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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 Ebst: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Mercher, 2 Mawrth 2022

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 9fed Mawrth, 2022** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddau/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: www.caerffili.gov.uk

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai sydd â diddordeb wneud cais i fynychu o bell a siarad mewn perthynas ag unrhyw eitem ar yr agenda hon. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar barrerm@caerffili.gov.uk

Yr eiddoch yn gywir,

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

Christina Harrhy
PRIF WEITHREDWR

AGENDA

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb

A greener place Man gwyrddach

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



2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

- 3 Cynhaliwyd y Pwyllgor Cynllunio ar 9fed Chwefror 2022 1 - 4

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

- 4 Cais Rhif. 21/0899/FULL - Tir yn Fferm Gelli, Tredegar Road, Cwmgelli, Coed Duon NP12 1BZ. 5 - 32
- 5 Cais Rhif. 21/0452/FULL - Hen Orsaf Heddlu Caerffili, Mountain Road, Caerffili. 33 - 56
- 6 Cais Rhif. 21/0477/RM - Cwrs Golf Virginia Park, Parc Virginia, Caerffili. 57 - 80

Cylchrediad:

Cynghorwyr M.A. Adams, Mrs E.M. Aldworth (Is Gadeirydd), C. Andrews, J. Bevan, M. Davies, N. Dix, J.E. Fussell, R.W. Gough, L. Harding, A.G. Higgs, A. Hussey, B. Miles, J. Ridgewell, R. Saralis (Cadeirydd), J. Simmonds a J. Taylor

A Swyddogion Priodol

SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar www.caerffili.gov.uk. ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r [Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn](#) ar ein gwefan neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio grifff2@caerffili.gov.uk neu ffoniwch 01443 863028.



PLANNING COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 9TH FEBRUARY 2022 AT 5:00 PM

PRESENT:

Councillor R. Saralis – Chair
Councillor E.M. Aldworth – Vice-Chair

Councillors:

M. Adams, C. Andrews, M. Davies, N. Dix, J. Fussell, L. Harding, A. Hussey, B. Miles,
J. Ridgewell, J. Simmonds, J. Taylor

Cabinet Member: Councillor A. Whitcombe (Sustainability, Planning and Fleet)

Together with:

M. Woodland (Senior Solicitor), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), C. Powell (Area Principal Planner), A. Pyne (Principal Planner), C. Campbell (Transportation Engineering Manager), L. Cooper (Assistant Engineer), M. Godfrey (Team Leader - Pollution Control and Emergency Planning & Resilience), J. Hobbs (Senior Engineer), M.W. Jones (Planning Officer), A. West (21st Century Schools), M. Williams (Interim Head of Property Services), C. Young (Building Consultancy), R. Barrett (Committee Services Officer), J. Lloyd (Committee Services Officer)

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being recorded and would be made available following the meeting via the Council's website – [Click Here to View](#). Members were advised that voting on decisions would be taken via Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, R.W. Gough and A. Higgs.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. MINUTES – 12TH JANUARY 2022

It was moved and seconded that the minutes of the meeting held on the 12th January 2022 be agreed as a correct record. By way of Microsoft Forms (and in noting there were 13 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the minutes of the Planning Committee held on 12th January 2022 (minute nos. 1-6) be approved as a correct record.

4. APPLICATION NO. 21/0922/LA - YSGOL GYMRAEG BRO ALLTA, STRYD GANOLOG, YSTRAD MYNACH, HENGOED, CF82 7XQ

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mr C. Mead and Councillor M. James spoke on behalf of local residents in objection to the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 11 for, 2 against and 0 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) the applicant be advised that the proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the [Coal Authority website](#);
- (iii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas 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: The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas 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: [Link to CCBC website - SAB](#)

(iv) the applicant be advised of the following:

1. WARNING - SEPARATE APPROVAL UNDER THE LAND DRAINAGE ACT (1991)/AERPHILLY COUNTY BOROUGH COUNCIL LAND DRAINAGE BYELAWS (2018) REQUIRED: Please note that Caerphilly County Borough Council operate Land Drainage Byelaws and that works on a near a watercourse may require Ordinary Watercourse Consent (OWC). The erection or construction of any Building or Structure within the Byelaws distance is only permitted following written consent from the Lead Local Flood Authority. Planning Permission granted here does not remove the requirement for approval from the Lead Local Flood Authority to be obtained.

You are advised to contact the Lead Local Flood Authority. Their contact details are provided below:

Phone: 01443 866511
Email: drainage@caerphilly.gov.uk
Website: [Link to CCBC Website - Consent to work on an ordinary watercourse](#)

(v) the applicant be advised that many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended).

Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing;

(vi) the applicant be advised of the attached comments from Natural Resources Wales, Senior Engineer (Land Drainage) that are brought to the applicant's attention.

5. APPLICATION NO. 21/1056/COU - 53 SIR IVOR ROAD, PONTLLANFRAITH, BLACKWOOD, NP12 2JL

The Planning Case Officer presented the application, with it confirmed in the accompanying report that the recommendation in respect of the proposal had taken full account of, and

was in conformity with, both Future Wales and Planning Policy Wales Edition 11.

Mrs K. Arnold-Jones spoke on behalf of local residents in objection to the application and Mr D. Evans (Applicant) spoke in support of the application.

Following consideration of the application it was moved and seconded that subject to the conditions contained in the Officer's report, the recommendation in the Officer's report be approved. By way of Microsoft Forms (and in noting there were 11 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) subject to the conditions contained in the Officer's report the application be GRANTED;
- (ii) The application be advised of the attached comments from the Head of Public Protection that are brought to the applicant's attention.

OFFICER RETIREMENT

Before concluding the meeting, the Chair advised Members that Mr Martin Woodland (Senior Solicitor) would shortly be retiring and so this would be his last meeting of Planning Committee.

Members thanked Mr Woodland for the invaluable support and professional advice that he had provided to the Planning Committee over the past few years, and wished him a very long, happy, and healthy retirement.

The meeting closed at 6.47 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th March 2022.

CHAIR

Application Number: 21/0899/FULL

Date Received: 11.01.2022

Applicant: Taylor Wimpey South Wales

Description and Location of Development: Create surface water drainage system to serve approved residential development reference numbers 18/1059/NCC and 19/1024/RM - Land At Gelli Farm Tredegar Road Cwmgelli Blackwood NP12 1BZ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the southern side of Tredegar Road (A4048) adjacent to Gelli Yard, Cwmgelli.

Site description: The site comprises of a field adjacent to Gelli Yard, stables and manege. The field is separated from the main A4048 highway by the former railway line, which is now a cycle track.

Development: Full planning permission is sought to create a surface water drainage system to serve the approved residential development reference numbers 18/1059/NCC and 19/1024/RM.

Dimensions: The red line boundary for the site area as a whole measures 1.73 hectares, however the developable area of the site is much less. The total length of the surface water pipe measures approximately 310 metres.

Two buried geocellular storage tanks are proposed comprising of lightweight compressed strength honeycombed modular structures made from recycled PVC. The individual specifications for each of the tanks are as follows:-

The 1 in 100 Year Event +40% SDS cellular storage tank measures 38.5 metres long by 25 metres wide and 1.25 metres in height and has a cubic capacity measuring 1203.125m³.

The 1 in 30 Year Event +40% SDS cellular storage tank measures 36.5 metres long by 7 metres wide and 2.5 metres in height and has a cubic capacity measuring 638.75 m³.

Ancillary development, e.g. parking: The creation of an access track for a right of way to be granted to Dwr Cymru/Welsh Water to access and maintain any adopted infrastructure.

PLANNING HISTORY 2010 TO PRESENT 14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.14.

15/0252/OUT - Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access - Appeal Allowed - 27.04.16.

18/1059/NCC - Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years granted 14.11.19.

19/1024/RM - Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Granted - 05.03.2021.

21/0289/COND - Discharge condition 7 (scheme to provide public open spaces and play areas) of planning consent 18/1059/NCC (Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years)) - Pending Consideration.

21/0290/COND - Discharge Condition 8 (Noise attenuation) of planning consent 18/1059/NCC (Vary condition 2 of planning consent 15/0252/OUT (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) granted on appeal reference APP/K6920/A/15/3137884 to extend the period for the submission of reserved matters by a further three years) - Pending Consideration.

21/0291/COND - Discharge conditions 05 (Engineering Details of Road) and 06 (Programme for Provision of Road) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0292/COND - Discharge condition 07 (CEMP) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters

reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0293/COND - Discharge Condition 17 (hedgerow) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC)) - Decide - 24.06.2021.

21/0371/NMA - Seek approval of a non-material amendment to planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC)) to amend condition 1 (approved plans) to remove the approved turning head and condition 17 (protection of hedgerow) to ensure retention of hedgerow in its entirety along the western boundary of the site - Granted - 24.06.2021.

21/0413/COND - Discharge condition 12 (Wildlife protection) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Decide - 17.06.2021.

21/0772/COND - Discharge condition 2 (Materials - samples/details req) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

21/0773/COND - Discharge condition 3 (boundary treatments) of planning consent 19/1024/RM (Seek approval of the reserved matters regarding details of appearance, landscaping, layout and scale of planning consent 15/0252/OUT (granted on appeal reference APP/K6920/A/15/3137884) (Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access) (as renewed by planning consent 18/1059/NCC) - Pending Consideration.

POLICY

LOCAL DEVELOPMENT PLAN The Caerphilly County Borough Local Development Plan up to 2021 -Adopted November 2010.

Site Allocation: The site is located outside settlement limits within a green wedge as defined by Policy SI 1.9 Blackwood, Oakdale and Penmaen. It is also within a Sandstone Safeguarding Area. A small section of the southern boundary is also covered by a Site of Importance for Nature Conservation designation (SINC NH3.71) Blackwood Riverside Woodlands, North East of Blackwood.

Policies: SP2 (Development Strategy - Development in the Northern Connections Corridor (NCC)), SP5 (Settlement Boundaries), SP6 (Place Making), SP8 (Minerals Safeguarding), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection) together with advice contained within Supplementary Planning Guidance LDP 4: Trees and Development.

NATIONAL POLICY Future Wales: The National Plan 2040 (2021), Planning Policy Wales Edition 11 (2021), Technical Advice Note 15: Development and Flood Risk (2004).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No in that the proposal individually does not meet the criteria falling within any part of Schedule 2 Development. However, outline planning permission was previously granted for the associated residential development whereby it was concluded that the proposal did not require an Environmental Impact Assessment. The Reserved Matters Consent however was approved for a greater number of dwellings, (14 more than the threshold of 150 dwellings), albeit the outline permission did not limit the number of dwellings that could be accommodated within the site. Nonetheless the application has been screened in accordance with Part 13 (b) Changes and Extension and it is not considered that the off-site drainage works to serve the consented development would have significant adverse impacts on the environment and therefore there is no justification for the Local Planning Authority to request an Environmental Statement.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of high risk. A Coal Mining Risk Assessment accompanies the application and this has been reviewed by the Coal Authority.

CONSULTATION

Senior Engineer (Land Drainage) - 1. Structural calculations have been provided by the proposed supplier of the geocellular systems. These calculations have been carried out to a recognised method in CIRIA C680, although it is noted that CIRIA C737 is the most current methodology. The calculations appear to support the use of the proposed systems, although they do not appear to fully account for groundwater pressures. Should groundwater be located above the base of the tank, it is recommended that the calculations are adjusted to account for this. The systems are not proposed to be underneath the adoptable highway, nor presented to the Local Authority for Adoption. The design and construction risk therefore vests with the designer and developer under The Construction (Design and Management) Regulations 2015.

2. I understand that some of the off-site works are intended to be offered to Dwr Cymru Welsh Water for adoption. I note that DCWW have offered no objection to the development proposals in their consultation response dated 06/10/2021. However, they have not positively confirmed an intention to adopt any of the proposed works.

3. I understand that some of the off-site works are intended to remain under private ownership. I recommend that the LPA obtain details of the proposed maintenance plan and responsibilities, which should be in place for the lifetime of the development.

4. I note that the Coal Authority in their consultation response dated 15/10/2021 have recommended an intrusive site investigation be carried out prior to any development. I fully endorse this recommendation and further advise that the location and structural design of the proposed geocellular storage may need to be adjusted based on the outcomes of the intrusive site investigations.

Recommendations to the Developer relating to 21/0899/FULL:

a) Structural calculations are reviewed and updated should groundwater be identified to be present above the base of any of the proposed systems within intrusive site investigations recommended by the Coal Authority.

b) Agreement in principle from DCWW or copy of the S104 or S106 agreement to be obtained and confirmed to the Local Lead Flood Authority (LLFA).

If the Planning Officer is minded to grant permission for this development, I request that the following or a similarly worded condition is applied (based on Condition 42 of WGC 016/2014).

Ecologist - Advises that a holding objection is raised and that the developer should address the removal of trees and consequential potential to support roosting bats, request a strategy for the removal of invasive plant species, reptile strategy and mitigation for the loss of a proportion of semi-improved grassland.

No objection is raised subject to conditions imposed to any permission.

Principal Valuer - No adverse comments offered.

Rights Of Way Officer - Advises that there is one Public Right of Way within the area and recommends the following conditions imposed to any consent.

1. Details of a scheme to include provision for any proposals for diversion and closure of public rights of way (including temporary) and alternative route provision;
2. The site access and any public rights of way crossed by vehicles shall be maintained in a good state of repair and kept clean and free of mud and other debris at all times.
3. Drainage provision shall be made for the installation and maintenance of a drainage system to ensure that no slurry or water from the permitted area flows onto the public rights of way.

Head Of Public Protection - CCBC - No adverse comments to make in respect of the above, however, I would request that all outstanding Environmental Health concerns are addressed in relation to 19/1024/RM and 15/0252/OUT to ensure that any drainage work does not adversely impact any works in relation to contaminated land

Ecologist - No comments received at the time of writing the report based on the biodiversity strategy, but addendum and mitigation measures proposed to overcome the previous comments raised. Should any further comments be received in the interim, these will be reported verbally to members at planning committee.

Dwr Cymru - No objection but provides informative advice to the developer.

Natural Resources Wales - We refer you to the additional information consultation for application 21/0899/FUL which we received on 12 January 2022.

We have reviewed the following report submitted in support of the application:

- PRF Inspection Note, Cwm Gelli, Blackwood, E1992103/Doc. 03, prepared by Soltys Brewster.

We note that no bats were using the site and a precautionary approach will be taken when felling trees and that a Protected Species Licence is not required.

We have no objection to the application as submitted.

The Coal Authority - The consultation period for The Coal Authority to respond on the findings contained within the Intrusive Coal Mining Risk Assessment Report has yet to expire. These comments will be reported verbally to members at planning committee and will also address whether the previous recommended conditions requested to be imposed by the Coal Authority to any permission are still required.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and nineteen neighbours were notified by way of letter.

Response: Five letters of representation have been received from one member of the public at the time of writing the report. Questions from the local ward members have also been asked and written responses to those queries have been provided directly to the local ward members. Where any responses have yet to be addressed, those observations have been stated below.

Summary of observations: The following representations have been made:-

1. Questions the initial technical drainage calculations submitted for consideration and the potential for excessive water to be discharged in the Sirhowy River and consequently increasing the potential for river flooding and properties along the river's embankments.
2. Refers to the previous consented reserved matters application advising that Natural Resources Wales (NRW) stated that a Flood Risk Activity Permit (FRAP) from NRW is required prior to commencement of works on site for both the permanent structure and the temporary construction works and advises that no FRAP to date has been applied for or exists for the development.
3. Refers to construction enabling works that have taken place to date on the residential site that should not have been permitted and has resulted in local flooding during heavy periods of rain.
4. Reference is made to several paragraphs contained within Schedule 3 of the Flood and Water Management Act.
5. Reference is made to Paragraph 11 of the Flood and Water Management Act in that the approval body must consult with NRW and the only consultation with NRW currently relates to Bats, with no discussion or comments upon the discharge of surface water run-off and drainage into the Sirhowy River.
6. Can drainage officers give a guarantee with 160 houses being built that they are content there will be no excessive strain on the system.
7. Questions whether NRW should be consulted given the on-going surface water issues from the development site.
8. Questions why the developer does not have to provide the necessary permits to the Local Planning Authority prior to the application being determined.

9. The Local Planning Authority should insist that all revised details are posted accordingly to allow further Public Consultation in the interests of fairness and references paragraph: 025 Reference ID: 15-025-20190722 stating "In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended."
10. The amendment has not been tracked on the "Important Dates" within the submitted planning document.
11. Concerns relating to phosphate concentrations entering the Sirhowy River and that residential development allocated in Local Development Plans are now on hold.
12. The submitted drainage calculations do not align with the recommendations within the SuDS standard for Wales.
13. Rain water run off rates (litres/sec) have increased from the previously submitted figures of 45litres/sec to 55 litres/sec, whereas Welsh Government guidance states 11.78litres/sec (based upon the area of the development).
14. Details indicated on the Drainage layout do not align with the submitted drainage calculations i.e. sizes and levels.
15. Guidance states that the maximum value for rainfall runoff rate should be used, which is a figure of 150mm/hr, any figure inputted into the calculation less than this must be justified. NOTE: Figure used is 100mm/hr or 66% of the stipulated requirement.
16. Volumetric run off rate should be set to 1, whereas the design is incorrectly based upon 0.75.
17. Additional flow/climate change - should be set to 10% of the roof areas, again this limiting condition has not been included and has been set to 0.
18. Within the 1 in 100yr return period storm calculation the 40% climate change factor has not been included, and has been set to 0%, which is correct for a "Day Value Calculation only". The title of document states "+40%CC", this figure SHOULD be included.
19. Winter storms MUST be included within the 1 year simulation criteria for a storm, this has been turned "OFF".
20. The safety factor used is 2.0, whereas the "Safety Factors should align with those outlined within the contents of Table 25.2 in section 25 of the CIRIA C753 SuDS Manual. Justification should be given for any Safety Factors used." i.e. based upon the size of the area, and the consequences of failure, the safety factor should be "5" or "10".

21. The MADD factor has been set to 4.5 (10m³ storage/hectare), whereas for all new developments, as there should be no cracks in paving etc the figure should be set to "0".

22. Area is incorrectly set at 2.914, and not 5.89Ha.

23. Weir height is lower than top of SUDS storage i.e. reduction in storage capacity of 20%.

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?

There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Yes there is potential for the development to affect protected species, however a biodiversity strategy accompanies the application setting out a series of mitigation and enhancement measures. Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard the mitigation and enhancement measures along with a scheme to deal with Japanese Knotweed within the site as identified within the Biodiversity Strategy will be secured as part of the approved plans and documents should planning permission be granted.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable in that the development is not creating any additional floor space.

ANALYSIS

Policies: The application has been considered in accordance with national guidance and policy together with local plan policies. The main issues for consideration in the determination of this application are whether the proposed development conflicts with any local planning policies and if there is any conflict and whether the application can be considered to be in accordance with the Development Plan when taken as a whole. If the application is not in accordance with the Development Plan, whether there are any material considerations, which indicate that planning permission should be granted. In that respect the application site lies outside the settlement boundary of Blackwood as

designated in the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010 and as such the starting point is that the application is not in accordance with the Development Plan. With that in mind each of the following issues will be assessed in turn:

- Principle of Development within a Green Wedge;
- The Off-site Drainage Matters;
- Natural Heritage and Ecology; and
- Neighbouring and Visual Amenity Impacts.

The application site is a greenfield site located in the Northern Connections Corridor (NCC) located adjacent to the settlement of Blackwood. The proposed development seeks to create an off-site surface water drainage system to serve approved residential development (planning references 18/1059/NCC and 19/1024/RM) for which outline planning permission was granted on appeal (appeal reference APP/K6920/A/15/3137884. The consented residential development site is located to the north of Tredegar Road (A4048).

In essence the consented development site is separated from the application site for consideration by the A4048. The two sites would be connected by a surface water pipe approximately 0.55 metres in diameter running underneath the A4048 and would cover a total length of approximately 310 metres until it meets the watercourse outfall point at the southern end of the application site. As part of the drainage strategy two large geocellular storage tanks to hold surface water would also be installed underground with the top of the tanks located between 0.7 and 1.1 below existing ground levels. The smaller of the two tanks located at the bottom of the site would be adopted by Dwr Cymru/ Welsh Water. An access track would also be created for maintenance purposes and would run parallel to the western side of the of the geocellular storage tanks in a north to south direction.

PRINCIPLE OF DEVELOPMENT WITHIN A GREEN WEDGE

Whilst there is no provision with the Local Development Plan (LDP) that addresses off-site drainage proposals outside of any defined settlement, the consented residential development site in which the off-site drainage is intended to serve also falls outside of settlement limits. The land the subject of this application was identified within the ownership of the applicant (the blue line) at outline stage (planning reference 15/0252/OUT) and the granting of development at outline stage upon appeal is a material planning consideration in the determination of this application, which weighs in its favour.

It should also be noted Planning Policy Wales (PPW) explains that the construction of new buildings in the Green Wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Wedge.

The application site is within a green wedge identified by Policy SI 1.9 Blackwood, Oakdale and Penmaen. The intention of this green wedge is to prevent coalescence between Blackwood, Oakdale and Penmaen. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. Previously, at appeal the inspector concluded the following in respect of the loss of Green Wedge:-

"The proposed development conflicts with national and local policies relating to the protection of the countryside and Green Wedges. PPW states that substantial weight should be given to any harmful impact that a development would have on a Green Wedge and inappropriate development should not be allowed except in very exceptional circumstances. It is necessary, therefore, to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge. My conclusions regarding the impact of the proposal on heritage assets and landscape represent a neutral rather than a positive benefit but do not weigh against the proposed development."

In that the application site for consideration is within the same green wedge designation but is separated from the application site by the A4048, the extent of the visible works on site would be limited to a linear access track running through the site for maintenance purposes and would not look out of place when compared to the existing situation and no buildings would be located on the land, it is considered that the development proposal would not extend the urban built form and result in coalescence between the settlements of Blackwood, Oakdale and Penmaen.

DRAINAGE MATTERS

Policy CW5 (Protection of the Water Environment) of the LDP states that development proposals will only be permitted where:

- A They do not have an unacceptable adverse impact upon the water environment; and
- B Where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water).

In that regard the land the subject of this application was shown in the ownership of the applicant at outline stage (planning reference 15/0252/OUT) but the red line boundary for the approved reserved matters application(planning reference 19/1024/RM) did not include any blue line to indicate any proposed off-site surface water drainage works. In that outline planning permission was granted prior to the implementation of Schedule 3 of The Flood and Water Management Act (2010) and the reserved matters application met the exception criteria as outlined in Paragraph 5(2) of The Sustainable Drainage (Approval and Adoption) (Wales) Order 2018, the residential development does not require consent under that legislation.

For developments approved prior to the subsequent changes to drainage legislation the drainage hierarchy priority is listed below:

Priority Level 1: Surface water runoff is infiltrated to ground;

Priority Level 2: Surface water runoff is discharged to a surface water body;

Priority Level 3: Surface water runoff is discharged to a surface water sewer, highway drain, or another drainage system; and

Priority Level 4: Surface water runoff is discharged to a combined sewer.

From the soakaway testing carried out on land within the red line boundary for the approved development, infiltration was limited to only a small area of land to the north of the site and infiltration was not possible anywhere else on the site, therefore reliance on infiltration drainage to serve the residential development was not viable. In that Priority Level 1 could not be achieved the developer is required to explore Priority Level 2 options that may be available to them. The nearest watercourse to the consented development site is a stream that discharges to the Sirhowy River, however this stream is located on the opposite side of Tredegar Road (A4048) and any surface water runoff from the consented development into this watercourse is only achievable if the appropriate off site drainage infrastructure is installed and connected to the consented development to allow for the outfall into the identified watercourse and subsequent Sirhowy River.

As the off-site drainage scheme falls outside of the red line boundary to serve the consented development, the proposed development for consideration therefore falls under the requirement for Sustainable Drainage Approval under Paragraph 7 of Schedule 3 to the Flood and Water Management Act 2010 where:

7(2)(a) construction work means anything done by way of, in connection with or in preparation for the creation of a building or other structure; and

7(2)(b) construction work has drainage implications if the building or structure will affect the ability of the land to absorb water.

7(5) For the avoidance of doubt, anything that covers the land (such as a patio or other surface) is a structure for the purposes of sub-paragraph 7(2)(a).

Notwithstanding the above the underground geocellular storage systems would be considered to be "structures" in their own right and are being constructed "in connection with the creation of a building" (in relation to the consented housing development), it is not possible to retrospectively apply the requirement for SuDS approval to the dwellings approved as part of the consented development to the north of Tredegar Road. Furthermore it is not considered that the geocellular storage systems would have a significant impact on the ability of the land to absorb rainwater. On that basis the Senior Engineer (Land Drainage) has confirmed that the proposed buried surface water storage system does not meet the definition of "Construction Work" as defined in

Schedule 3 to the Flood and Water Management Act (2010) and advises that Sustainable Drainage Approval is not required for development under consideration.

The off-site works are intended to remain in private ownership with some of those works being offered to Dwr Cymru/ Welsh Water for adoption under the Water Industry Act (1991) and it should be noted that Dwr Cymru/ Welsh Water offered no objection to the consented Reserved Matters scheme. The creation of the access track is considered necessary for maintenance purposes. On that basis it is considered reasonable and necessary for The Local Planning Authority to impose a condition to any consent to clarify maintenance roles and responsibilities and ensure that the proposed drainage system operates as designed for the lifetime of the development.

In terms of the structural integrity of the geocellular storage systems, structural calculations have been provided by the proposed supplier of the storage systems. These calculations have been carried out to a recognised method in CIRIA C680, although it is noted that CIRIA C737 is the most current methodology. The calculations appear to support the use of the proposed systems, although they do not appear to fully account for groundwater pressures. Should groundwater be located above the base of the tank, it is recommended that the calculations are adjusted to account for this. The systems are not proposed to be underneath the adoptable highway, nor are they presented to the Local Authority for Adoption. The design and construction risk therefore rests with the designer and developer under The Construction (Design and Management) Regulations 2015.

It is also noted that the Coal Authority has requested that an intrusive site investigation is undertaken, the developer has undertaken the intrusive site investigation and at the time of preparing this report, their comments have not been provided following on from a further re-consultation. Should their formal comments indicate that the location and structural design of the proposed geocellular storage may need to be adjusted based on the outcomes of the intrusive site investigation, this is a matter that can be considered by members at planning committee and controlled by way of condition if required. Conversely, in that the findings of an intrusive site investigation are currently under review, it should also be advised that the initial conditions may no longer be necessary. Again this is a matter that can be reviewed by members.

Having regard to the application site in addition to the consented development it should be noted that surface water is uncontrolled. The proposed drainage infrastructure to facilitate the residential development in conjunction with the geocellular storage systems will therefore, provide a more controlled runoff from the site. In addition, the total discharge rate is being reduced for the higher intensity rainfalls and extreme events. In that the drainage system proposed has been designed in accordance with the requirements of Technical Advice Note 15: Development and Flood Risk and Planning Policy Wales Edition 11, the proposed development is therefore considered to comply with policy CW5 of the LDP.

NATURAL HERITAGE AND ECOLOGY

Policy CW4 (Natural Heritage Protection) of the LDP does not preclude development in green wedges. Policy CW4 recognises that where development proposals are such that the need for the development outweighs the ecological importance of the site, harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature. It is therefore necessary to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge and any potential harm to the ecological interest of the site.

It should also be noted that a small area of the site along the southern boundary is within a Site of Importance for Nature Conservation designation (SINC NH3.71) Blackwood Riverside Woodlands, North East of Blackwood and the routing of the pipework to the existing watercourse in addition to presence of ash die-back would unfortunately result in the loss of three trees. However, the loss of these trees would be mitigated for via replacement planting on a 2:1 basis and therefore six new native tree species would be planted.

In terms of the wider development area, to accommodate the piped surface water drainage route and geocellular storage tanks, approximately 1250 m² of semi-improved grassland would be lost temporarily. Whilst the habitat is described as a species-poor neutral grassland within the Preliminary Ecological Appraisal, it does however share characteristics with priority habitats (lowland meadows) listed under Section 7 of the Environment Act (Wales) 2016. Areas of semi-improved grassland lost during construction will be replaced by new grassland seeding and created and retained areas of grassland will be managed with the aim of improving species diversity as a localised enhancement.

The development also proposes to provide biodiversity enhancement in the form of bat roost provision within the site and undertake a long term scheme of treatment to eradicate invasive species on site of which will include excavating of knotweed stems, roots and surrounding soil and burying/storing of controlled waste on site, followed by a herbicide application programme.

The ecological and reptile mitigation along with enhancement measures and treatment of invasive species are included in the accompanying Biodiversity Strategy and the implementation of the Biodiversity Strategy would be controlled by condition in that it would form part of the approved documents to accompany the submission details. Having regard to the above, the need for the development outweighs the ecological importance of the site in the short term, and any harm can be minimised by mitigation measures and offset as far as practicable by compensatory measures designed to ensure that there is no overall reduction in the overall value of the area. On that basis the proposal accords with policy CW4 of the LDP.

VISUAL AND RESIDENTIAL AMENITY.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. In that regard it has previously been addressed above that the site is a field parcel located outside of the settlement boundary. It has no designated land use with a stable block and lock-up yard located immediately to the west of the application site. Looking at the field parcel as a whole, in tandem with the adjoining land uses, it is not considered that the underground drainage works would conflict with surrounding land uses.

In terms of the nearest neighbouring residential properties to the site, this would include the dwellings within Gelli Farm to the north of the A4048 and Brookside House and Rookery, approximately 140 metres away to the west, adjacent to the Public Right of Way with the five properties at Berllangron Cottages beyond. Given the distances of these properties away from the site the proposed development will not give rise to any adverse amenity impacts in the long term, however during the construction phase it is inevitable that there will short term disruption in order to prepare the land for the required drainage infrastructure.

With regards to the visual impacts of the development, given the greenfield nature of the site, it is expected that any development on this land would have some impact on the local landscape conditions. Whilst the majority of the development would be underground, a new access track for maintenance purposes would become a permanent feature in the localised landscape. Details of the access track have not been provided, however its visual appearance including surfacing materials can be controlled by way of condition. It should also be acknowledged that the engineering operations required to facilitate the drainage works would have temporary short term adverse impacts to the local landscape including flora and fauna during both the construction and reinstatement phases of the development. Notwithstanding the above, the measures identified in the Biodiversity Strategy along with the recommendation to impose a condition requiring the submission of a landscaping scheme to be provided will ensure that there are no long term harmful effects upon the local landscape.

On that basis despite some limited negative aspects of the proposal, its design and impact on the character and appearance of the area is considered to be an acceptable form of development and therefore accords with policy CW4 of the LDP.

CONCLUSION

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

Enabling works to commence the residential development on the northern side of the A4048 are underway, and the drainage condition imposed to the outline permission 18/1059/NCC development has yet to be discharged in that the off-site drainage works

the subject of this application are fundamental to the drainage strategy to deal with surface water from the approved development site. Residential development has already been granted on the site and this application for consideration is the only acceptable design solution having regard to the drainage hierarchy prior to the implementation of Schedule 3 of The Flood and Water Management Act (2010).

It is clear at outline planning stage the intention of the applicant was to utilise land within their control to deal with the surface water but the red line boundary at reserved matters stage indicated otherwise. This application provides an acceptable drainage solution to serve 164 approved dwellings of which 41 are affordable units. The contribution that the consented development would make towards the housing land supply cannot be underestimated, however further works cannot take place without the relevant permission secured to be able to transfer any associated on-site surface water off-site where any surface water can be appropriately controlled, managed and stored before its outfall into the Sirhowy River. Dialogue with the developer and this Council's Senior Engineer (Land Drainage) has been extensive and the technical details have been reviewed thoroughly and have progressed to a stage whereby the details submitted for consideration are now acceptable.

Despite the proposed development incurring short term biodiversity and local landscape impacts, these are not considered to be harmful to such a degree to warrant refusal of the application in that appropriate mitigation and enhancement can be provided. It is also acknowledged that there will be some long terms impacts associated with the access track required for maintenance purposes to the local landscape, however the significant benefits of the proposal would not warrant the refusal of the application in this instance. It is therefore considered that the proposed development accords with the relevant development plan policies contained within The Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010 and therefore it is recommended that planning permission be granted for the proposed development, subject to the imposition of conditions.

Comments from Consultees: The Public Rights of Way Officer has recommended that conditions be imposed to any permission, however the Public Right of Way near the site would not be affected by the proposal and is located in excess of 100 metres to the west. The imposition of such conditions are not considered to be reasonable or relevant.

Comments from public: The following comments have been raised:-

1. Questions the initial technical drainage calculations submitted for consideration and the potential for excessive water to be discharged into the Sirhowy River and consequently increasing the potential for river flooding and properties along the river's embankments.

LPA RESPONSE: This was an earlier representation made and further representations have been made based on revised details.

2. Refers to the previous consented reserved matters application advising that Natural Resources Wales (NRW) stated that a Flood Risk Activity Permit (FRAP) is required prior to the commencement of works on site for both the permanent structure and the temporary construction works and advises that no FRAP to date has been applied for or exists for the development.

LPA RESPONSE: This is not a matter that can be addressed as part of the determination of this application and any informative comments provided by NRW, the developer would be aware of. Furthermore this is not controlled through the planning system and is a matter for the applicant to address. Failure for the applicant to comply with any environmental regulations subject to legislation under the control of the Welsh Government or UK Government would be subject to enforcement action taken by that regulatory body.

3. Refers to construction enabling works that have taken place to date on the residential site that should not have been permitted and has resulted in local flooding during heavy periods of rain.

LPA RESPONSE: This is not relevant to the application for consideration.

4. References is made to several paragraphs contained within Schedule 3 of the Flood and Water Management Act.

LPA RESPONSE: This is noted and has been addressed in the report above.

5. References is made to Paragraph 11 of the Flood and Water Management Act in that the approval body must consult with NRW and the only consultation with NRW currently relates to Bats, with no discussion or comments upon the discharge of surface water run-off and drainage into the Sirhowy river.

LPA RESPONSE: The Development Planning Advisory Service: consultation topic document created by NRW provides a list of consultation topics to help their staff identify matters to comment on in response to planning consultations. The list is not exhaustive and does not replace any legislative, legal or other duty which may be imposed. In this instance any permits require for surface water drainage to discharge into the Sirhowy River would be addressed separately outside of the planning system.

6. Can drainage officers give a guarantee with 160 houses being built they can confirm as they are content there will be no excessive strain on the system.

LPA RESPONSE: The surface water drainage system will be a new system constructed to manage surface water from the development and convey to the River Sirhowy at less than the controlled rate agreed by the Planning Inspectors at the Outline Planning stage. Dwr Cymru Welsh Water would have to advise on whether the new development will place any strain on their systems for management of foul water from the development. It is noted that DCWW offered no objection to the development at

Reserved Matters stage and that the adoption of the surface water and foul water systems serving the development would be subject to DCWW's own adoption procedures under the Water Industry Act (1991).

7. Questions whether NRW should be consulted given the on-going surface water issues from the development site.

LPA RESPONSE: Natural Resources have been consulted on the application for consideration and what they will provide comments on as part of a planning application is considered in point 5 above.

8. Questions why the developer does not have to provide the necessary permits to the Local Planning Authority prior to the application be determined.

LPA RESPONSE: The Planning Authority is unable to request evidence from the developer confirming that the necessary consents have been sought or secured. However, as part of ongoing discussions with the developer, the Planning Authority and LLFA has advised that the necessary consents need to be sought from the respective approving bodies and this is a matter for them to address separately. Failure for the applicant to comply with any environmental regulations subject to legislation under the control of the Welsh Government or UK Government would be subject to enforcement action taken by that regulatory body.

9. The Local Planning Authority should insist that all revised details are posted accordingly to allow further Public Consultation in the interests of fairness and references paragraph: 025 Reference ID: 15-025-20190722 stating "In deciding what further steps may be required local planning authorities should consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended."

LPA RESPONSE: This extract has been taken from Guidance Consultation and pre-decision matters from <https://www.gov.uk/guidance/consultation-and-pre-decision-matters#Public-consultation>.

It should also be noted that Paragraph: 025 Reference ID: 15-025-20190722 refers to English Legislation, nonetheless the preceding text which has been removed from the extract states:

"Where an application has been amended it is up to the local planning authority to decide whether further publicity and consultation is necessary in the interests of fairness"

The application has been advertised and re-consultations have taken place with the relevant statutory consultees, it is acknowledged that there has been a significant amount of technical information that has been uploaded to Public Access for the Senior Engineer to review for consideration. The application has been advertised in

accordance with the publicity requirements of the Development Management Procedure Order and as such there is no requirement to re-consult residents on every occasion that revised technical information is submitted for consideration in that the revised revisions have been submitted by the developer to overcome existing concerns previously raised.

10. The amendment has not been tracked on the "Important Dates" within the submitted planning document.

LPA RESPONSE: It is not known what is meant by this comment. Public Access on the Council's Website is automated, however the local ward members have been routinely updated on progress and advised of the likely date the application would be reported to planning committee.

11. Concerns relating to phosphate concentrations entering the Sirhowy River and that residential development allocated in Local Development Plans are now on hold.

LPA RESPONSE: Nutrient concentrations in Welsh rivers and globally are a widespread problem, and stakeholders have expressed concerns that they are increasing in some locations. The Compliance Assessment of Welsh River SACs against Phosphorus Targets report issued by Natural Resources Wales. The report assesses compliance with the revised phosphorus targets for Welsh river Special Areas of Conservation (SACs). The Sirhowy River is not identified as one of the nine SACs and it should be noted that a permit will be required for surface water to discharge into Sirhowy River.

12. The submitted drainage calculations do not align with the recommendations within the SuDS standard for Wales.

LPA RESPONSE: More specific details are required in order to provide detailed commentary, however, it is worth noting that the development itself was granted outline and reserved matters permission prior to the implementation of Schedule 3 to the Flood and Water Management Act (2010) in Wales.

13. Rain water run-off rate (litres/sec) have increased from the previously submitted figures of 45litres/sec to 55 litres/sec, whereas Welsh Government guidance states 11.78litres/sec (based upon the area of the development).

LPA RESPONSE: The discharge rate from the development was agreed by the Planning Inspectorate at Outline application stage on granting of the appeal. It is not possible to retrospectively change the permission granted.

14. Details indicated on the Drainage layout do not align with the submitted drainage calculations i.e. sizes and levels.

LPA RESPONSE: More specific details are required in order to provide detailed commentary, however, it is worth noting that all details would be checked again by Dwr Cymru Welsh Water as part of their adoption process.

15. Guidance states that the maximum value for rainfall runoff rate should be used, which is a figure of 150mm/hr, any figure inputted into the calculation less than this must be justified. NOTE: Figure used is 100mm/hr or 66% of the stipulated requirement.

LPA RESPONSE: This design parameter is only used by the software when pipes are set to auto-design. As no pipes have been allowed to auto-design, the parameter has no impact on the model.

16. Volumetric run off rate should be set to 1, whereas the design is incorrectly based upon 0.75.

LPA RESPONSE: Whilst the design parameter (indicated on p1 of the calculations) has not been adjusted, the simulation criteria (p31) has been set to 1.0. Design parameters are utilised by the software when setting the model up, simulation parameters are used to run different storm events through the model and check for resilience.

17. Additional flow/climate change - should be set to 10% of the roof areas, again this limiting condition has not been included and has been set to 0.

LPA RESPONSE: It is the understanding of the LLFA that this additional area has been accounted for within the Area Summary (p30).

18. Within the 1 in 100yr return period storm calculation the 40% climate change factor has not been included, and has been set to 0%, which is correct for a "Day Value Calculation only". The title of document states "+40%CC", this figure SHOULD be included.

LPA RESPONSE: The file has been mistitled by the applicant. The Micro Drainage files were submitted alongside the PDF summary and the flooding impacts shown with the 40% climate change added are represented on the Drawings 190422-TWC-D-013 C and 190422-TWC-D-014 Rev A available to view on Public Access.

19. Winter storms MUST be included within the 1 year simulation criteria for a storm, this has been turned "OFF".

LPA RESPONSE: Summer and Winter storms have been assessed for impacts through the Micro Drainage files submitted.

20. The safety factor used is 2.0, whereas the "Safety Factors should align with those outlined within the contents of Table 25.2 in section 25 of the CIRIA C753 SuDS Manual. Justification should be given for any Safety Factors used." i.e. based upon the size of the area, and the consequences of failure, the safety factor should be "5" or "10".

LPA RESPONSE: Safety factors are only used for infiltration structures to adjust the infiltration coefficient of the structure. As no infiltration is permitted from any structure and all infiltration coefficients set to zero, the safety factor has no impact on the model.

21. The MADD factor has been set to 4.5 (10m³ storage/hectare), whereas for all new developments, as there should be no cracks in paving etc the figure should be set to "0".

LPA RESPONSE: The MADD Factor is representative of storage in the drainage system not explicitly modelled (e.g. small branch lines and gully connections). An acceptable range is defined as 2 to 5 for impermeable within the software help files based on WaPUG Note 15.

22. Area is incorrectly set at 2.914, and not 5.89Ha.

LPA RESPONSE: The model considers impermeable area only. This approach was accepted under the Outline Planning Permission and cannot be retrospectively changed.

23. Weir height is lower than top of SUDS storage i.e. reduction in storage capacity of 20%.

LPA RESPONSE: For S12 the maximum predicted water level is 185.753m AOD and the weir height 185.842m AOD. For S17.1 the maximum predicted water level is 183.047m AOD and the weir level 183.472m AOD. For Off-site manhole SS4, the maximum predicted water level is 172.708m AOD and the weir level is 173.472m AOD.

Finally it is important to note that the technical comments raised above do not necessarily relate to the off-site drainage details for consideration, some relate to condition discharge details and enquiries relating to the approved development.

Other material considerations: None.

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

Future Wales - The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11

and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

- 02) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No. 190422_TWC_S38_003 Off site Site Location Plan received on 22.09.2021;
Dwg No. 190422_TWC_SK_015 Rev I Offsite Surface Water Drainage received on 10.02.2021;
Dwg No. 190422_TWC_D_015 Rev A Off-site tanks Longitudinal Sections received on 10.02.2021;
Dwg No. 190422_TWC_D_009 Rev E Offsite Hydro-Brake Detail received on 10.02.2021;
Micro Drainage Calculations File 210723 Rev D -Storm Sewer Design by the Modified Rational Method received on 10.02.2021;
Report No. E44121 SDS Structural Design Calculations Version 1 dated 18/01/2022 and received on 10.02.2021;
Micro Drainage Calculations File 210723 Rev D -100 year Return Period Summary of Critical Results by Maximum Flood Volume (Rank 1) for Storm received on 10.09.2021;
Micro Drainage Calculations File 210723 Rev D -Storm Sewer Design by the Modified Rational Method received on 10.09.2021;
Coal Mining Risk Assessment (CMRA) Desk Study Report prepared by Terra Firma on 02.09.2021; and
Biodiversity Strategy (including mitigation and enhancement measures in addition to the Japanese Knotweed Plan measures and contained therein) prepared by Soltys Brewster Ecology dated January 2022 and received on 10.01.2022.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

- 03) Within one calendar month from the date of this consent details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include:-

- i. Confirmation of the person or persons responsible for maintenance of the drainage system or any part thereof;
- ii. The type of maintenance activities that are required to ensure that the drainage system operates as designed to manage flood risk and risk of environmental damage;
- iii. The anticipated frequency of those activities;
- iv. The estimated duration of those activities;
- v. Any specific plant and equipment required to undertake those activities;
- vi. The anticipated design life of all drainage features and associated arrangements for end-of-life replacement or rehabilitation;
- vii. A site plan showing maintenance areas, access routes and the locations where maintenance activities are anticipated; and
- viii. A statement describing any secondary function (e.g. recreation, amenity areas, etc) above the drainage features, how these areas are managed and how any damage associated with maintenance of the drainage features is to be made good.

The scheme shall be managed and maintenance in accordance with the agreed management and maintenance plan for the lifetime of the development.

REASON: To clarify maintenance roles and responsibilities and ensure that the system operates as designed for the lifetime of the development, in the interests of public health, management of the risk of flooding and environmental damages in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) Within one calendar month of the underground attenuation tanks being installed a landscaping scheme for the reinstatement of the removed earthworks shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landforms. The development shall be carried out in accordance with the agreed details within two calendar months of completing the off-site drainage infrastructure.
- REASON: In order for the Local Planning Authority to control earthworks in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) All planting, seeding, turfing and hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the development or the practical completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure that the works are carried out as approved in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) Notwithstanding the development hereby approved, within one calendar month of the underground attenuation tanks being installed surfacing details of the new permanent access track to be constructed shall be submitted to and approved in writing by the Local Planning Authority. The access track shall thereafter be completed in accordance with the agreed details within two calendar months of completing the off-site drainage infrastructure.

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

- 07) No development shall commence until;
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

REASON: In the interests of public safety.

- 08) Prior to the development coming into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In the interests of public safety.

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 at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former 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 new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for

example the need for gas protection measures within the foundations), is 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 land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

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

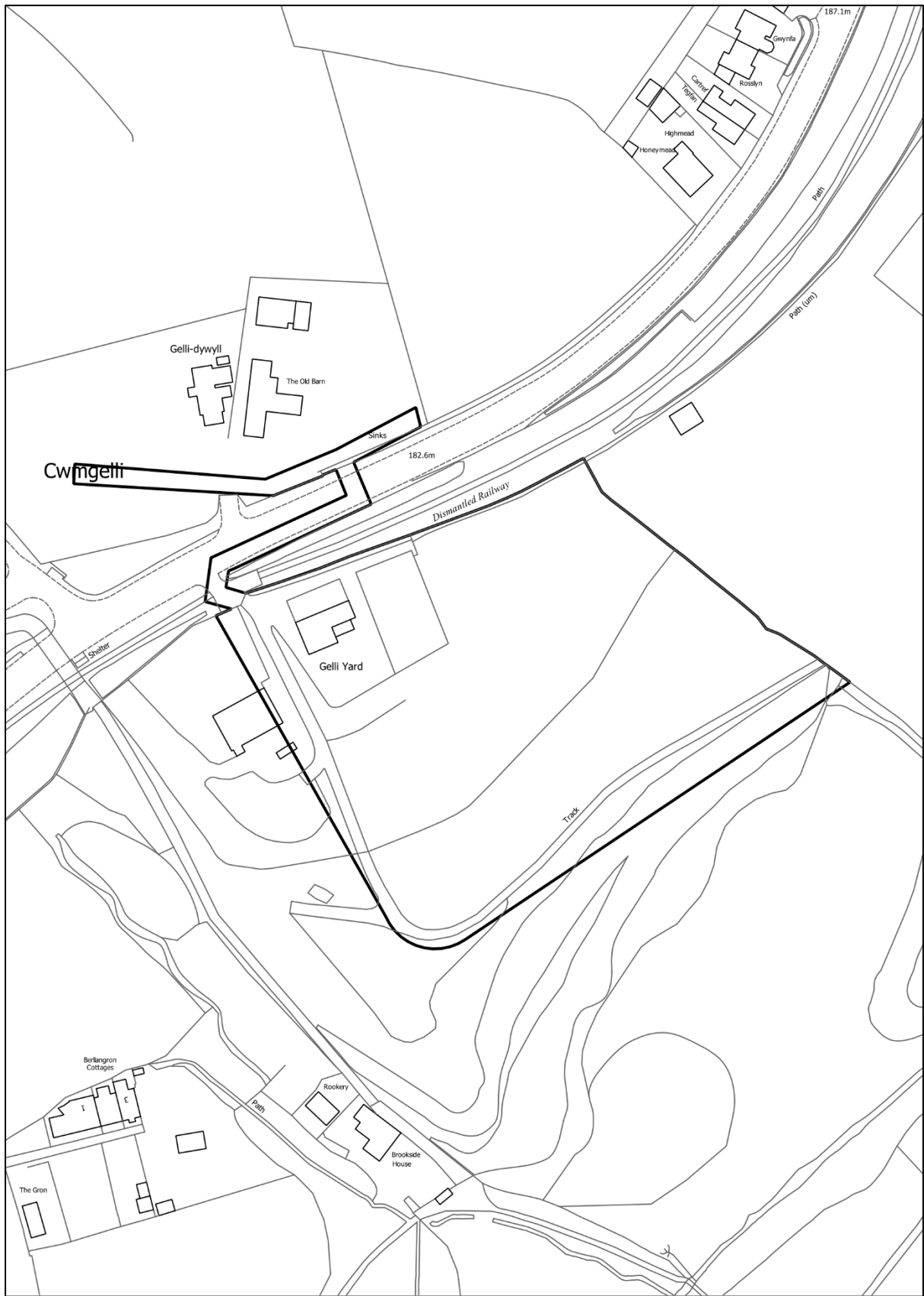
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent 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.

If any 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

Please refer to Public Access on the Council's website to view the comments of the statutory consultees that are brought to the applicant's attention.

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Application Number: 21/0452/FULL

Date Received: 25.11.2021

Applicant: LINC Cymru

Description and Location of Development: Erect residential development of 45 No. units with associated vehicular and pedestrian accesses, car parking, amenity areas, cycle and bin store, landscaping and ancillary development - Former Caerphilly Police Station Mountain Road Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Mountain Road and to the south of Bronrhiw Fach.

Site description: The application site comprises of the former Caerphilly Police Station site and has a site area of approximately 0.39 hectares. The site is located in a predominantly residential area on the outskirts of Caerphilly Town Centre. The former police station building has previously been demolished and the remainder of the site includes the former car park and small landscaped areas associated with the former use. Whilst the majority of the development area is on a relatively flat plateau of hardstanding, there are steep banks to the north and east boundaries and retaining walls to the south and west of the site. The site is set back from the main street frontage of Mountain Road and is accessed from Mountain Road via Bronrhiw Fach.

The site is surrounded by residential properties to the north, south and east. Adjoining the western boundary of the site is a youth services office building with further residential properties on the opposite side of Mountain Road.

Development: Full planning permission is sought for the erection of two apartment buildings that would provide a total of 45 affordable units. The proposed 5 storey apartment building would be located in the southern part of the site and would provide 12 No. 2 person/1 bed integrated care apartments, 8 No. 3 person/2 bed general needs apartments and 19 No. 2 person/1 bed general needs apartments. The integrated care apartments would benefit from an additional communal lounge and kitchen area as well as a third floor roof terrace. The occupants of these apartments would also receive support from on-site staff that would have access to a staff bedsit. The proposed 3 storey apartment building would be located in the western part of the site and would provide 6 No. 2 person/1 bed general needs apartments.

Dimensions: The proposed 5 storey apartment building would incorporate a flat roof design and would have a maximum height and width of approximately 15m and 52m

respectively. The proposed depth of the building would vary between approximately 13.2m and 15.4m.

The proposed 3 storey apartment building would incorporate a pitched roof design and would have a ridge and eaves height of approximately 11m and 8.3m respectively. The width and depth of the building would measure 14m and 9.7m respectively.

Materials: The proposed apartment buildings would primarily be finished in a mixture of buff coloured render, buff and dark grey bricks and dark grey aluminium framed windows and doors. The pitched roof of the proposed 3 storey building would be finished in dark grey slate tiles, while the flat roof of the 5 storey building would comprise of a mixture of a grey metal roof, a green roof, stone paving and decorative stone ballast. Additional details for the 5 storey apartment building would include dark grey metal cladding, aluminium louvres, railings and decorative metal screening.

Ancillary development, e.g. parking: In terms of ancillary development, the proposed apartment buildings would be served by 33 onsite car parking spaces, including 4 disabled spaces. A separate bike store is also proposed in the south western corner of the site. An area of open space is proposed to front of the buildings, which would also function as a sustainable drainage feature, and a footway link is proposed to the rear of the 5 storey building linking the site to the existing social housing on the former magistrate's court site immediately to the south.

PLANNING HISTORY 2010 TO PRESENT 14/0555/NOTD - Demolish buildings at Former Caerphilly Police Station - Approval of method of demolition and restoration of site 30.10.14.

17/0473/FULL - Erect part two, part three, part four storey building comprising 43 retirement apartments with associated communal lounge, guest suite, electric buggy store and other communal facilities including car parking, substation and landscaped grounds - Refused 22.02.18.

17/1027/FULL - Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure - Granted 08.06.18 & S.106.

17/1034/NOTD - Demolish former Magistrates' Court - Prior Approval Not Required 22.12.17.

18/0601/COND - Discharge condition 03 (Drainage) of planning application 17/1027/FULL (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy

and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure) - Decided - 17.10.2018.

18/0602/COND - Discharge Conditions 8 (Japanese Knotweed Method Statement), 9 (Groundwater and Gas Monitoring) and 18 (Trees) of Planning Consent 17/1027/FULL Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure -Decided - 29.08.2018.

18/0603/COND - Discharge Conditions 12 (Site Control), 13 (Construction - Engineering Details), 16 (Highway Improvements) and 17 (Construction - Traffic Management Plan) of Planning Consent 17/1027/FULL Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure - Decided - 29.08.2018.

18/0713/NMA - Seek approval of non-material amendment to planning consent 17/1027/FULL (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure) to replace approved external facing brick, omit saw tooth panel feature, rearrange rear garden of terraced houses (block B), omit additional support at the base of crib-lock retaining wall and alter colour of pavements to be used in external spaces - Granted - 06.09.2018.

19/0297/COND - (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure) - Decided - 04.06.2019.

20/0016/NMA - Seek approval of non-material amendments to planning consent 17/1027/FULL (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure) - Granted 07.02.2020.

20/0453/COND - Discharge condition 7 (Light Mitigation Strategy) of planning consent 17/1027/FULL (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure) - Decide - 25.09.2020.

20/0654/COND - Discharge condition 10 (Contamination - soil import testing) and 11 (Contamination - validation) of planning consent 17/1027/FULL (Demolish Caerphilly Magistrates' Court building and re-develop with 38 No. dwellings (comprising 34 No. apartments and a terrace of 4 No. houses), together with associated vehicular and pedestrian accesses, car parking, amenity areas, buggy and bin store, landscaping and ancillary development: site preparation, clearance, treatment, re-profiling and the installation of new services and infrastructure)

There has been a need to import soil for use in the soft landscaped areas. As required by condition 10, the soil was accompanied by a pre-importation certificate. This is included at Appendix A of the Validation Report. - Decide - 04.11.2020.

POLICY

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

Policies Within settlement limits.

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints) and CW18 (Locational Constraints - Housing for People in Need of Care).

Supplementary Planning Guidance LDP 4 Trees and Development sets out guidance on the protection and integration of trees in new developments.

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

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

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a

proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

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

National Planning Guidance contained in Technical Advice Note 2 - Planning and Affordable Housing and Technical Advice Note 12 - Design.

Future Wales - The National Plan 2040 sets out the spatial strategy for Wales for the next 20 years and provides policies that should be taken into account in the determination of applications at all levels. The following policies are considered to be relevant to the proposed residential development: Policy 2 (Shaping Urban Growth and Regeneration - Strategic Placemaking), Policy 7 (Delivering Affordable Homes), Policy 9 (Resilient Ecological Networks and Green Infrastructure), Policy 12 (Regional Connectivity) and Policy 13 (Supporting Digital Communications).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a high risk area; however, a site investigation report submitted with the application has adequately demonstrated that the site would not be affected by previous mine workings.

CONSULTATION

Head Of Public Protection - CCBC - No objection subject to conditions relating to a contamination scheme and construction method statement.

CCBC Housing Enabling Officer - Advised that the proposed residential development is included in the Council's 2021/22 Programme Development Plan and will benefit from Welsh Government grant funding. The mix of units has also been agreed with the Council and the proposed 100% affordable housing scheme would be compliant with Local Development Plan affordable housing policy.

Head Of Public Services - No comments received.

The Coal Authority - No objection raised based on the intrusive ground investigation findings which are included within the submitted Site Investigation Report.

Ecologist - No objection subject to a condition relating to a biodiversity strategy.

CADW - No comments received.

Transportation Engineering Manager - CCBC - No objection subject to conditions relating to vehicular access, car parking, travel plan and a construction management plan.

Senior Engineer (Land Drainage) - No objection but attention is drawn to the fact that a sustainable drainage application remains under consideration by the Sustainable Drainage Approval Body.

Parks And Open Spaces - No comments received.

CCBC - 21st Century Schools - Advised that the schools within the catchment area have sufficient capacity to accommodate future pupils if the proposed development were to be approved.

Landscape Architect - CCBC - In principle the aims and objectives of the proposed hard and soft landscaping schemes and boundary treatment proposals are welcomed. However, additional information and revisions to certain details are required. Such matters can be dealt with by suitable soft / hard landscape and boundary treatment conditions.

Dwr Cymru - No objection.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Advised that if the applicant/developer requires a new connection or a service alteration, a separate application will need to be made to Western Power.

Senior Arboricultural Officer (Trees) - No objection subject to a revised landscaping scheme being secured.

ADVERTISEMENT

Extent of advertisement: The application was originally advertised by means of site notices, neighbour letters and a press notice. A further re-consultation exercise, which also included site notices, neighbour letters and a press notice, was undertaken as a result of an amendment to the proposed development which increased the number of proposed units from 37 to 45.

Response: The initial public consultation exercise resulted in the submission of 68 objections and 1 comment of support. An objection from Caerphilly Town Council was also received as well as a letter from the MP for Caerphilly requesting that concerns raised by a constituent are taken into consideration when determining the planning application. Following the re-consultation exercise a further 4 objections were received, including 1 from Caerphilly Town Council.

Summary of observations: The objections raised are summarised as follows:

- Unacceptably high housing density which would result in the over-development of the site.
- Excessive scale of the development particularly in terms of the height of the proposed 5 storey building.
- Development not in keeping with the local vernacular architecture or the character and appearance of the area.
- Development would have an unacceptable visual impact, dominating the skyline and the urban and surrounding landscape.
- The adjacent magistrate's court housing scheme is already an eyesore and the proposed development would compound the unacceptable visual impact.
- Development should be restricted to 2 storeys and 20 dwellings with a park for existing and new residents.
- Development out of keeping with Caerphilly as a historic town which has Caerphilly Castle as a major tourist attraction.
- Unacceptable impact on surrounding properties by means of overbearing, overlooking and loss of light.
- Concern over rooftop garden.
- Detrimental impact on local amenity during construction phase.
- The existing highway network is unable to cope with additional traffic, especially at peak traffic times and during school pick-up and drop-off times.
- There are a number of junctions within close proximity at Mountain Road serving the comprehensive school, the magistrate's court housing scheme, Bronrhiw Fach and the application site, which give rise to highway capacity and safety concerns.

- Parking issues already exist as a result of the magistrate's court housing scheme and the lack of car parking proposed would result in further overspill car parking on to Mountain Road.
- If development goes ahead further traffic calming measures are required along Mountain Road to reduce traffic speed.
- Access for emergency vehicles has not been considered.
- Increase in noise and carbon emissions in the area.
- Devaluation of local properties.
- Loss of trees.
- The steep topography to town centre makes the pedestrian route inaccessible to future residents.
- Development would be a strain on local amenities.
- A new bus stop would become a hangout for vandals.

A more sustainable and eco-friendly building should be proposed with more renewable energy technologies and green growing on the building.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, the proposal is unlikely to have a significant impact on biodiversity. However, Policy 9 of Future Wales - The National Plan 2040 states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements will be sought as part of this development.

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

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is located within the settlement boundary within which development is normally permitted subject to other Local Development Plan (LDP) policies and material planning considerations (LDP Policy SP5). This brownfield site is unallocated according to the LDP Proposals Map and is located within a predominately residential area. The proposed residential development would therefore be compatible with neighbouring land

uses and would make a positive contribution to the development strategy for the Southern Connections Corridor which, among other things, seeks to promote the use of brownfield sites that have regard to the social and economic function of the area (Policies SP3 and CW15). The principle of the proposed development is therefore considered to be acceptable in this urban location.

In terms of housing need, Policy SP14 makes provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2021 and indicates that only 5,588 units had been delivered up to the end of March 2021. This represents only 65% of the overall adopted LDP total housing requirement and equates to a shortfall of 3,037 units with only nine months of the plan period remaining at that time. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) is also not being met and the AMR acknowledges the necessity to have adequate regard to the need to increase housing land supply in the consideration of proposals for new residential development on a site-by-site basis.

The proposed residential development would provide 45 units all of which (100%) would be affordable. This exceeds the 40% affordable housing planning obligation requirement for windfall housing sites in the local area (Policy CW11) and the policy compliant element of affordable housing can be secured by a legal agreement under Section 106 of the Town and Country Planning Act 1990. It is therefore considered that the proposed development would make a meaningful contribution to addressing the shortfall in housing provision within the County Borough and accordingly, the proposal would meet the requirements of Policies SP14 and SP15 of the LDP and Policy 7 of Future Wales.

In respect of the local context, the surrounding area is characterised by a mixture of building styles with houses being predominately 2 storey in height. The redevelopment of the former magistrate's court site to the south has, however, introduced a larger scale (4 storey) apartment building into the townscape which has a more modern, contemporary design and appearance which is also replicated in the associated terrace block fronting Mountain Road. The application site is setback from Mountain Road and would be largely screened from views within the street by existing trees along the site's western and southern boundaries. The site is also cut into the hillside, sitting beneath the former magistrate's court residential scheme to the south and the existing non-residential building to the west.

The proposed residential development does not attempt to replicate the more traditional character and styles of houses within the local area. Instead, the design approach seeks to integrate the proposed 5 storey and 3 storey apartment buildings with the more modern and contemporary residential development on the former magistrate's court residential scheme. Such an approach is considered to be acceptable given that the proposed apartment buildings would be set back from Mountain Road and would sit within the context of the existing 4 storey apartment building when viewed from the wider area. It also recognised that the existing and proposed residential schemes, which

would both be managed by Linc Cymru Housing Association, would have a functional relationship with the introduction of a new pedestrian link between the two sites.

The proposed 5 storey apartment building has therefore been designed to be in keeping with the magistrate's court apartment building, incorporating a flat roof design and a strong vertical emphasis in fenestration which helps break up the mass of the building. The staggered front building line of the proposed apartment building, the variation in roof height (increasing from 3 storeys from its eastern end to 5 storeys to its western end) and the use of a variety of materials also helps to visually reduce the scale and massing of the proposed building. Moreover, the proposed contemporary materials would add visual interest to the building, whilst also complementing the materials used in the adjacent magistrate's court residential scheme. It is therefore considered that the proposed 5 storey apartment building would be of an acceptable design and would sit comfortably within the context of the site.

The proposed 3 storey apartment building would have more of a townhouse style and appearance with a pitched roof design and vertical emphasis in fenestration. The proposed design of this apartment building is considered to be visually acceptable and the proposed materials would be similar to those proposed for the proposed 5 storey apartment building. This would create a coherent design approach for the proposed residential development as a whole, whilst also complementing the character and appearance of the former magistrate's court residential scheme. It is also considered that the proposed scale of the apartment building would sit comfortably between the more traditional two storey houses within the local area and the existing and proposed larger, more contemporary apartment buildings.

It is therefore considered that the proposed residential development has had regard to the local context and is of an appropriate scale and design in keeping with the character and appearance of the local area and wider townscape. Accordingly, the proposed residential development would meet the requirements of Policy SP6 in respect of this matter.

With regard to residential amenity, the proposed residential use is, in principle, considered to be compatible with neighbouring land uses which are also primarily residential in nature. A number of objections have, however, been raised by local residents on the basis that the proposed 5 storey apartment building would have an unacceptable overbearing, overshadowing and overlooking impact. Whilst it is acknowledged that the proposed 5 storey apartment building is significantly taller than the typical two storey houses within the local area, the separation distances between the proposed building and surrounding properties are considered to be sufficient to prevent any unacceptable impact on the residential amenity of the occupiers of such properties. The separation distances are as follows:

- Approximately 34 metres between the proposed 5 storey apartment building and the nearest residential property to the north at Bronrhiw Fach.

- Over 30 metres between the proposed 5 storey apartment building and the residential properties to the east at Bronrhiw Avenue.
- Over 20 metres between the proposed 5 storey apartment building and the non-residential building to the west, which is also at a higher land level and only has secondary windows facing towards the application site.
- A minimum of 14 metres between the proposed 5 storey apartment building and the existing apartment building to the south, which is also at a higher land level.

It should also be noted that the proposed apartment building would only be 3 storeys in height at its eastern end before stepping up to 4 storeys and then 5 storeys along the remainder of its width. The scale and mass of the building would therefore be reduced to some extent when viewed from properties at Bronrhiw Avenue to the east and the apartment building to south.

Concerns have been raised by local residents in relation to the proposed roof terrace located on the 3-storey element of the apartment building. The proposed terrace would, however, only be used by future residents of the integrated care facility units located within the eastern part of the proposed building. Moreover, in addition to the adequate separation distances to surrounding residential properties highlighted above, a privacy screen is proposed along its eastern perimeter which would prevent any unacceptable overlooking/loss of privacy to the residential properties at Bronrhiw Avenue. The exact details of the proposed screening can be secured via condition.

Turning to the proposed 3 storey apartment building, this building would be located on the western part of the site and would maintain an adequate separation distance of approximately 21 metres from the nearest residential property at Bronrhiw Fach to the north. Whilst a smaller separation of approximately 12 metres would be maintained between the proposed 3 storey apartment building and the non-residential property to the south-west, this adjacent property is also positioned at a higher land level with only secondary windows facing towards the site. It is not therefore considered that the proposed 3 storey apartment building would have an unacceptable overbearing, overshadowing or overlooking impact on surrounding properties.

Additional concerns have been raised by local residents in relation to noise impacts and impacts on amenity during the construction phase of development. It is not, however, considered that the proposed residential development would generate unacceptable levels of noise given that it would be compatible with surrounding residential uses. Moreover, any amenity impacts during the construction phase of the development would be temporary and capable of being adequately controlled through the implementation of a construction working method statement. The Council's Environmental Health Officer has recommended that the latter is secured by an appropriately worded condition and has raised no noise or other amenity concerns in relation to the proposed residential development.

In summary, it is therefore considered that the proposed residential development is compatible with neighbouring land uses and would not have an unacceptable impact on

the residential amenity of surrounding properties by means of overbearing, overshadowing or overlooking. Accordingly, the proposed residential development would meet the requirements of Policy CW2.

In relation to highways and parking matters, the proposed residential development would be accessed from the carriageway at Bronrhiw Fach which connects to the B4263 Mountain Road. No alterations are proposed to the existing highway network which is adequately served by footpaths, dropped kerbs, road widths and visibility splays. The proposal would also be served by 33 onsite car parking spaces and 26 cycle parking spaces, and the servicing of the site, such as refuse collection, would take place within the site.

In respect of trip generation, the submitted Transport Statement (TS) indicates that the proposed residential development is likely to generate 8 trips during the AM peak period, 9 trips during the PM peak period and 96 daily total trips. When compared with the former police station use it is estimated that whilst the proposed residential development is likely to have a slightly higher number of trips across the 12-hour day, the number of trips during peak hour periods would be fewer than those generated by the former police station use. As such, the TS concludes that the proposed development would not have a material impact on the safety or operation of the local highway network. The Council's Highway Engineer has reviewed the findings of the TS and has raised no objection to the proposal on highway capacity or safety grounds.

With regards to car parking provision, the submitted TS demonstrates that the application site is located in a highly sustainable location with good access to local facilities and public transport found within the Caerphilly Town Centre boundary which is located approximately 200 metres to the north. As such, a reduction in car parking provision is considered to be justified based on the sustainability criteria set out in Schedule 6 of the adopted LDP5 - Car Parking Standards SPG. The submitted TS also indicates that the future residents of the 12 No. integrated care units are unlikely to own cars due to their special care needs, and that based on 2011 census car ownership data for the St Martin's Ward, car ownership levels for the residents of the apartments are likely to be much less than the 33 onsite car parking spaces proposed. As such, the TS concludes that the proposed level of car parking provision is sufficient to meet the needs of future residents and visitors without having an unacceptable impact on the surrounding highway network. The Council's Highway Engineer has considered the car parking assessment within the TS and has raised no objection to the proposed residential development.

It is noted that the objectors to the proposed residential development have raised concerns over the potential for car parking to overspill onto the surrounding highway network. However, there are parking restrictions in the form of double yellow lines along both carriageways at Bronrhiw Fach and Mountain Road that would deter on street parking in the unlikely event that additional car parking was required. In the unlikely scenario that future on street parking did occur despite the parking restrictions in place, this would be matter for civil parking enforcement.

In addition to the above, a Travel Plan (TP) has been submitted with the application that seeks to reduce the need to travel, promote local pedestrian and cycle routes, promote public transport and ensure safe and easy access for all site users. In doing so, the proposed residential development would incorporate good sustainable travel practices and reduce reliance on the private car. The measures proposed within the TP include, among other things, the provision of onsite site cycle storage, the appointment of a travel plan co-ordinator for a period of four years, the provision of travel information packs and a £100 sustainable travel voucher for each household, and a £15,600 financial contribution to the cost of delivering a demand responsive minibus service. The Council's Highway Engineer has reviewed the submitted TP and considers it to be broadly acceptable subject to the financial contribution being secured via a Section 106 agreement and a revised/updated TP being secured via an appropriately worded condition.

In summary the proposed residential development is considered to be located in a highly sustainable location and would be provided with a sufficient level of onsite car parking that would meet the needs of future residents. The surrounding highway network is also considered to have sufficient capacity to accommodate the increase in vehicular movements generated by the proposed development and visibility splays are considered to be acceptable. As such, the proposed development would not have an unacceptable impact on the safe, effective and efficient use of the transportation network and accordingly, meets the requirements of Policy CW3.

In terms of ecology, the submitted Ecological Assessment (EA) states the main area of hardstanding in the central part of the site has negligible potential for wildlife, while the smaller areas of semi-improved natural grassland, scattered trees, dense scrub, ornamental planting, stone wall and rubble pile have no greater than a local value for wildlife. Moreover, the EA concludes that subject to adequate mitigation measures that avoid/minimise impacts on protected species, the site can be developed without causing unacceptable impacts on wildlife.

The Council's Ecologist has reviewed the submitted EA and accepts the findings and recommendations contained within it. As such, no objection has been raised to the proposed residential development provided that a condition is imposed that secures a biodiversity strategy that includes biodiversity conservation and enhancement measures. It is therefore considered that the proposed residential development would not have an unacceptable impact on local priority habitats or species and accordingly, meets the requirements of Policies SP10 and CW4.

In respect of existing trees on site, the submitted Arboricultural Impact Assessment (AIA) recommends that 7 existing trees which are in poor condition should be removed for arboricultural reasons. The AIA also indicates that only a single birch tree, which has been assessed as being of low quality (Category C), would need to be removed at the southern end of the site to facilitate the proposed footpath that would link the former magistrate's court housing scheme to the proposed residential development. An

Arboricultural Method Statement and Tree Protection Plan have also been submitted which set out details of the measures that would be put in place to protect the trees that would be retained as part of the proposed development.

The Council's Arboricultural Officer has reviewed the aforementioned arboricultural reports and protection plan and confirmed that the details are satisfactory. As such, no objection has been raised in relation to the impact of the proposed residential development on existing trees within or adjacent to the application site. Accordingly, the proposal is considered to meet the requirements of Policy CW6.

In relation to soft and hard landscaping, the submitted landscape masterplan illustrates how existing trees and areas of existing scrub and ornamental planting would be retained and integrated with the proposed landscaping features of the residential development. A central feature SuDS garden would be located to the front of both apartment buildings and would function as a key communal space. The SuDS garden would include a pond with marginal water and wildflower planting, ornamental hedgerow, feature trees, paths and outdoor seating. Communal gardens and drying areas are also proposed in the south-eastern corner of the site to the side and rear of the proposed 5 storey apartment building and to the rear of the proposed 3 storey apartment building in the western part of the site. Proposed ornamental shrub, wildflower, hedgerow and tree planting would also be undertaken at key locations across the site.

The Council's Landscape Architect has confirmed that the landscaping proposals are acceptable in principle, and it is considered that they would generally utilise green infrastructure to good effect, providing an appropriate visual setting for the proposed residential development. However, the Landscape Architect has raised some specific concerns over the appropriateness of proposed amenity grassland in potentially shaded parts of the site and further details of species type, size, location and maintenance regime are considered necessary. Alternative boundary treatments to those currently proposed are also considered necessary and additional details of proposed hard landscaping proposals are required. It is considered that such matters can be adequately addressed via conditions securing the submission and approval of revised/additional hard and soft landscaping and boundary treatment details.

In terms of surface water management, the proposed residential development would incorporate a range of sustainable drainage features, comprising of swales, water butts, rain gardens, an attenuation pond, infiltration trenches and permeable paving. As the proposed development is for more than one dwelling, these details require a separate consent from the Sustainable Drainage Approval Body (SAB). The Council's Drainage Engineer has confirmed that a full sustainable drainage application has been submitted to the SAB.

Comments from Consultees: Caerphilly Town Council has raised a number of concerns relating to the over-development of the site, increase in traffic generation and the overbearing impact on the visual amenity of the town centre due to the height of the

proposed development. Matters relating to traffic generation and the visual impact of the proposed development have been addressed above. With regards to the high density development proposed and the potential for over-development of the site, it is recognised that criterion B of Policy CW2 states that proposal should not result in over-development of the site. However, this requirement also needs to be balanced against other policy requirements within the LDP such as, criterion F of Policy SP6 which states that development proposals should contribute to creating sustainable places through the efficient use of land, including higher densities where development is close to key transport nodes. This requirement is also reflected in Planning Policy Wales (Edition 11) which states that planning authorities need to ensure that they make the most efficient use of land in their areas and encourage higher densities on sites in town centres and other sites which have good walking, cycling and public transport (see paragraph 4.2.22). Similarly, one of the key strategic placemaking principles set out in Policy 2 of Future Wales is the need to increase population density, with built development at urban densities that can support public transport and local facilities.

As indicated above, the application site is located in a highly sustainable location with good access to Caerphilly bus and train station and a range of local services within Caerphilly Town Centre. As such, it is considered appropriate to accept a higher level of housing density on the application site, particularly as no unacceptable impacts on amenity or highway safety have been identified. Moreover, it is considered that the proposed residential development would be adequately served by open space, sufficient levels of car and cycle parking provision and refuse collection facilities within site. It is therefore considered that the proposal would represent a sustainable form of development that would not result in the over-development of the site.

Whilst Dwr Cymru/Welsh Water have requested the imposition of a condition regarding the provision of a potable water supply to the building, it is not considered that this is a material planning consideration and as such this information will be forwarded to the developer as an advisory note.

Comments from public: A number of the main concerns raised by local residents have been addressed above. A response to the remaining concerns is provided below.

In terms of a potential increase in carbon emissions in the local area, it should be noted that the submitted Air Quality Assessment states that the increase in traffic generated by the proposed residential development would have an insignificant effect on local air quality.

With regards to the potential for the development to be a strain on local amenities, the Council's 21st Century Schools Officer has confirmed that there is sufficient capacity within local schools to meet the needs of future children living in the housing development. The impact on local play facilities is also likely to be minimal as typically only the two bed apartments would be suitable for families with children and the proposal only includes eight apartments of this type. In addition, it is considered that in

contrast to putting a strain on local amenities, the proposed development will help support local shops and public transport, improving their viability.

In respect of concerns over the sustainable design of the proposed development, the proposed apartment buildings would incorporate elements of Passivhaus design principles, such as an improved thermal performance of the building envelope, air tightness levels that surpass building regulation requirements, whole house mechanical ventilation with heat recovery and a detailed analysis of solar gain and daylighting. The development would also incorporate low carbon heating and hot water technologies, with the proposed 5 storey apartment building benefiting from a communal air-source heat pump system. This building would also incorporate a green roof and roof mounted photovoltaic solar panels. It is therefore considered that the proposed residential development is acceptable in sustainable design terms.

In relation to concerns over the impact on Caerphilly as a historic town and Caerphilly Castle as a major tourist attraction, the proposed residential development is considered to be acceptable in visual terms as set out above. In addition, it should be noted that when viewed from Caerphilly Town and the wider area, the proposed apartment buildings would be seen within the context of the existing former magistrate's court residential scheme which sits above the application site. As such, the proposed 5 storey apartment building would not be higher than the skyline of the adjacent 4 storey apartment building or the associated terrace block of houses as illustrated on the submitted site sections plan. It is not therefore considered that the proposal would have an unacceptable impact on the character and appearance of Caerphilly Town or a negative effect on its tourism function.

Finally, concerns over the devaluation of local properties are not a material planning consideration and no new bus stop is proposed that could be associated with antisocial behaviour or vandalism.

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

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

recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

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

1. 40% provision of Affordable Housing.
2. A contribution of £15,600 towards enhancing transport provision for the elderly residents of the development and in particular the provision of a demand responsive minibus service three days a week.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Proposed Site Plan (Rev. A);
 - Proposed Site Layout Plan (Rev. A);
 - Proposed Ground Floor Plan (Rev. A);
 - Proposed First Floor Plan (Rev. A);
 - Proposed Second Floor Plan (Rev. A);
 - Proposed Third Floor Plan (Rev. A);
 - Proposed Fourth Floor Plan (Rev. A);
 - Proposed Roof Plan (Rev. A);
 - Proposed Terraces Elevations (Rev. B);
 - Proposed Block C and ICF Elevations (Rev. B);
 - Proposed Cycle Store;
 - Site Sections (Rev. A);
 - Arboricultural Impact Assessment Plan, dated 01/2022;
 - Tree Protection Plan, dated 02/2022;
 - Arboricultural Impact Assessment and Arboricultural Method Statement for the Former Police Station, Mountain Road, Caerphilly, prepared by Treescene Arboricultural Consultants, dated 17th February 2022; and

Site Investigation Report for the Former Police Station, Mountain Road, Caerphilly, prepared by Integral Geotechnique (Wales) Ltd, Document ref. 12475/GNS/19/SI/RevA.

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

- 03) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The development shall not be brought into beneficial use until the areas indicated for the parking and turning of vehicles have been laid out in accordance with the approved plans. The parking and turning areas provided shall be kept available for their designated purposes at all times.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Prior to the commencement of work on site a revised/updated residential travel plan shall be submitted for the written approval of the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein. The plan will set out measures to promote and encourage sustainable travel for residents and visitors of the development and to help mitigate the impact of trips generated by the site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy SP6 and CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a revised scheme depicting hard and soft landscaping together with a programme of long term maintenance of the landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 08) Notwithstanding the details forming part of the submitted plans, prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is brought into beneficial use.

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

- 09) 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.

- 10) 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.

- 11) Before any soils or hardcore are brought on to site a scheme for its importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

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

- 12) Prior to the commencement of development, a biodiversity strategy shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity strategy shall be implemented as agreed.

REASON: To provide biodiversity conservation measures in accordance with policies SP10 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Planning Policy Wales (2021) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 13) The development hereby approved shall make provision for gigabit capable broadband infrastructure to serve the approved building. The necessary infrastructure required shall be installed prior to the occupation of the building.
REASON: To provide the necessary infrastructure to serve the development in accordance with Policy 13 of Future Wales: The National Plan 2040.
- 14) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:
- hours of working;
 - the on-site parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used during construction works;
 - wheel washing facilities;
 - the erection and maintenance of security hoardings;
 - measures to control the emission of dust and dirt during construction works;
- and
- details of a scheme for the recycling/disposing of waste resulting from construction works.
- Thereafter the construction of the development shall be undertaken in accordance with the approved Construction Method Statement.
REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

Advisory Note(s)

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

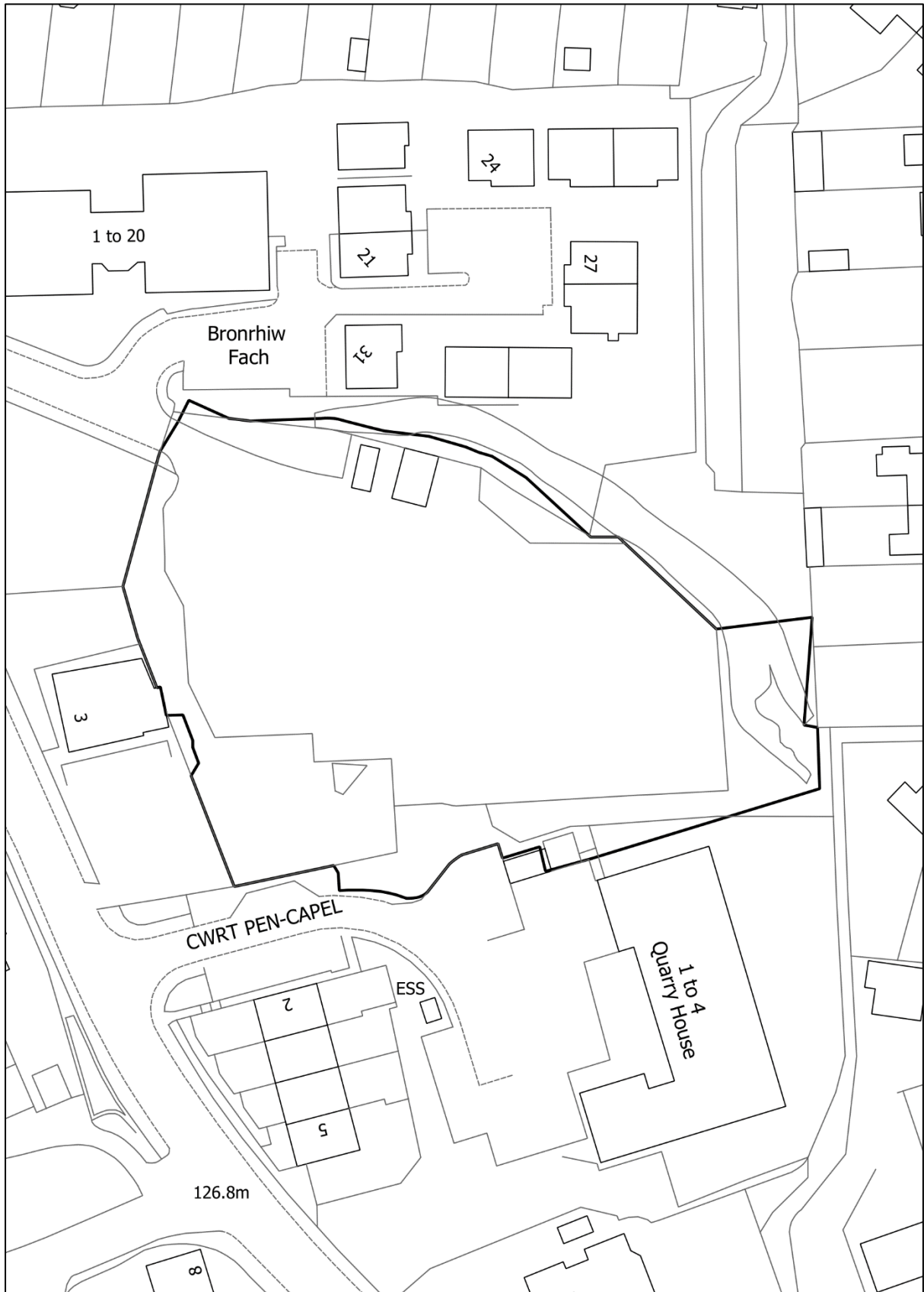
sets out the details the person carrying out development must display to comply with this duty.

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.

The applicant/developer is advised to contact Dwr Cymru/Welsh Water in relation to the potential need for a scheme to reinforce the existing public water supply network. Dwr Cymru/Welsh Water can be contacted on 0800 917 2652 or via email at developer.services@dwrwymru.com.

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Application Number: 21/0477/RM

Date Received: 14.05.2021

Applicant: Taylor Wimpey UK Ltd & Withey Developments Ltd

Description and Location of Development: Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale of planning consent 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) to erect 174 No. dwellings, open space, roads, footpaths, drainage infrastructure and associated works in respect of Phase 1 - Virginia Park Golf Course Virginia Park Caerphilly

APPLICATION TYPE: Approval of Reserved Matters

SITE AND DEVELOPMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Materials: As specified above.

Ancillary development, e.g. parking: None.

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

17/0804/OUT - Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access - Granted 05.12.19.

19/0977/COND - Discharge conditions 06 (masterplan), 21 (hard and soft landscaping), 34 (leisure provision), 35 (phasing), and 36 (electric charging points) of planning consent 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Decided 07.02.20

19/0978/RM - Seek approval of the reserved matters in respect of appearance, landscaping, layout and scale reserved under planning consent 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Withdrawn 23.11.20

19/0979/COND - Discharge conditions 19 (Construction - engineering details) and 33 (Drainage) of planning consent 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Decided 06.03.20.

20/0008/COND - Discharge conditions 9 (Hedgerow), 12 (Means Of Access), 16 (Off Site Highway Works), 20 (Mud On Road), 24 (Site Control), 25 (Site Control), 26 (Arboricultural Impact Assessment), 29 (Trees), 30 (Contamination) and 38 (Remediation Risk Assessment) of planning application 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Decided 01.02.21.

20/0078/COND - Discharge condition 27 (Trees - new planting) of planning application 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Withdrawn 24.11.20.

21/0478/COND - Discharge conditions 14 (Travel Plan) and 31 (Contamination) of planning consent 17/0804/OUT (Erect up to 350 homes, public open space, a local centre and community building, new vehicular, cycle and pedestrian accesses, associated engineering works and seek approval of access) - Pending Consideration.

POLICY

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

Policies Within settlement limits.

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

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

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

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

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

National Policy: Planning Policy Wales

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

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

3.56 states:- Planning authorities should work with landowners to ensure that suitably located previously developed sites are brought forward for development and to secure a coherent approach to their development. To incentivise the appropriate re-use of previously developed land, planning authorities should take a lead by considering and identifying the specific interventions from the public and/or private sector necessary to

assist in its delivery. This will normally support regeneration initiatives and land allocations in development plans and will include the need to raise awareness of risks as part of an effective de-risking strategy. This approach will inform the development of appropriate risk assessments and remediation strategies at the application level intended to safeguard new developments from the health and environmental risks arising from past land uses, such as contamination, old mine workings or former landfill sites.

The Definition of Previously Developed Land is as follows:-

Previously developed (also known as brownfield) land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included, as are defence buildings and land used for mineral extraction and waste disposal (see note 2 below) where provision for restoration has not been made through development management procedures. Excluded from the definition are:

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

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

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

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

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

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

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

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

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

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Strategic & Development Plans - No objection.

Rights Of Way Officer - No objection.

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

Head Of Public Protection - CCBC - No objection.

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

Principal Valuer - No objection.

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

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

Dwr Cymru - No objection.

ADVERTISEMENT

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

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

Summary of observations:

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

28. Potential flooding issues.

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

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

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

None.

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

ANALYSIS

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

Appearance

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

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

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

Landscaping

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

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

Layout

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

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

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

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

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

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

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

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

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

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

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

Scale

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

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

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

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

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

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

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

No other objections were raised by consultees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

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

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

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

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

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

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

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

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

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

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

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