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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 10th June 2020

Dear Sir/Madam,

A digital meeting of the **Planning Committee** will be held via Microsoft Teams on **Wednesday, 17th June, 2020 at 10.00 am** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals present and/or speaking at Planning Committee will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

Due to restrictions in relation to Covid19, Planning Committee Site Visits have been suspended and this meeting will not be open to the press and general public. However interested parties may make a request to submit written representations with regard to any item on this agenda, which will be read to the Committee. To obtain further details on this process please contact the Committee Clerk at sullie@caerphilly.gov.uk

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Christina Harrhy'.

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

Pages

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



1 To receive apologies for absence.

2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

3 Planning Committee held on 18th March 2020. 1 - 4

To receive and consider the following report(s): -

4 Code No. 19/1018/OUT - Land At Grid Ref 310845 196295, Brooklands, Nelson. 5 - 26

5 Code No. 20/0047/OUT - Land At Former Pontllanfraith House, Blackwood Road, Pontllanfraith, NP12 2YW. 27 - 56

Circulation:

Councillors M.A. Adams (Chair), Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, J. Ridgewell, J. Simmonds, J. Taylor, A. Whitcombe (Vice Chair), R. Whiting and T.J. Williams

And Appropriate Officers

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PLANNING COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 18TH MARCH 2020 AT 5:00PM

PRESENT:

Councillor M. Adams - Chair
Councillor A. Whitcombe - Vice-Chair

Councillors:

C. Andrews, M. Davies, J. E. Fussell, D. Hardacre, A.G. Higgs, A. Hussey, J. Taylor, R. Whiting and T. Williams.

Together with:

R. Thomas (Planning Services Manager), R. Kyte (Head of Planning and Regeneration), M. Woodland (Senior Solicitor) M. Noakes (Senior Engineer, Highway Planning), G. Mumford (Senior Environmental Health Officer), C. Boardman (Principal Planner), C. Powell (Principal Planner), and E. Sullivan (Senior Committee Services Officer).

And:

Councillor E. Stenner (Cabinet Member for Finance, Performance and Planning)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors E. M. Aldworth, A. Angel, J. Bevan, R. W. Gough, B. Miles, Mrs G.D. Oliver, J. Ridgewell and J. Simmonds

2. DECLARATIONS OF INTEREST

Mr C. Boardman (Principal Planner) declared a personal and prejudicial interest in relation to Agenda Items No. 4 and No. 5 – Code No's. 20/005/NMA and 19/1025/RM. Details are minuted with the respective item.

3. MINUTES – 19TH FEBRUARY 2020

It was moved and seconded that the minutes of the meeting held on the 19th February 2020 be agreed as a correct record and by a show of hands this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 19th February 2020 (minute nos. 1-12) be approved and signed as a correct record.

PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT

4. **CODE NO. 20/0005/NMA – VIRGINIA PARK GARAGE, MELVILLE TERRACE, CAERPHILLY, CF83 3HE.**

Mr C. Boardman declared a personal and prejudicial interest as his partner was the Agent for this application and left the Chamber before the matter was discussed.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that subject to the conditions contained in the Officer's report this application be granted.

5. **CODE NO. 19/1025/RM – VIRGINIA PARK GARAGE, MELVILLE TERRACE, CAERPHILLY, CF83 3HE.**

Mr C. Boardman declared a personal and prejudicial interest as his partner was the Agent for this application and left the Chamber before the matter was discussed.

Following consideration of the application it was moved and seconded that subject to additional conditions in relation to highway safety the recommendation contained in the Officer's report be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) subject to the conditions contained in the Officer's report and the following additional conditions this application be granted;

Additional Condition (07)

The proposed parking areas shall be completed in materials as agreed by the Local Planning Authority to ensure loose stones or mud etc. is not carried on to the public highway.

Reason

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

Additional Condition (08)

Notwithstanding the submitted plans, no works shall commence on site until after full engineering details of the road layout with section, street lighting and surface water drainage etc. have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

Additional Condition (09)

The proposed highway improvements, in the form of a carriageway widening to a minimum width of 4.8m, in addition to the provision of a 1.8m wide footway along the site frontage, shall be completed in materials to be agreed with the Local Planning Authority prior to beneficial occupation of the development commencing.

Reason

In the interest of highway safety in accordance with policy Cw3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Additional Condition (10)

Rainwater run-off shall not discharge from the proposed dwellings into the highway surface water drainage system.

Reason

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

Additional Condition (11)

Any boundary treatment fronting onto the highway to be improved shall be limited to 0.6m in height, to ensure adequate visibility for vehicles emerging from properties.

Reason

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

6. CODE NO. 19/0857/FULL – SAER COED, LOAD OF HAY ROAD, CRUMLIN, NEWPORT, NP11 3AY.

Mr P. Williams and Cllr C. Thomas spoke on behalf of residents in objection to the application and Mr S. Hiles, the Applicant's Agent spoke in support of the application.

It was noted that the above application has been subject to a site visit, which was held on Monday 16th March 2020.

Following consideration of the Officer's report it was moved and seconded that the application be deferred for further information in relation to the outcome of an ongoing freedom of information request and highway safety, a further motion was then moved and seconded that the recommendation contained in the Officer's report be approved.

By a show of hands and in noting there were 2 For, 8 Against and 1 Abstention the motion to approve the Officer's recommendation was declared lost.

By a show of hands and in noting there were 8 For, 2 Against and 1 Abstention the motion to defer the application for further information was upheld.

RESOLVED that the application be deferred to allow for further information in relation to the outcome of an ongoing freedom of information request and highway safety.

7-11. ITEMS FOR INFORMATION

The following items were received and noted: -

- (1) Applications determined by delegated powers;
- (2) Applications which are out of time/not dealt with within 8 weeks of date of registration;
- (3) Applications awaiting completion of a Section 106 Agreement;
- (4) Appeals outstanding and decided.

The meeting closed at 18.00pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th June 2020, they were signed by the Chair.

CHAIR

Agenda Item 4

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/1018/OUT 21.01.2020	Mr & Mrs Rees Brooklands House Brooklands Nelson Treharris CF46 6DR	Erect 11 No. dwellings including access, car parking and new foul and surface water drainage system for existing dwellings at Brooklands, Nelson Land At Grid Ref 310845 196295 Brooklands Nelson

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 310845 196295, Brooklands, Nelson.

Site description: The application site undulates but is broadly flat with mainly scrub vegetation. To the east of the site is a belt of vegetation with footpath before reaching Shingrig Road which increases in height to the north where the road runs to the County boundary with Merthyr Tydfil and continues over a railway bridge. To the northern boundary the land then falls away sharply to the Nant Caeach water course. To the western boundary is some vegetation/trees. The southern site boundary bounds the existing road and public right of way serving properties in Brooklands and Park Bungalow and Park Farm to the north-west.

Development: The proposal is an outline application (with all matters reserved for future consideration) for the construction of 11 semi-detached and detached two storey dwellings, with associated access, parking, gardens, and service infrastructure.

Use: Residential

The amount of development proposed for each use: 11 Dwellings.

Indicative layout: The dwellings are shown to be facing an internal estate road.

Indicative access points: Single point of vehicular access from Brooklands.

Cont....

Application No. 19/1018/OUT Continued

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):

Minimum width: 6m.
Maximum width: 12m.

Minimum length (depth) 8.5m.
Maximum length (depth) 11m.

Minimum ridge height 8.5m.
Maximum ridge height: 8.9m.

Materials: Indicative plans show properties with pained render walls with areas of stonework and wood cladding. Standing seam metal roofs are proposed.

Ancillary development, e.g. parking: Indicative plans show on plot parking with driveways and/or garages. Improvements to Brooklands Road in terms of width, parking bays and a turning head.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside but adjacent to the defined settlement boundary. It is designated as a Green Wedge (Policy SI1.11) and within Mynydd Eglwysilan Special Landscape Area Special Landscape Area (NH1.3). It is also within the Brooklands Marsh Site of Importance for Nature Conservation (SINC).

Policies:

CW1 - (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Highways), (CW4 - Natural Heritage Protection), CW5 (Protection of the Water Environment) CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision) CW11 (Affordable Housing Requirements), CW15 (General locational constraints) CW22 (Minerals), NH1 (Special Landscape Area), NH3 (Site of Importance for Nature Conservation (SINC)), SP2 (Development in the Northern Connections), SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Placemaking), SP10 (Conservation of Natural Heritage), SI1 (Green Wedge).

Cont...

Application No. 19/1018/OUT Continued

Supplementary Planning Guidance.

LDP 4 - Trees and Development.

LDP 6 - Better Places to Live.

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is within a High Risk Area.

CONSULTATION

Strategic & Development Plans - Whilst a departure from policy CW15 of the adopted Local Development Plan, it is not considered that the small incursion into the green wedge represented by this proposal would detrimentally affect its underlying purpose of maintaining the open nature of the land between Nelson and Quakers Yard. The magnitude of the existing housing shortfall is significant and development of this site would make some contribution towards meeting the housing requirements set out in the adopted LDP, in accordance with the recommendations of the 2019 AMR to increase the supply of housing. Within this context, incursion into the green wedge is justified, and clearly outweighs any harm that would be done to this particular designation.

It is not considered that the proposal would have a material bearing on the integrity of the SLA, although Countryside should be satisfied that the development of the site would not amount to the contravention of the relevant provisions of policy CW4 as regards the preservation of both the distinctive characteristics of the SLA and, accounting for the proposed species and habitat mitigation, the SINC.

Rights Of Way Officer - Advises of a public right of way in the vicinity of the site and provides advisory notes for the applicant.

Cont....

Application No. 19/1018/OUT Continued

The Coal Authority - The Coal Authority has no objection to the proposed development subject to the imposition of a planning condition requiring that intrusive site investigations should be undertaken prior to development. This is required in order to confirm the exact ground conditions present beneath this site and to inform any remedial/mitigatory measures that may be required to ensure that the development is safe and stable.

Ecologist - The Site is designated as Brooklands Site Important For Nature Conservation. The north of the site supports wet woodland (in its early stages) beside the Nant Caeach stream. Alder and Willow dominate the woodland. The extent of past tipping has had a significant impact upon the character of the Site Important For Nature Conservation. Given that the site has already been affected by tipping and much of the sites interest in terms of nature conservation has been compromised, then an objection on ecological grounds will not be submitted.

Recommends planning conditions in respect of Ecological matters.

Landscape Architect - Although the current proposed development represents an incursion into the Green Wedge and SLA on the North East edge of the Nelson settlement boundary, the potential area for development is generally small and has the potential to relate well to the existing settlement pattern, if designed and laid out well. Therefore overall the effect on the Green Wedge and SLA is minor and providing mitigation landscaping and mature trees are retained would be seen as acceptable in principle.

Recommends consideration given to layout amendments to provide an active frontage to Brooklands.

Principal Valuer - No comments.

CCBC - 21st Century Schools - There is adequate room at all schools for the above development to go ahead.

Head Of Public Protection - No objection, recommend conditions to address site contamination and noise/dust during construction.

CCBC Housing Enabling Officer - The size of the proposed site and the number of units being proposed triggers thresholds within the SPG allowing the council to seek an affordable housing contribution. The area falls within the Northern Connections Corridor (NCC) which attracts an affordable housing target of 25%, subject to viability. 25% of the 11 planned units, equals 3 units when rounded. I see from the Revised Site Plan that the applicants propose providing 3 affordable units, which complies with policy.

Cont....

Application No. 19/1018/OUT Continued

The mix of affordable units being put forward by the applicant are 3 bed houses, shown at plots 1 to 3. The 2018 LHMA fails to identify a need for this size of accommodation in the Nelson ward and overall in the NCC housing market area, although, there is a need for 4 bed accommodation. On this basis I would suggest that the 3 bed affordable units are changed to 4 beds.

The affordable units would need to be provided as social rented accommodation and would, therefore, need to be designed and built to DQR. Could you please request that the applicant provides property layout plans which show compliance with DQR.

The units should be provided as 4 bed, 6 person houses.

The units would be transferred to the council at £89,415 per unit. If the council fails to take up the offer to transfer the units, then they should be offered to United Welsh Housing Association (UWHA). If UWHA declines to take up the offer, then the units should be offered to a zoned housing association.

The proposed site layout complies with the SPG in terms of pepper-potting the affordable housing units throughout the development in clusters of 6 or more units.

Senior Engineer (Land Drainage) - Raises concerns in relation to Sustainable Drainage requirements and lack of drainage information. Highlights existing constraints in respect of the nearby watercourse and culverts and recommended refusal of the application.

Head Of Public Services - The site layout is adequate for on-plot bin storage for new residents. If the highway is unlikely to be adopted then we would require in writing from the developer, a statement confirming that the construction is of a sufficient standard to support our vehicles.

Transportation Engineering Manager - No objection subject to conditions requiring parking to meet adopted standards, details of the proposed turning head and provision of a travel plan.

Dwr Cymru - Advise a public sewer crosses the site but do not object subject to detailed layout addressing the sewer constraint and a condition addressing drainage.

Police Architectural Liaison Officer - Recommend that the development is built to comply with Secured by Design Homes 2019.

Cont....

Application No. 19/1018/OUT Continued

Western Power Distribution - A separate application to Western Power Distribution will be needed if the developer requires a new connection or service alteration.

Natural Resources Wales - In order to address our concerns in respect of contamination of ground water and land recommend that planning conditions be attached to require a scheme to deal with land contamination, decommissioning of the septic tanks and implementation of ecological mitigation measures for the Nant Caeach Watercourse.

Merthyr Tydfil County Borough Council - I write to confirm that this authority has no objection to the proposed development. Advise on ecological buffer.

Wales & West Utilities - Provide details of apparatus within the locality and development advice.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a press notice, site notices and neighbour notification letters were sent.

Response: 12 representations have been received in relation to the application.

Summary of observations:

- Existing traffic, parking and highway safety concerns.
- Existing problems with double yellow lines in the locality.
- Request that Brooklands is made residents permit parking.
- Concern over turning head on Brooklands.
- A limit of 20mph should be imposed for along Shingrig Road and Bwl Road.
- Contamination of the site.
- Impact on the existing properties of Brooklands sanitation.
- General issues with drainage in the area.
- General issues with sewage system in the area.
- Damage to septic tanks.
- Flooding and lack of SUDS.
- Loss of Privacy and outlook.
- Lack of notification of application.
- Site not included within the Local development plan.
- Development would be out of keeping.
- Overdevelopment.
- Loss of wildlife.
- Restrictions/Loss of parking and for existing residents.
- Devaluation.

Cont....

Application No. 19/1018/OUT Continued

- Sufficient housing within Nelson and these are not required.
- Redevelopment of the site is suitable.

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?

It is not considered that crime and disorder will be materially affected by the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The application site falls within the Mid-range area for CIL purposes attracting a CIL charge for residential development of £25/sqm (excluding indexation). The CIL charge would be calculated at reserved matters stage.

ANALYSIS

Policies:

The application has been submitted in outline with all matters (access, appearance, landscaping layout and scale) reserved for future consideration. The overall number of dwellings (11) is stated within the development description and is therefore fixed and not subject to change and scale parameters have been given for the minimum and maximum dimensions of the proposed dwellings. The applicant has submitted indicative plans including site layout and example floorplans and elevations, however, the exact form of development would be considered at reserved matters stage.

The indicative layout supplied with the planning submission indicates the applicant is envisaging the development to be served from a single point of access from Brooklands road close to the existing junction with Shingrig road. The new dwellings are shown on the indicative plan to be arranged primarily fronting onto a single estate road. The indicative mix of dwellings is 3 and 4 bedroom dwellings each provided with parking and amenity areas.

Cont....

Application No. 19/1018/OUT Continued

The general form and density of the site as shown on the indicative site plan demonstrates that the provision of the 11 dwellings could be achieved with acceptable levels of privacy and amenity for the new dwellings and an acceptable impact on the existing residential properties on Brooklands.

The application site is located to the west of Shingrig Road close to the County Boundary with Merthyr Tydfil which at this point runs along the watercourse to the north-eastern boundary of the application site. The application site is located close to but lies outside, the settlement boundary as delineated by Policy SP5 (Settlement Boundaries) within the adopted Local Development Plan. The site is covered by a Site of Importance of Nature Conservation (SINC), Green wedge and Special Landscape Area designations. It also lies within safeguarding areas for both coal and sandstone.

The site's location outside the settlement boundary means the proposal does not accord with adopted Local Development Plan Policy CW15 (General Locational Constraints). However, it is necessary to weigh the potential benefits of granting permission for housing in this location against any detrimental impact this may have, both in terms of policy CW15 and other development plan policies.

The application site falls within a green wedge designation (SI.1.11 - West of Nelson) identified within Adopted Local Development Plan Policy SI1 (Green Wedges). The supporting text to Policy SI1 in paragraph 3.98 of the Local Plan states "The need to define and maintain open spaces between and within urban areas and settlements to prevent coalescence is considered important for the County Borough to protect the integrity of both the built and natural environment. Within green wedges, it is intended to resist any development proposal that would not maintain this open character.

The Local Development Plan appendices defines the purpose of the green wedge designation. In respect of the reasoning behind the designation of the defined green wedge (west of Nelson) that the application site resides within the appendix to the Local Development Plan advises that "This green wedge prevents the coalescence between Nelson in Caerphilly County Borough Council and Quakers Yard in Merthyr Tydfil County Borough Council. This area is under significant residential and employment pressure. The area is an important open area that is not only important to retain for anti-coalescence purposes, but also for its landscape quality."

In the national planning policy wales document (paragraphs 3.69 and 3.70) it advises that there should be a presumption against inappropriate development within green wedges and planning permission should not be granted except in very exceptional circumstances where other considerations clearly outweigh the harm to which such development would do to the green wedge.

Cont....

Application No. 19/1018/OUT Continued

In terms of the application site it forms a small part of the defined green wedge but is closer to parts of Trelewis within Merthyr CBC than Quakers Yard which is the stated purpose for the green wedge. The existing watercourse and beyond that the railway line provide a buffer between the application site and the neighbouring parts of Trelewis within Merthyr CBC. The site's location to the north-east of the existing dwellings at Brooklands is such that were the site to be developed it would not materially alter the existing buffer zone provided by the green wedge between Nelson and Quakers Yard in Caerphilly. Loss of the application site as green wedge would have little impact upon the overall aim of the Green wedge for anti-coalescence purposes between Nelson and Quakers Yard as the vast remainder of the green wedge would be unaffected. The impact upon the underlying rationale of this green wedge would therefore be negligible.

The site is also within the defined Special Landscape Area (NH1.3 - Mynydd Eglwysilan). This is a large designation and the site's proximity to existing residential development and settlement of Nelson means that it is not considered that the proposed development would have an unacceptable impact on the Special Landscape Area.

The application is also located within a designated Site of Importance for Nature Conservation (SINC). A previous planning permission (P/04/0221) was approved for the importation of waste material. The Council's Ecologist has advised that due to the extent of past material importation this has had a significant impact upon the character of the Site Importance For Nature Conservation. The Ecologist's concludes that because the application site's interest in terms of nature conservation has been compromised that they raise no objection to the development. However, the Ecologist recommends that as the site has been designated a SINC and previously it did have more than 8 indicator species, then the remaining areas along the boundary of the site closest to the stream will need to be retained and enhanced and excluded from the development. It is recommended that a planting and management plan will be required for this ecological buffer area. The indicative layout plans does include provision for such a buffer zone with 5 metre and 10 metres zones from the watercourse. It is noted that the wider 10 metre does include parts of some garden areas however as the layout is not finalised at this stage it is considered that a suitable ecological buffer can be agreed via the imposition of a suitable planning condition requiring full details to be submitted prior to the commencement of development.

The Strategic and Development Plans section's consultation response to the application highlights that previously, the Council's lack of a five-year housing land supply would have constituted a material consideration in respect of planning applications. However, since the revocation of Technical Advice Note 1 (Joint Housing Land Availability Studies) by Welsh Government in March 2020, housing trajectories, to be set out in adopted Local Development Plans, will form the basis for the monitoring of development plan housing requirements.

Cont....

Application No. 19/1018/OUT Continued

Whilst the adopted Caerphilly Local Development Plan does not contain a housing trajectory, the Annual Monitoring Review (AMR) does already monitor housing delivery against the housing requirements set out in the adopted LDP. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 (Total Housing Requirements) indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need. In order to have met this need, an average of 575 dwellings needed to be delivered per annum. The 8th AMR indicated that 4,713 units had been delivered (55% of the total housing requirement) up to the end of March 2019. Therefore, there is a requirement for a further 3,912 dwellings to be developed over the remainder of the plan period, i.e. by the end of 2021, to meet the total housing requirement.

The 2019 AMR identifies that the failure of the housing policies to deliver housing, including affordable housing, is a key issue. Recommendation R2 of the AMR states "In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, the 8th Annual Monitoring Report recommends that a review of the Adopted LDP be commenced". Further to this, Recommendation R3 states that "in the period up to the adoption of the revised LDP, the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including: to consider proposals for new residential development on their relative planning merits on a site-by site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance". In this respect given the current housing shortfall the contribution towards overall housing number and provision of affordable housing within the scheme is a material consideration which weighs in favour of the proposed development.

The impact on the amenity of neighbouring properties has been considered. The existing 11 dwellings on Brooklands have their principal elevations facing the application site. The majority of these properties are single storey bungalows and some have dormer windows on the front roof slope. The indicative layout shows that 11 dwellings can be accommodated on site without harming the existing levels of privacy enjoyed by properties on Brooklands. Whilst the indicative plans show new dwellings that would be two storey in height this is considered to be acceptable in principle as whilst there are mainly bungalows facing the site there are two storey dwellings in this part of Nelson (particularly along Shingrig Road) and on the entrance to Brooklands itself there is a two storey property in a prominent corner plot. The indicative details suggest that the development would be of a good quality design able to accord with Policy SP6 (Placemaking) in having an acceptable impact on the character of the area.

The indicative layout broadly faces inwards with properties facing the internal access road. The Landscape Architect has recommended that the layout should be amended to provide an active frontage to Brooklands.

Cont....

Application No. 19/1018/OUT Continued

It is considered that a suitable layout can be agreed at reserved matters stage and if the layout remained broadly as the indicative plans shows with rear amenity areas adjacent to Brooklands that a suitable boundary treatment to Brooklands could be agreed as part of the development together with upgraded façade treatments/architectural detailing on the rear facades of some properties. It is therefore considered that an acceptable street scene could be achieved through the consideration of finalised layout and dwelling plans as part of the reserved matters process.

The indicative plans show a layout which suggests suitable access and parking can be accommodated within the site and also indicates improvements to Brooklands road in the form of a turning head and access and parking alterations. The Highway Authority has offered no objection to the proposal subject to planning conditions to address detailed highway considerations. The proposal in principle accords with Policy CW3 (Highways).

The developer has submitted an indicative drainage design for foul and surface water. This indicates that application site contains four brick built septic tanks that receive the foul and surface water discharge from the existing dwellings at Brooklands and the document states that these septic tanks are in a poor state of repair and are leaking. The developer proposes to discharge the foul drainage from the new dwellings into the existing Dwr Cymru/Welsh Water drainage infrastructure located within Shingrig Road. The document also indicates the developer's intention to undertake provision of new foul and surface water sewers within the existing Brooklands highway to allow the connection of the foul and surface water flows from the existing Brooklands dwellings to the existing foul and surface water drainage infrastructure. The provision of new infrastructure within the Brooklands Highway will allow the removal of the 4 existing defective Septic Tanks.

The Land Drainage Officer has raised concerns in relation to the development in relation to Sustainable Drainage requirements and lack of drainage information as well existing constraints in respect of the nearby watercourse and culverts and recommended refusal of the application. The applicant has been provided with the comments of the Land Drainage Officer and has indicated that the layout could be amended to comply with bylaw restrictions. The proposed development is of a scale that requires separate SAB approval from the Land Drainage section and the developer is aware of this requirement. The separate need for sustainable drainage approval does not preclude planning permission being granted for the development and as applicant has reserved matters such as layout for future consideration thereby giving scope to amend the scheme (if required) to address any matters pertinent to the SAB approval process.

Cont....

Application No. 19/1018/OUT Continued

It is therefore considered that it would not be reasonable to refuse the application on drainage grounds given the separate approval process for SAB and the ability for the applicant to address issues of drainage affecting layout through the reserved matters details and compliance with a proposed drainage condition.

The development would exceed the threshold in Policy CW10 (Leisure and Open Space Provision) for provision of open space and this will be secured via a planning condition. It also exceeds the threshold for affordable housing (CW11 Affordable Housing Planning Obligation) and it is proposed that this is secured by a section 106 legal agreement to secure necessary affordable housing on site.

Comments from Consultees: Addressed in the body of this report.

Comments from public:

- Existing traffic, parking and highway safety concerns.
- Concern over turning head on Brooklands.

The Highway Authority have reviewed the proposed development and layout in the context of the existing highway network and have offered no objection to the applicant subject to planning conditions to require parking for the new dwellings in accordance with adopted Parking Guidelines and full details of the proposed turning head and travel plan to promote sustainable travel objectives. The scheme includes the widening of Brooklands land and the provision of a turning facility which are considered to improve the general highway network adjacent to the site. It is noted that concerns have been raised over these measures particularly in relation to loss of parking for existing residents.

- Existing problems with double yellow lines in the locality.

The existing traffic regulations in place within this part of Nelson would have been subject to the relevant consultation and statutory processes and any future measures would be subject to the relevant processes. This is not considered to be a separate matter for the Highway Authority and is not material to the consideration of this application.

- Request that Brooklands is made residents permit parking.
A limit of 20mph should be imposed for along Shingrig Road and Bwl Road
These would be a separate matter to be considered by the Highway Authority.

- Contamination of the site.

The Environmental Health Officer has requested planning conditions in respect of contamination which ensure that the site is suitable for development.

Cont....

Application No. 19/1018/OUT Continued

- Impact on the existing properties of Brooklands sanitation.
It is understood that private sewerage from properties on Brooklands currently is located on the application site. This is private civil matter between the developer and the residents. The submitted indicative site plan includes reference to replacement foul drainage arrangements and details can be agreed through the proposed drainage condition.
- General issues with sewage system in the area.
In respect of concerns in relation to the existing sewage network in the locality Dwr Cymru have offered no objection to the proposed development.
- General issues with drainage in the area.
Dwr Cymru has been consulted and have offered no objection to the proposal and the indicative drainage details submitted show provision for existing and new dwellings.
- Damage to septic tanks.
This would be a private matter between the developer and the residents and the indicative details supplied indicate that the developer is seeking to provide alternative drainage arrangements for both existing and new dwellings.
- Flooding and lack of SUDS.
The site lies outside a designated flood zone and the development will require separate SAB approval, finalised drainage arrangements can be agreed through the submission of details to the Local Planning Authority.
- Loss of Privacy and outlook.
The indicative plans indicate that sufficient privacy could be achieved for the development and general outlook for the existing residents would not be unacceptably harmed. The loss of a view is not a material planning consideration.
- Lack of notification of application.
The application was publicised via a press notice, site notices and neighbour notification letters to adjoining residents complying with regulations.
- Site not included within the Local Development plan.
Development would be out of keeping. This has been considered and addressed within the body of this report.
- Overdevelopment.
The indicative plans show that a development of 11 dwellings can be accommodated on the site with individual dwellings having amenity areas and parking. The plans indicate that suitable access arrangements can also be achieved. It is therefore considered that overdevelopment would not occur.

Cont....

Application No. 19/1018/OUT Continued

- Loss of wildlife.

The Council's Ecologist has considered the proposal and does not consider that the development of the site would be unacceptable. Planning conditions are proposed to address ecological issues of concern such as reptiles and site lighting to minimise the impact on bats and mitigation in the form of an ecological buffer and bat roosting is required through planning conditions.

- Restrictions/Loss of parking and for existing residents.

The proposed development has been considered by the Highway Authority who have offered no objection to the indicative layout plans. There will be works proposed to Brooklands Road which would improve general access arrangements and include a new turning facilities improved width and parking bays. This has been weighed against the existing circumstance and is found to be acceptable.

- Devaluation.

This is not a material planning consideration.

- Sufficient housing within Nelson and these are not required.

The Planning Policy section have highlighted that the Annual Monitoring Review has identified a shortfall in housing provision.

- Redevelopment of the site is suitable.

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.

A section 106 Agreement may be required where:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.

The need to address affordable housing provision arise directly as a result of the proposed development of the site for 11 houses, which exceeds the threshold of 5 houses and 0.15 hectares stated in Policy CW11, in terms of the number of dwellings and area of the site.

- (c) It is fairly and reasonably related in scale and kind to the development.

Cont....

Application No. 19/1018/OUT Continued

The total number is reasonable and is based on housing demand in the Caerphilly County Borough.

Members are advised that if they are minded to approve the application that as the proposal constitutes major development being more than 10 residential units which is not in accordance with one or more provisions of the development plan in force the application will be referred to Welsh Government under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020.

RECOMMENDATION: that the application be REFERRED to Welsh Government as a Departure from the provisions of the Development Plan under The Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 and subject to confirmation from Welsh Government that they do not wish to call in the application that planning permission be GRANTED subject to the completion of a Section 106 Planning Obligation, which requires:

25% affordable housing provision comprising 3 x 4 bedroom (6 person) homes, built to DQR standards and at a transfer price of £89,415 per unit; and subject to the following conditions: -

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

Cont....

Application No. 19/1018/OUT Continued

- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 06) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 07) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
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.

Cont....

Application No. 19/1018/OUT Continued

- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
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.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
 - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
 - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

Cont....

Application No. 19/1018/OUT Continued

g) No tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 12) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.

REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 13) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.

REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act" . Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

- 14) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.

REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont....

Application No. 19/1018/OUT Continued

- 15) Prior to the commencement of any site clearance or development works, a species planting and management plan for the Ecological Buffer Zone shall be submitted for the approval of the Local Planning Authority.
REASON: In the interests of 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 (2018) and Tan 5 Nature Conservation and Planning (2009).
- 16) Prior to the commencement of any works on site, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Land at Grid Ref 310845 196295, Brooklands, Nelson, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 17) Prior to the commencement of development the applicant shall:
- Undertake a scheme of intrusive site investigation works which are adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- Submit for the approval of the Local Planning Authority a report of findings arising from the above referenced intrusive site investigations and (where identified as necessary by the report) a scheme of proposed remedial works. Following the approval of the report in writing by the Local Planning Authority the developer shall implement any required remedial works in accordance with the recommendations and timescales of the approved report.
REASON: To address mining legacy issues.
- 18) No works to the four brick built septic tanks located on the application site that receive the foul and surface water discharge from the existing dwellings at Brooklands shall be carried out before details of the method of decommissioning, demolition and removal have been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out in accordance with the approved details.
REASON: To ensure appropriate removal and decommissioning of the septic tanks and reduce the risk to the water environment.

Cont....

Application No. 19/1018/OUT Continued

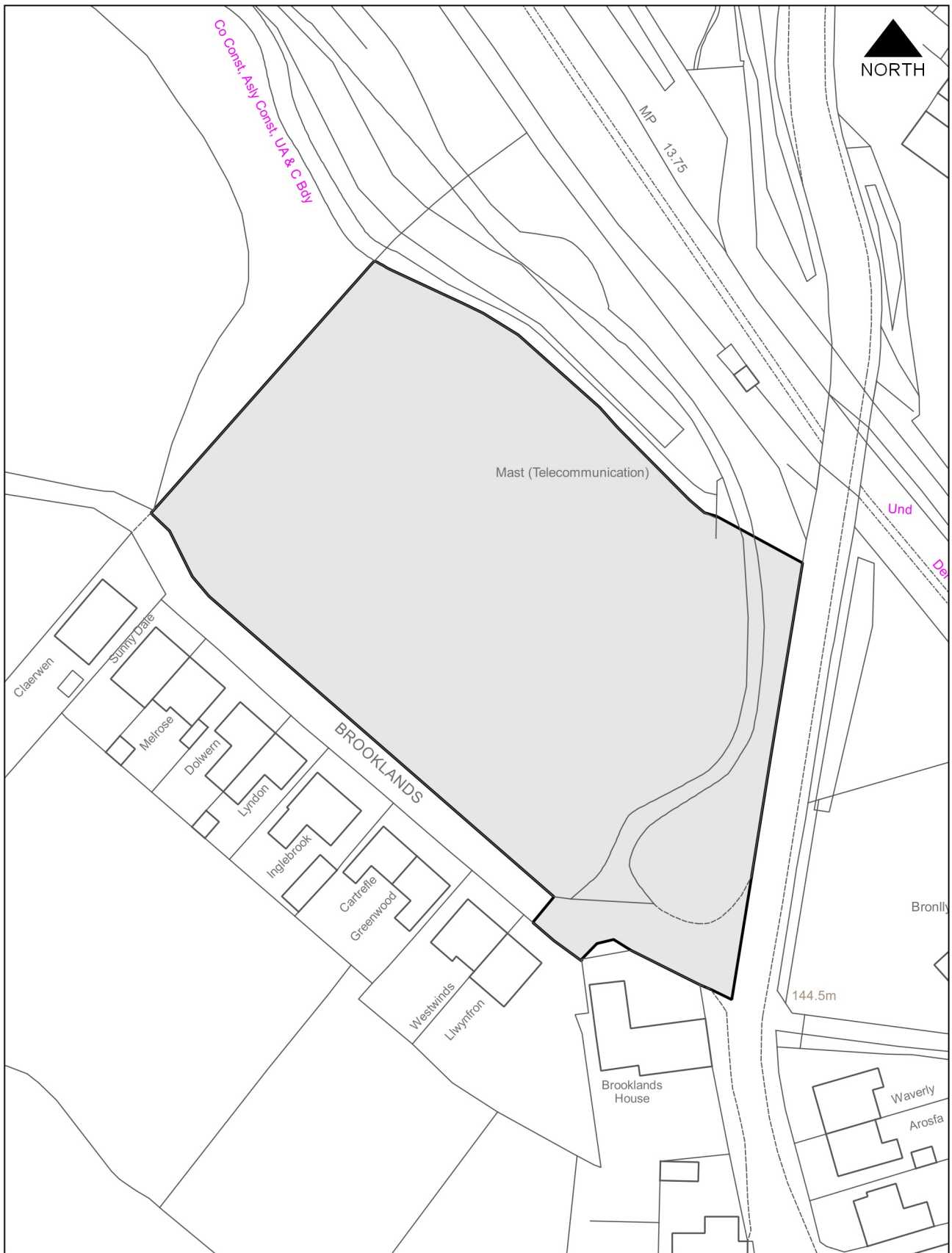
- 19) Prior to the commencement of development detailed plans showing the new junction onto Brooklands and the proposed turning head shall be submitted for the written approval of the Local Planning Authority. The agreed junction and turning head shall be constructed in accordance with the approved details prior to the occupation of the first dwelling.
REASON: In the interests of Highway Safety in accordance with adopted Local Development Plan Policy CW3 (Highways).
- 20) The vehicle parking and turning space(s) serving each dwelling unit shall be surfaced and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Prior to the occupation of each dwelling unit the spaces shall be completed in accordance with the approved details and shall not thereafter be used for any purpose other than the parking and turning of vehicles.
REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the occupation of the first dwelling, a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the timescales and measures contained therein.
REASON: To encourage transport other than by single occupancy vehicle trips.
- 22) No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
REASON: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 23) Details submitted in relation to Condition 1 of this permission shall include details of proposed public open space (a LAP) designed in accordance with the standards set out in Fields in Trust guidance, and the timing of its provision, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
REASON: To ensure the adequate provision of public open space.

Cont....

Application No. 19/1018/OUT Continued

Advisory Note(s)

Please find attached the comments of Natural Resources Wales, Public Rights of Way Officer, Dwr Cymru/Welsh Water, Western Power Distribution, Wales and West Utilities and Police Architectural Liaison Officer that are brought to the applicant's attention.



Agenda Item 5

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0047/OUT 27.01.2020	Pobl Group E Cunliffe Exchange House The Old Post Office High Street Newport NP20 1AA	Redevelop the site for residential development (up to 125 units) and all associated works (all matters reserved) Land At Former Pontllanfraith House Blackwood Road Pontllanfraith NP12 2YW

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The 3.87 hectare site is located to the east of Blackwood Road in Pontllanfraith on the site of the former Council Offices (Ty Pontllanfraith).

Site description: The application site comprises the former Council Office building (now demolished) in the central part of the application site, together with the car parking area to the north and south, and areas of open space to the east and west. Most of the site is unallocated in the adopted LDP, but the eastern part of the site forms part of the Sir Harold Finch Memorial Park. The Memorial Park itself extends to the north and west of the application site, and a Medical Centre is located to the south. A Grade II listed war memorial is located to the west of the former Council Offices within the site. This will be retained as part of the proposal.

To the north of the site is a designated Local Nature Reserve, and to the North-West of the site is a Site of Special Scientific Interest (SSSI). The site is also bounded extensively by protected Trees (TPOs) and a public right of way runs along the southern boundary.

Development: Outline application to redevelop the site of the Former Pontllanfraith House Council Offices for residential development (up to 125 units). The planning application is in outline form with layout, scale, appearance and landscaping reserved for future consideration.

Cont....

Application No. 20/0047/OUT Continued

The proposal comprises of:

- 125 dwellings comprising of 42 social rented units, 41 Low Cost Home Ownership (LCHO) units and 42 units for market sale.
- Open space in the form of a natural play area on the eastern part of the application site.
- An area of drainage attenuation in the central part of the site that will also serve as an area of informal public open space.

The site will be served by the existing access off Blackwood Road that previously served the Council Offices and continues to serve the Health Centre.

The planning application and related plans were supported with the following documents:

- Planning Statement.
- PAC Report.
- Design and Access Statement.
- Drainage Strategy Report.
- Preliminary Ecological Appraisal.
- Great Crested Newts Survey Report.
- National Vegetation Classification Survey.
- Transport Statement.
- Travel Plan.
- Tree Survey Report and Tree Constraints Plan.
- Landscape Strategy.
- Geotechnical and Geo-Environmental Report.

Dimensions: The site amounts to 3.87 hectares. The site is an irregular shape, but roughly triangular tapering from west to east to follow the existing field parcel pattern. The site has maximum dimensions of approximately 240 metres measured north to south, and 310 metres east to west.

Scale Parameters:

Width - Min: 4.0 metres, Max: 19.0 metres;
Depth - Min: 6.5 metres, Max: 10.0 metres;
Height - Min: 6.0 metres, Max: 9.0 metres.

Materials: Not applicable at outline stage.

Cont....

Application No. 20/0047/OUT Continued

Ancillary development, e.g. parking: The submitted indicative site layout shows a large drainage basin area located roughly in the centre of the site which is associated with the required Sustainable Urban Drainage approval process (SAB). An area of formal open space is also shown at the eastern extent of the application site. It is understood that this area will act primarily as an area of natural play with associated natural play features, as well as a drainage feature during extreme rainfall events. The vast majority of the time this area would be dry and will function as formal open space provision. These details will be formalised and agreed at reserved matters stage should outline permission be granted.

PLANNING HISTORY 2010 TO PRESENT

12/0661/LA - Convert flat roof to pitched - Granted 01.11.2012.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and the eastern part of the site is allocated as Leisure land (Ref: LE1.9 - Harold Finch Memorial Park). The site has no ecological designation.

Policies:

Strategic Policies

Policy SP2 Development Strategy (NCC), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, and Policy SP15 Affordable Housing Target.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design considerations (Highways), Policy CW4 Natural Heritage protection, Policy CW5 Protection of the Water Environment, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space provision, Policy CW11 Affordable Housing Planning Obligation and Policy CW15 General locational constraints.

Cont....

Application No. 20/0047/OUT Continued

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations, LDP4: Trees and Development and LDP 6: Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018).

Technical Advice Note 2: Planning & Affordable Housing (2006), Technical Advice Note 5: Nature Conservation and Planning (2009), Technical Advice Note 12: Design (2016), Technical Advice Note 16: Sport Recreation and Open Space (2009) and Technical Advice Note 18: Transport (2007).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The application site is located in the high risk coal mining legacy area. On that basis the application was accompanied by a Geotechnical and Geo-Environmental Report prepared by Terra Firma (Wales) Limited. This Report has been informed by an appropriate range of sources including the results of intrusive ground investigations in the form of 5no. rotary boreholes drilled to a maximum depth of 47m. Borehole logs and a plan illustrating where the boreholes were drilled are appended to the report. Based on the findings of these ground investigations the report author concludes that the new development is at a very low risk from mining related ground instability however. This low risk can be mitigated by the use of suitable reinforcement within the foundations.

Based on this report, the Coal Authority considers that the content and conclusions of the Geotechnical and Geo-Environmental Report are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

Cont....

Application No. 20/0047/OUT Continued

CONSULTATION

Rights Of Way Officer - No objection subject to advice being relayed to the developer regarding public rights of way in the vicinity of the application site. Requests improvements to the existing right of way along the southern boundary of the site to be secured by way of condition.

Transportation Engineering Manager - Based on the Transport Statement that accompanied the application raises no objection to the principle of the development.

Head Of Public Protection - No objection subject to conditions.

Conservation & Design Officer - Raises concerns about the potential impact of development on the Listed War Memorial to the west of the site. These comments will be forwarded to the developer to inform the reserved matters layout.

Senior Engineer (Land Drainage) - Provide advice to the developer and request that the application be deferred until such a time that the land drainage details have been agreed in accordance with the SAB approval process. As SAB approval is a separate legislative process that the developer will be required to satisfy it is not considered necessary or reasonable to delay the determination of the planning application for this reason.

CCBC Housing Enabling Officer - No objection subject to the securing of at least 25 percent of the development as affordable housing. Provides advice to the developer.

Ecologist - Based on the submitted ecology reports, no objection is raised at outline stage subject to a condition being attached to the permission.

Landscape Architect - Raises concern about the potential loss of mature trees within the development site, and provides advice regarding landscaping provision. This advice will be relayed to the developer and should inform the reserved matters layout.

Natural Resources Wales - Raise concerns regarding the potential impact of the development on access and management of the Memorial Park Meadows Pontllanfraith SSSI to the north west of the application site. However as this land is Local Authority owned and maintained these concerns can be appropriately controlled by way of conditions. Their concerns regarding potential impact on bats has also been addressed by way of relevant surveys.

Cont....

Application No. 20/0047/OUT Continued

Head Of Public Protection - No objection subject to conditions.

Dwr Cymru - Confirm that the local sewer network has adequate capacity to accept foul drainage from the proposed development. Provide advice to the developer.

CADW - No comments.

Principal Valuer - No comments.

The Coal Authority - Raise no objection to the proposal based on the Geotechnical and Geo-Environmental Report (prepared by Terra Firma) that accompanied the application.

CCBC - 21st Century Schools - Confirm that there is adequate capacity for catchment children in local schools to accommodate the proposed development.

Parks And Open Spaces - No response.

Head Of Public Services - Provides advice to the developer regarding refuse collection. The developer should take this into account in relation to any reserved matters application.

Police Architectural Liaison Officer - No objection subject to advice being relayed to the applicant.

Western Power Distribution - Raise no objection and provide advice to the developer.

Senior Arboricultural Officer (Trees) - Raises concern about the potential loss of protected trees within the site based on the indicative site layout plan that accompanied the application. However as the layout of the development is a reserved matter, the retention of high value trees should inform the layout. The comments of the Tree Officer are discussed in more detail in the analysis section of this report.

Strategic & Development Plans - Whilst concerns are raised relating to the loss of part of the Harold Finch Memorial Park, based on the contribution the development would make to housing and affordable housing need, on balance raise no objection to the proposal.

ADVERTISEMENT

Extent of advertisement: A total of twenty six nearby residential properties and commercial premises were consulted by way of letter and bi-lingual site notices were placed at the entrance to the site near Blackwood Road.

Cont....

Application No. 20/0047/OUT Continued

Response: Two objections have been received.

A petition signed by 1308 signatories has also been received. The petition refers to saving Sir Harold Finch Memorial Park from housing development, but it does not contain the planning application reference number and it is not dated, and therefore it is not specific in regard to the current application. It has however been considered in relation to the current application.

Summary of observations:

1. Most appropriate use of the site is as parkland and the proposed development will alter the landscape forever;
2. Proposed development will have a detrimental impact on the Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI);
3. Large amount of water runs through the site - drainage/flooding implications;
4. Disappointed that the large boundary stone at the entrance of the site is proposed to be moved;
5. Reference to the 2010 LDP only allocating 91 houses on the land;
6. Questions the affordable housing provision onsite;
7. States that NRW have serious concerns;
8. States that habitat loss compensation is unacceptable;
9. Wellbeing of future generations should also include well being of animals, ecosystems and biodiversity;
10. Development does not improve the environment or culture;
11. Pressure on existing facilities;
12. Concern that the development encroaches into the Harold Finch Memorial Park;
13. Noise from the nearby commercial uses to the east, and road noise from Blackwood Road to the west have not been considered;
14. Development will increase traffic flows on Blackwood Road, thereby also increasing noise and air pollution, to the detriment of the residents of Blackwood Road;
15. The future development of Pontllanfraith comprehensive school will have a cumulative impact associated with the current proposal in terms of traffic generation, air and noise pollution, and this cumulative impact should be considered as part of the current application;
16. Querying the accuracy of the Transport Statement;
17. Querying the Travel Plan on the basis that it refers to the 901 bus to train service that may be discontinued in accordance with the CCBC draft budget proposals 2020/21.

Cont....

Application No. 20/0047/OUT Continued

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The planning application was accompanied by several ecology and biodiversity surveys and reports that included: Tree Retention/Removal Plan; a Landscape Strategy Plan; a Great Crested Newt Report; National Vegetation Classification Survey Report; and a Preliminary Ecological Appraisal Report. Based on these reports no objection is raised by the Council's ecologist.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site is located in the Mid Viability CIL zone where the chargeable amount is £25 (plus indexation). It should be noted that affordable housing benefits from CIL exemption.

ANALYSIS

Policies:

Principle of Development.

The application site is in a sustainable location, within settlement limits, in proximity to the services and facilities of Blackwood and, therefore, its development is supported in accordance with strategic policies SP4 and SP5.

The application site is partially brownfield, being the former Council Offices, and flanked on to the east and west by greenfield land. Planning Policy Wales 10 supports the redevelopment of sustainable brownfield sites. Furthermore, Policy SP2 of the Local Development Plan supports the development of brownfield and greenfield sites in the Northern Connections Corridor providing they support the economic and social function, reduce car trips, protect natural heritage and are an efficient use of land. It will be demonstrated through this report how the proposal accords with the requirements of Policy SP2.

Cont....

Application No. 20/0047/OUT Continued

Given the application site's sustainable location within the settlement boundary, the principle of development is established subject to the proposals being acceptable in regard to all material planning considerations.

The relevant material planning considerations in respect of this application are:

1. Housing Delivery.
2. Loss of the Leisure Facility.
3. Impact on Trees.
4. Ecological Considerations.
5. Highway Impact.
6. Impact of Air Quality.
7. Rights of Way.
8. Affordable Housing.
9. Residential Amenity.
10. Leisure and Open Space Provision.
11. Section 106 Legal Agreement requirements.

These matters are discussed in turn below.

Housing Delivery.

The development will provide up to 125 No. new dwellings of which 66% are proposed to be of an affordable tenure. The developer is an established Registered Social Landlord (hereafter referred to as RSL) with a proven track record of delivery within the County Borough.

The up to date Annual Monitoring Report (hereafter referred to as AMR) for the Local Development Plan (hereafter referred to as LDP) has indicated that housing has not been delivered at the levels required by the LDP. Policy SP14 requires 8,625 new dwellings to be constructed over the LDP period, which equates to 575 dwellings per year. At this point in the life of LDP it was expected that 7,475 dwellings would have been constructed, however, only a total 4,835 have been completed. Resulting in a requirement for a further 3,790 dwellings to be constructed by the end of 2021 (i.e. in circa. 19 months). The house building rate in the Authority has been consistently below the LDP target and in 2019 the lowest rate since 1996 was recorded at just 122 units per year.

There is, therefore, a clear need to bring suitable, sustainable housing development sites forward to meet the LDP housing target in accordance with Policy SP14.

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Furthermore, as mentioned above, the applicant is a RSL and they have promoted the application on the basis of 66% of the total development, so up to 83 dwellings, being offered of an affordable tenure. Policy SP15 which relates to the delivery of affordable housing requires development within the Northern Connections Corridor to provide 25% affordable housing. The proposed affordable housing contribution proposed seeks to provide over and above the minimum requirement which would represent a significant contribution towards the overall affordable housing target of the LDP which is 964 units. It is acknowledged that the Local Planning Authority can only secure 25% affordable housing via a planning condition or Section 106 Agreement since this is the policy requirement. The applicant is an RSL and there is strong evidence, given their previous developments in the County Borough, that they will deliver the level of affordable housing and it is reasonable to assume this provision will come forward.

The proposed development would provide a significant benefit to the housing delivery in the County Borough and supported in accordance with Policy SP14 and SP15. The delivery of housing would also support the economic and social function of local area, including Blackwood town centre, by increasing the local population which accords with Policy SP2.

Loss of Leisure Facility.

The application site is partially designated as a leisure allocation under Policy LE1 as formal open space (LDP reference LE1.9). This area of open space is part of a wider park known as the Sir Harold Finch Memorial Park (hereafter referred to as SHFMP). The application site also encompasses a children's play area to the north west which is not covered by the policy LE1 designation.

Policy CW8 of the Local Development Plan seeks to protect leisure facilities and, therefore, is relevant when assessing the development of the designated open space area within the SHFMP and the children's play area. Policy CW8 states:

Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A. A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B. It can be demonstrated that the facility is surplus to requirements.

The impact of the development in terms of the SHFMP and the children's play area will be discussed in turn below.

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Impact on the Sir Harold Finch Memorial Park.

The application site encompasses approximately 1.4ha of the SHFMP which represents 13.3% of the overall area of the memorial park. Whilst this area would be lost from the park itself, the overall development will be required to provide two areas of open space including a local area of play (hereafter referred to as a LAP) and a local area of equipped play (hereafter referred to as a LEAP) in accordance with the Fields in Trust Standards (Wales) which would equate to a minimum of 500m² in open space. One of these areas would have a dual purpose as a play area and as sustainable drainage. The indicative master plan demonstrates the potential size and location of each area of open space. Whilst it is acknowledged this layout is not set, since layout is a reserved matter, it clearly demonstrates the capacity of the site to deliver this level of open space at reserved matters stage.

The 13.3% loss of the SHFMP is, therefore, mitigated to an extent by the provision of these two formal areas of open space which will be open to the general public and easily accessible by foot and bicycle.

Despite the open space to be secured through the development, it is acknowledged that the proposal will result in the partial loss of the SHFMP for which a comparable replacement facility will not be provided as required under the provisions of Policy CW8. In this case it is necessary however to assess the lack of compliance with Policy CW8 against other material considerations which are pertinent to the determination of this application which, amongst other things, the contribution to housing delivery.

In this respect as discussed in detail under the 'Housing Delivery' section above, the development will provide up 125 No. new dwellings of which 66% will be an affordable tenure on a site within an established settlement boundary which is in a highly sustainable location (the sustainability of the site discussed in more detail under 'Highway Considerations' below). The site is partially brownfield and therefore, its re-use is regarded to be an efficient use of land, in accordance with Policy SP2.

What's more the sites sustainable location, its connectivity, access to the SHFMP and surrounding public right of way network together its capacity to accommodate formal areas of public open space and sustainable urban drainage will facilitate a well design development that at the reserved matters stage has the capacity to meet the placemaking objectives embedded within Planning Policy Wales (Edition 10).

These housing delivery considerations are, in this case, considered to outweigh the loss of this part of the SHFMP. The significant level of housing that would be delivered would provide a substantial benefit to the local community which is considered to outweigh the moderate loss of open space.

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Application No. 20/0047/OUT Continued

It is acknowledged that whilst from a planning perspective the policy deals with the loss of the open space, as discussed above, the loss of part of the park has a wider meaning to some local residents given the open space forms part of the memorial park for Sir Harold Finch and understandably this matter is an emotive one. It is regrettable that the development would encroach on the park. The determination of the application must, however, be based purely on material planning considerations. On that basis, it is considered that the substantial benefit to the housing target outweighs the loss open space as discussed above.

Loss of the Children's Play Area.

The existing children's play area on the site is also protected by Policy CW8. As mentioned above, Policy CW8 allows for the loss or such a play area the development if a comparable replacement facility can be provided either on or off site, and within easy and convenient access on foot or by bicycle. The Council, which currently owns the park, have secured planning permission for a replacement children's play area along Blackwood Road (application reference: 20/0200/LA). This replacement facility was proposed at this location since it was regarded as being more accessible by foot and bicycle by the wider community and had far better natural surveillance.

The loss of the children's park as part of the development is therefore considered to be acceptable since an equivalent facility has been provided in the local area in accordance with Policy CW8. Furthermore, formal public open space will be a requirement of the proposed layout at reserved matters stage.

To conclude on the loss of leisure facilities, the proposal will result in the loss of 13.3% of the SHFMP yet it will secure a LAP and LEAP which will also provide sustainable drainage benefits and a replacement children's play area has been granted planning permission elsewhere. The proposed development would therefore make a significant contribution towards the LDP housing target, which is much needed given the consistently low delivery of housing during the plan period to date. On balance, therefore, in the context of other material planning considerations, it is considered that the loss of leisure facilities are acceptable in this instance.

Impact on Trees.

The application site has a large number of trees located along the site boundary which are not within the application site but nonetheless are important to the setting of the proposed development. In some cases, the root protection areas of these trees encroach into the development area. Within the limits of the site there are clusters of trees to the north, individual trees located centrally and within the western portion of the site near the war memorial. The majority of the trees in and around the site are covered TPO (ref: 119/81/GCC).

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This assessment, therefore, relates to the trees inside the site limits and on the periphery to ensure a holistic assessment of the trees is carried out. It is important to note, however, that some of the trees covered by the Tree Preservation Order and identified in the Tree Survey and Arboricultural Impact Assessment (hereafter referred to as the AIA) to be removed (discussed in more detail below) are outside of the development site. This application, if approved, will only permit the removal of trees within the development boundary and does not extend to trees beyond the site limits. To remove the TPO trees outside of the site boundary will require separate TPO consent. An informative will be added to the permission to advise the applicants of this.

As indicated above the application is supported by a Tree Survey and AIA which have assessed trees within the site limits and all trees along the site periphery. The Tree Survey identified the quality of all the trees on site and AIA provides a brief on the tree removal proposed to facilitate the development.

The AIA identified that the trees identified as T7, T11, T13, T18, T19, T20, T21, T24, T26, T46, T52, G55, G57, T59, G83, T84, G86 and T94 are of poor quality (category U) and are recommended for removal. The Tree Officer has agreed with these conclusions and to these trees being removed. The removal of these trees are recognised as necessary given their poor quality and is supported.

The AIA also identifies the removal of the following trees in order to facilitate the development T1, T2, T3, T6, T17, T85, G87, G88, T89, G90, T91 and T104, which are all C category trees (low quality) except for T4, T5, T6, T91 and T104 which are identified in the assessment as B category (moderate quality).

The loss of the category C trees is regarded as acceptable since they are of lower quality trees and it is considered that replacement planting through landscaping, which is a reserved matter, can be secured to mitigate for their loss. The tree officer supports the loss of the category C trees.

The Tree Officer has raised concerns in respect of the loss of T4, T5, T91, T104 and T105 since they are considered to be good quality and also that T4 and T5 should be regarded as category A trees, due to their combined quality. Category A and B trees are ordinarily required to be retained and represent a material planning consideration.

In this case, however, it is acknowledged that a large number of trees will be retained and the majority of trees to be removed are of poor quality and their removal is necessary for good management of the overall woodland. The retention of the trees identified by the Tree Officer requires a balanced consideration between the benefit the trees offer in terms of its landscape and amenity value and the potential impact they would have on the final layout of the development.

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Application No. 20/0047/OUT Continued

Following a site visit, it was assessed that T104 and T105, whilst attractive trees, are isolated from wider existing landscaping and are of small stature. They are located centrally within the site and, therefore, their retention could be challenging to the overall development and potentially hinder the provision of good quality, cohesive layout.

T4, T5 and T91 were also viewed and it was concluded they have significant amenity value and landscape benefits given their size and quality, more so than T104 and T105, and should be retained.

On balance, T104 and T105 are considered not to be of such a high quality or positive visual amenity to warrant their retention and their loss is acceptable, however, suitable replacement planting will be requested at reserved matters as part of the landscaping details. T4, T5 and T91, however, are valuable in the overall landscape and should be retained and a planning condition requiring their retention will be imposed. Subject to the imposition of condition the proposed development is acceptable when assessed under the provisions of Policy CW6.

Ecological impact.

The application was supported by the following ecology documents:

Tree Retention/Removal Plan 10/2019.

Landscape Strategy Plan, 430.02 Rev A.

Great Crested Newt Report, Final; V2.0 August 2019 by JBA Consulting.

National Vegetation Classification Survey Report V1.0, August 2019; by JBA Consulting.

Preliminary Ecological Appraisal Report V2.0 August 2019 by JBA Consulting.

Based on the findings of these report/surveys, the Councils Ecologist identifies the following issues of importance:

1. The loss of trees.

The arboriculture report identifies the proposed loss of 27 individual trees which includes 17 mature trees and 6 groups of trees. As the layout of the development is a Reserved Matter, it should aim to retain as many mature trees as possible, with additional planting for the loss of any trees lost. The scheme should aim for a ratio of 2:1 (planted to lost). This ratio is also recommended in the relevant surveys submitted by the applicant's ecologist.

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2. Bat roosting potential of impacted trees.

The trees identified by the agent as having moderate potential for bats are not proposed to be removed. However, to ensure there is no impact on potential bat roosts a condition will be attached to secure appropriate felling methods for the trees identified as having low bat potential.

3. The importance of the grassland in the eastern part of the application site.

The grassland in the eastern part of the site has been identified as hay meadow type grassland supporting a population of Southern Marsh Orchids. On this basis the reserved matters application should include details for the preservation of this habitat, either in situ or through translocation.

4. Site boundaries/dark corridors.

The application is surrounded in large parts by mature trees and hedgerows. To ensure ongoing connectivity for biodiversity, vegetated dark movement corridors for wildlife must be secured around the site. At this outline stage, this plan can be indicative, however, for the Reserved Matters application, this information must be provided in detail. This will also require coordination with the lighting strategy.

5. Reptiles.

The Preliminary Ecological Appraisal identified a prior record for Slow worms on site, and it has assumed presence of a population of reptiles and has recommended that a Reptile Strategy will be required in order to carry out the development. This information can be provided at Reserved Matters Stage.

6. Biodiversity Enhancement.

A biodiversity enhancement strategy will be required prior to construction, however, this can be submitted with the Reserved Matters application.

7. Priority Species: Hedgehog.

Ensure no impact on hedgehog by providing access into the curtilages of all the new properties. This can be achieved through gaps under fences and through walls. Hedgehog access can be either 130mm x 130mm hole, a continuous gap of 100mm high or a 150mm diameter pipe through a wall. This should be included on plans submitted with the reserved matters application.

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Application No. 20/0047/OUT Continued

On the basis of the above considerations, the Council's Ecologist raises no objection and the proposal is regarded as acceptable subject to condition, and advice being forwarded to the applicant to inform the reserved matters application.

Highway Impact.

The application is made in outline with all matters reserved and, therefore, details of access and parking are reserved for later consideration. It is, however, required at this stage to assess whether there is a suitable access to serve the development and whether the impact of the development would have an acceptable impact on the local highway network in accordance with the requirements of Policy CW3.

The application site was occupied by Pontllanfraith House which was a former Council Offices which had 6,100sqm of office space within the three-storey building. The Pontllanfraith House was opened in 1975 and demolished in 2018.

The application is supported by a Transport Statement (TS) which has carried out a TRICS analysis to estimate the trip generation from the former Council Offices and the proposed 125 No. residential developments to enable a comparison to be made.

The TRICS data provided estimates that 1521 trips over a 12-hour period were likely in respect of the former office building. This equates to 214 trips in the morning peak period (08.00 - 9.00) and 196 trips in the evening peak period PM (17.00 - 18.00).

The proposed 125 No. residential development estimates 906 trips over a 12-hour period and for the peak period this equates to 102 trips in the morning peak period (08.00 - 9.00) and 92 trips in the evening peak period (17.00 - 18.00).

The data demonstrates that the former office use had significantly more trips over the 12-hour period and during the peak period than the proposed residential development. Indeed, the residential development results in an approximately 50% reduction rate in trips during the peak periods.

Whilst it is acknowledged the former offices are demolished, the TS submitted indicate that the access and local road network has previously accommodated significantly more vehicular movements than the proposed development. It is concluded, therefore, that the access and local highway network is capable of accommodating the proposed traffic associated with the proposed development. The Transportation Engineering Manager supports the findings of the TS.

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Whilst the TS demonstrate a significant reduction in vehicular trips, it includes an assessment of census data to understand current modes of transport for commuters. This data indicates that on average 78% of people would likely use a motor vehicle to travel to work. Applying this census data to the estimated trips during peak period for the proposed development, morning and evening peak trips would reduce further to 80 and PM 76, respectively. This would result in even less pressure on the local network in comparison to the previous use.

It is however, expected that the percentage use of the private motor vehicle could be reduced further since the site is in an extremely sustainable location. It is within 95m of the nearest bus stops along the B4251 which have frequent services throughout the day and on the weekends. The site is also 500m walking distance to independent shops such as a convenience store, which further boosts the sustainability credentials of the site.

Planning Policy Wales 10 requires new development to be assessed against the sustainable transport hierarchy which requires development to prioritise the following in order:

1. Walking and cycling;
2. Public transport;
3. Low emissions vehicles; and
4. Private motor vehicles.

Applying the sustainable transport hierarchy to the proposed development, the following conclusion can be drawn.

Based on the submitted TS and the assessment of the development against PPW10, it can be concluded that development will have an acceptable impact on the local highway network, sustainable modes of transport are easily accessible and a suitable access to the site can be achieved. The proposals, therefore, accord with Policy CW3 and are acceptable in regard to highway impact.

1. Walking and cycling.

The site is located in a sustainable location with local services within a 500m walking distance and which are accessible via existing foot paths.

The site is also adjacent to Footpath 88 which provides a footpath, providing a recreational walk. This footpath also links to Penmaen Industrial Estate to the north and Commercial Street in Pontllanfraith to the south.

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2. Public transport.

As discussed above, the site is within 95m of the nearest bus stops which are well served by existing bus services.

3. Low emissions vehicles.

Electronic vehicles charging point will be secured via planning condition for all on plot parking spaces. This will encourage low emissions vehicle ownership amongst future occupiers.

4. Private motor vehicles.

The sustainable location of the site and provision of charging points for electrical vehicles provides ample opportunity for future occupiers to not to have to rely on the private car as their main mode of transport.

To conclude, on the basis of the data set out in the submitted Transport Statement (which is summarised above), which indicates that the proposed use will generate approx. 50% less traffic than the former employment use of the site, coupled with the sites sustainable location and easy access to public transport, the proposal is considered to be acceptable from a traffic generation and highway safety perspective. On this basis the Transportation Engineering Manager raises no objection to the proposal.

Air Quality.

Air quality is an emerging, high profile issue relating to development, and it is important that proposals pay due regard to this issue in accordance with national and local planning policy. Based on the discussion above in the Highway Impact section, it is estimated that the proposed use will generate approx. 50% less traffic movements than the former employment use of the site, which represents an improvement in air quality terms.

However, it is important to identify opportunities to integrate new infrastructure that will contribute to further improving air quality as a result of development. On this basis and as detailed above, the developer has agreed to install EV (electric) charging points as part of the development. Such EV charging points are most suitably provided at properties with off-street parking space (as opposed to properties that will have parking courtyard arrangements). As layout is a reserved matter, the percentage of EV charging points will be secured at reserved matters stage.

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Rights of Way.

Public footpath (footpath reference: 88) runs along the outside of the southern boundary of the site, albeit immediately adjacent to it. The footpath has two access points, a stepped access just outside the site boundary and a footpath access within the site limits. The Rights of Way officer has requested that improvements to the footpath are secured via a Section 106 including the replacement of the stepped access to an accessible gradient and the length of the footpath to be resurfaced.

It is considered that the requests of the Rights of Way officer are not necessary to mitigate the impact of the development in relation to the footpath since there is a footpath access to the right of way approximately 73m from the stepped access point which is accessible via public land. It is considered unreasonable to provide a second ramped access in such proximity to an existing similar access point. In terms of resurfacing, the existing right of way is good condition along the length of the site and this request is considered to be unreasonable in this instance.

The proposed development is considered to have an acceptable impact on the existing right of way and contributions to its improvement are not required.

Affordable Housing.

CW11 (Affordable Housing Planning Obligation) states:

"Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross area."

The application site is located within the area defined as the Northern Connections Corridor which has an affordable housing target of 25%.

As detailed above, the application proposes 66% of the total dwelling to be affordable. Policy SP14 requires a contribution of 25% of the total development to be affordable and this will be secured via a Section 106 Legal Agreement. The proposal accords with Policy SP14.

Residential Amenity.

Policy CW2 of the Adopted Caerphilly LDP states that development proposals should have no unacceptable impact on the amenity of adjacent properties or land; should not result in over-development of the site; and should be compatible with surrounding land uses.

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In terms of impact on existing nearby properties, it is noted that the nearest existing residential properties are located approximately 50 metres to the north west and south west of the western boundary of the application site. On this basis the proposal will have limited impact on existing levels of residential amenity, but this matter will be considered further at reserved matters stage. Furthermore, given the indicative site layout that shows a moderate density of housing with ample green infrastructure running throughout the site, it is not considered that up to 125 dwellings represents over-development of the application site.

In terms of compatibility with surrounding land-uses, the site is bounded to the west by existing residential development, to the south by a Health Centre, and to the north and east by open space. On this basis the proposed use is considered to be compatible with its setting.

Leisure and Open Space Provision.

Policy CW10 of the adopted Caerphilly LDP requires all new housing sites capable of accommodating 10 or more dwellings to make adequate provision for well design usable open space as an integral part of the development; and appropriate formal children's play facilities either on or off site. The indicative site layout plan submitted with the application shows two significant areas of open space within the application site. The first is a large basin in the centre of the site that forms part of the drainage strategy. This area will also serve an important focal point to the development providing visual relief for the properties surrounding it. An area of public open space is shown at the eastern extent of the site measuring approximately 1,000 square metres. The applicant has indicated that this will be an area of natural play to serve the proposed development site. As noted above, the existing children's playground provision onsite is to be moved approximately 150 metres to the north west of the site, on land adjacent to Blackwood Road (planning permission 20/0200/LA) and this facility will also serve the proposed development. The provision of appropriate levels of public open space to serve the proposed development in accordance with the Fields in Trust (FIT) standards will be secured by way of condition.

Section 106 Legal Agreement requirements.

A Section 106 Agreement will be required to secure the provision, maintenance and management of the LEAP and the provision of 25% affordable housing onsite (which equates to 31 dwellings), and must meet the following tests:

(a) It is necessary to make the development acceptable in planning terms.

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Policy CW11 requires the provision of affordable housing and that can only be secured through a S106 Agreement. Policy CW10 requires the provision of formal play facilities that should be secured by way of legal agreement.

(b) It is directly related to the development.

The affordable housing and LEAP can only be secured as part of a housing development.

(c) It is fairly and reasonably related in scale and kind to the development.

The amount of affordable housing is based on the requirements set out in the LDP which has been through an examination and been adopted. The size of the LEAP is consistent with the standards set out in the Fields in Trust guidance.

Conclusion.

The recommendation therefore is that planning permission should be granted subject to conditions and the applicant entering into a Section 106 legal agreement to provide affordable housing and formal public open space onsite. If members are minded to support the recommendation, in accordance with Circular 001/2020 - Guidance on the Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020 (January 2020), this application has to be referred to Welsh Government because it is over 10 dwellings, and is not in accordance with one or more provisions of the development plan in force.

Comments from Consultees: No objection subject to conditions and advice.

Comments from public:

1. Most appropriate use of the site is as parkland and the proposed development will alter the landscape forever - This issue has been discussed in detail above.
2. Proposed development will have a detrimental impact on the Local Nature Reserve (LNR) and Site of Special Scientific Interest (SSSI) - This issue has been discussed in detail above.
3. Large amount of water runs through the site with drainage/flooding implications - The developer will require separate SAB approval. That process will ensure the development is fully acceptable from a land drainage perspective.
4. Disappointed that the large boundary stone at the entrance of the site is proposed to be moved - This is a matter between the landowner and the relevant parties. As the layout of the development is a reserved matter, such relocation of the stone has not been considered as part of this application.

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Application No. 20/0047/OUT Continued

5. Reference to the 2010 LDP only allocating 91 houses on the land - The application site was not allocated as a housing site in the adopted LDP.
6. Questions the affordable housing provision onsite - The applicant is proposing 66% affordable housing provision in an area where the requirement is 25%.
7. States that NRW have serious concerns - The concerns of NRW have been addressed above and relevant conditions will be attached to the permission in that regard. The land to the north of the site will remain in the ownership and control of the Local Authority.
8. States that habitat loss compensation is unacceptable - The proposal has been considered by the Council's Ecologist who raises no objection to the proposal subject to conditions.
9. Well-being of future generations should also include well being of animals, ecosystems and biodiversity - Biodiversity has been fully considered as part of this application.
10. Development does not improve the environment or culture - The application proposes much needed affordable and private housing to meet the identified need.
11. Pressure on existing facilities - The Education department has confirmed that adequate capacity is present in local schools to serve the future occupiers of the development.
12. Concern that the development encroaches into the Harold Finch Memorial Park - This matter has been discussed in detail above.
13. Noise from the nearby commercial uses to the east, and road noise from Blackwood Road to the west have not been considered - The Head of Public Protection raises no objection to the proposed development.
14. Development will increase traffic flows on Blackwood Road, thereby also increasing noise and air pollution, to the detriment of the residents of Blackwood Road - The Transportation Engineering Manager raises no objection based on the submitted Transport Statement. Based on the information contained in the Transport Statement, the volume of traffic generated by the proposed development should be significantly lower than the former use of the site, i.e. the Council Offices.
15. The future development of Pontllanfraith comprehensive school will have a cumulative impact associated with the current proposal in terms of traffic generation, air and noise pollution, and this cumulative impact should be considered as part of the current application - To date no application has been made to redevelop the former school site. As and when such an application is made it will be considered on its own merits.
16. Querying the accuracy of the Transport Statement - The Transportation Engineering Manager is satisfied with the Transport Statement as submitted and raises no objection to the proposed development.

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17. Querying the Travel Plan on the basis that it refers to the 901 bus to train service that may be discontinued in accordance with the CCBC draft budget proposals 2020/21 - At present the draft budget proposals for 2020/21 have not been agreed and therefore it is reasonable of the developer to make reference to the bus to train service that currently stops in close proximity to the site. Notwithstanding this specific bus service, the application site is in close walking distance of Blackwood Bus Station that serves a multitude of locations with regular bus services.

Other material considerations: The proposed development will make a significant contribution to the current shortfall of housing, and in particular affordable housing, within the LDP defined settlement boundary, thereby reducing the pressure for development outside the settlement boundary elsewhere in the County Borough.

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.

RECOMMENDATION: That (A) if Members are minded to GRANT planning permission that the application is first REFERRED to the Welsh Minister; in the event that no objections are raised by the Minister, that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of satisfactory obligations that planning permission is GRANTED subject to the following conditions:

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. 20/0047/OUT Continued

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) In addition to the trees identified for retention in the Tree Survey (prepared by Treescene dated 30.03.2020) the following trees shall be retained as part of the layout of the reserved matters submission: T4, T5 & T91.
REASON: To protect trees of importance in accordance with Policy CW6 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 06) No operations of any description (including all forms of development, tree felling, tree pruning) shall commence on site until a detailed Arboricultural Method Statement, which shall include a Tree Protection Plan and detailed schedule of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full compliance with the Arboricultural Method Statement.
REASON: To protect important landscape features within the site and to ensure compliance with LDP Policy CW6 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.

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Application No. 20/0047/OUT Continued

- 08) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
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.
- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
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.

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- 12) The development shall be carried out in accordance with the following approved plans and documents:
- Geotechnical and Geo-Environmental Report (prepared by Terra Firma) received 27.01.2020;
 - Drawing No. LP-01 - Site Location Plan, received 27.01.2020;
 - Amended Design and Access Statement, received 02.03.2020;
 - Amended Planning Statement, received 11.03.2020.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 13) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 14) Prior to the commencement of any works on site, details of the method of clearance/felling provision shall be submitted to the Local Planning Authority for approval. The approved details will be strictly complied with.
- REASON: To prevent accidental killing or injuring of protected species, in accordance with Planning Policy Wales and the Wildlife and Countryside Act 1981 (as amended).
- 15) Details submitted in relation to Condition 1 of this permission shall include details of the proposed public open space (a LEAP and a LAP) designed in accordance with the standards set out in Fields in Trust guidance, and the timing of their provision, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- REASON: To ensure the adequate provision of public open space.

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- 16) Details submitted in accordance with Condition 1 of this permission shall include the provision of EV (electric vehicle) charging points for all properties benefitting with off road parking provision within their curtilage. The Ev charging provision shall be installed prior to occupation of each of the relevant dwellings.
REASON: In the interests of promoting clean energy and in the interests of air quality.
- 17) Prior to commencement on site a residential travel plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: in the interest of highway safety and to promote sustainable modes of travel in accordance with Policies SP2, SP7, and CW1 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.
- 18) Prior to the commencement of the development details shall be submitted to the Local Planning Authority detailing proposed improvement works to Public footpath (footpath reference: 88) that runs along the southern boundary of the site. The agreed improvement works shall be completed prior to first occupation of any of the dwellings approved.
REASON: To encourage walking in accordance with Policies SP2, CP7 and CW1 of the Caerphilly County borough Local Development Plan up to 2021 - adopted November 2010.

Advisory Note(s)

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

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided.

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In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

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

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

WARNING:

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

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

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

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

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Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect.

The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

Please find attached the comments of Dwr Cymru/Welsh Water, Western Power Distribution, Senior Engineer (Land Drainage), Council's Ecologist, Senior Arboricultural Officer (Trees), Landscape Architect, Transportation Engineering Manager, Head of Public Protection, Rights of Way Officer, The Coal Authority and National Resources Wales that are brought to the applicant's attention.

