Sheet 1 of 4);  
CC2123-CAM-ZZ-XX-GA-C\_0105 Rev. P05 (Refuse Vehicle Tracking Sheet 1 of 4);  
Archaeological Desk-Based Assessment;  
Drainage Strategy Report;  
Amended Site Investigation Report;  
Preliminary Ecological Assessment;  
Stage 2 Ecology Report;  
Topographical Land Survey;  
Arboricultural Report including Tree Survey Data & Tree Constraints Plan (TCP);  
Transport Assessment March 2023;  
Air Quality Assessment; and  
Parking Matrix.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) 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 hereby approved shall be from Windsor Way only.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the commencement of development, other than ground remediation works, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.



- 05) Prior to the commencement of development, other than ground remediation works, 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.  
The scheme shall include:  
(i) control of noise,  
(ii) control of dust, smell and other effluvia,  
(iii) control of surface water run off,  
(iv) site security arrangements including hoardings,  
(v) proposed method of piling for foundations,  
(vi) construction and demolition working hours,  
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.  
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority, to accommodate:  
(a) Parking of vehicles of site personnel, operatives and visitors,  
(b) Loading and unloading of plant and vehicles,  
(c) Storage of plant and materials used in constructing the development,  
(d) Wheel cleaning facilities  
and each facility shall be retained throughout the course of construction of the development, free from any impediment to its designated use. No other areas on the site, other than those in the approved scheme shall be used for the purposes listed (a) to (d) above without the prior written agreement of the Local Planning Authority.

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

- 09) Prior to the commencement of development, other than ground remediation works, 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 in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) A Landscape Management Plan, including
  - (a) long term design objectives,
  - (b) management responsibilities, and
  - (c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.The Landscape Management Plan shall be carried out as agreed.

REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

REASON: In the interests of the residential of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) 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 details for site clearance (reptiles), hedgehog access, bird breeding, ecological enhancements and site clearance protection and provision and a timetable for the provision of such. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure biodiversity conservation and enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

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

- 15) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 16) Notwithstanding the approved plans, revised plans of the dwellings on Plots 1, 63 and 108 shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the construction of those dwellings. The revised plans shall provide for detailing of the side elevations of those dwellings facing the principal highway through the site. The development shall thereafter be carried out in accordance with the approved details.  
REASON: In the interests of good design and in order to ensure compliance with Placemaking Principles in accordance with Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 17) The consent hereby granted shall not extend to the locations shown on the Site Development Plan in respect of the Sub Stations, revised details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any construction works on site. The development shall thereafter be carried out in accordance with the approved details.  
REASON: In the interests of good design and in order to ensure compliance with Placemaking Principles in accordance with Policy SP6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 18) 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 first occupation of the dwellings.  
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.

#### Advisory Note(s)

The applicant should be made aware that any off site proposals will require highway licences/agreement and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing and therefore it is advised that the applicant discuss requirements as soon as possible after planning permission is granted.

The applicant should be made aware that the proposed off site works may require a Traffic Regulation Order (TRO) and as such the cost of such order will be borne by the applicant. Full details should be discussed with Highway officers once permission is granted.