

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/1258/FULL 18.12.2015	Kennedy James Griffiths Unit F Copse Walk Cardiff CF5 8RB	Build a housing association development providing 37 No. dwellings Land At Penywrldod Gelligaer Hengoed

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The site is brownfield land situated within the settlement boundary at the western end of the settlement of Gelligaer. Residential properties are located to the north, east and south of the site with the new replacement Greenhill Primary School located to the west of the site. A Safe Route to School footpath runs through the site from Penywrldod Road to the rear of Claerwen.

A tree subject of Tree Preservation Order No. 39/80/RVDC is located at the entrance to the safe route to school site in the eastern corner of the site fronting Penywrldod Road.

Vehicular access to the site is provided via the former entrance to the original school off Penywrldod Road. A galvanised palisade fence forms the actual boundary.

Site description: The site comprises the former Greenhill Primary School plus an additional area of land to the southeast that is currently grassed. The site is generally flat with a slight slope of approximately 1m from NE to SW. To the SE the site is bounded by the rear gardens of dwellings on Penywrldod and Claerwen. The SW and NW boundaries are formed by the fence to the new school which sits approximately 1.5m below the level of the proposed development site. The access to the new school runs along the NW boundary of the development site.

The site is split by a fenced lane that provides a secondary safe access to the new school. It is a requirement that this lane is to be retained in a secure format as part of any proposed development.

A main sewer runs along the side of this lane which has a 3m easement zone either side of the line of the pipe.

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The application has been supported by a Design and Access Statement, an Ecology Report, a Site Investigation Report, a Tree Survey, an Underground Utilities Search Report, a Travel Plan, and a Traffic Statement.

An amended site layout (drawing no:1090:PL:02 E) has been submitted following negotiations with the developer which address design issues, the provision of a locally equipped area of play and highway concerns.

Development: Full planning permission is sought in respect of 37 new dwellings consisting of the following:

2 x House Type A: 4 bedrooms  
8 x House Type B: 3 bedrooms  
13 x House Type C: 2 bedrooms  
4 x House Type D: 2 bedroom bungalow  
10 x Flat type E: 1 bedroom flat

Dimensions:

2 x House Type A: 4 bedrooms 7.5m(width) 8.25m (depth) 7.4m (height)  
8 x House Type B: 3 bedrooms 5.95m (width) 9.25m (depth) 7.9m (height)  
13 x House Type C: 2 bedrooms 5.9m (width) 8.2m (depth) 7.8m (height)  
4 x House Type D: 2 bedroom bungalow 7.6m (width) 9.2m (depth) 5.2m (height)  
10 x Flat type E: 1 bedroom flat 5.1m (width) 9.5m (depth) 8.15m (height)

Materials:

Buff and red facing brickwork in external walls; reconstituted stone cills; grey concrete tile roofs; white upvc double glazed windows; metal faced white doors; boundary treatments comprising 1.8m high lap board fencing and 1.2m high post and wire fencing between gardens; tarmacadam roads and parking spaces.

Ancillary development, e.g. parking: Sixty four car parking spaces would be provided in a mixture of parking courts as well as spaces on specific plots.

PLANNING HISTORY 2005 TO PRESENT

None.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - the site is within the settlement boundary and within the Greenhill Primary School committed housing site as identified by Policy HG1.37. A tree protected under Tree Preservation Order 39/80/RVDC is situated on the eastern boundary of the application site fronting Penyrwrlod Road.

#### Policies:

##### Strategic Policies

Policy SP2 - Development Strategy in the Northern Connections Corridor, SP6 - Place Making, SP21 - Parking Standards.

##### Countywide Policies

CW1(Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design considerations - Highways), CW6 (Trees, Woodlands and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW15 (General Locational Constraints), supplementary planning guidance contained in LDP1 - Affordable Housing Obligations; LDP4 - Trees and Development; LDP5 - Parking Standards, LDP6 - Building Better Places to Live, LDP7 - Householder Developments, LDP8 - Protection of Open Space.

### NATIONAL POLICY

Planning Policy Wales, 8th Edition, January 2016, TAN 12 - Design, TAN 18- Transport.

### 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? Not an issue in respect of this planning application.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions being attached to any consent in respect of visibility splays, parking provision,

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Countryside And Landscape Services - Has no objection to the development subject to conditions being attached to any consent requiring a detailed Reptile Mitigation Strategy, no site/vegetation clearance to take place during the bird breeding season; and the submission of a Bat Light Mitigation Strategy; hedgehog provision in relation to the construction of fences, and bat roosting and nesting bird provision. Advice is provided to be conveyed to the developer.

Principal Valuer - No objections regarding the application. They advise that this Council owned land is to be sold to UWHA subject to them obtaining the necessary planning approval and subject to certain terms including that the safe route to school footpath shall remain in Council ownership, UWHA to reconnect the severed surface water drain to Dwr Cymru/Welsh Water apparatus along the lane at the rear of Claerwen and through the school grounds.

Head Of Public Protection - Request standard contamination conditions are attached to any consent together with site control measures in respect of dust and noise mitigation. Advice is provided to be conveyed to the developer.

Outdoor Leisure Development Officer - Request a locally equipped area of play within the development site.

Head Of Public Services - The Authority does provide kerbside collections for refuse, recycling and green waste, with the onus on the Developer to provide suitable off road storage near the proposed public highway for one 240L refuse bin, one 240L recycling bin and one food caddy per property.

A suitable collection point will need to be provided near the adopted highway for the plots with unadopted highways/ private driveways, as the Council's vehicles will not travel over these surfaces.

Dwr Cymru - Objects to the development because the water main to serve this area is known to have minimal pressure at times of peak demand. Any increased demand will exacerbate the situation and would adversely affect its service to existing customers and potential users of the proposed development. It considers the proposal to be premature but it may be possible for the developer to fund accelerated provision of essential improvements by way of water requisition under Sections 40-41 of the Water Industry Act 1991 or through obligations of the Town and Country Planning Act 1990.

Wales & West Utilities - Confirms the existence of its apparatus within the vicinity of the site and provides advice to be conveyed to the developer.

Parks And Open Spaces - Requests the provision of an appropriately sized equipped play area as part of the development.

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CCBC Housing Enabling Officer - The site is being delivered in partnership with United Welsh Housing Association and supported by Welsh Government Social Housing Grant. The mix has been worked up in partnership with the Housing Allocations and Advice section and delivers a mixed and balanced community. The LA would require 5 x 1 bed 2 person flats at a transfer value of £48,723 and 4 x 2 bed 4 person houses at a transfer value of £67,391. These units would need to be built to DQR and transferred to UWHA at the above values.

Glam/Gwent Archaeological Trust - No objections but provides advice to be conveyed to the developer.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, on site and 36 neighbouring properties have been consulted.

Response: A petition signed by 56 persons.

Summary of observations: - no objection to the school site being developed but object to the loss of the amenity area which is used by children for playing and is safe because it is away from traffic. There is a shortage of open spaces where children can play safely in this part of the estate. The secure route to school will be no longer secure if the area they are objecting to is developed, as the highway will need to pass through it.

### 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? The applicant advises that a Secured by Design application is to be made during the progress of the application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

A Preliminary Ecological Appraisal was undertaken by a competent ecologist (Wildwood Ecology) and this council's Ecologist is satisfied with the methodology and findings. The Appraisal was undertaken in December 2015 and the site was found to have low to moderate ecological value, with rank improved grassland and trees likely to support nesting birds and potentially supporting common reptile species. Bats are likely to forage and commute over the site. In this instance a reptile survey will not be required due to the size of the site. However, it is presumed that reptiles are present on site and as such a reptile mitigation statement will be required.

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Therefore in order to address the biodiversity issues discussed above it is considered appropriate to attach conditions to any consent preventing any site clearance during the bird breeding season, the submission of a reptile mitigation strategy and light mitigation strategy in respect of bats, hedgehog provision, and bat and bird nesting provision in 75% of the dwellings.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes the site is located within the lower viability charging zone in terms of CIL. As the charge for this zone is set at £0 per square metre, there will be no CIL payable.

### ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance. The main issues to be considered in the determination of this planning application are considered to be the compatibility of the use with surrounding land uses, design, and amenity and highway implications.

The site is identified as a committed housing site in the Adopted Caerphilly County Borough Local Development Plan, up to 2021 (Policy HG1.37). The proposal subject of this application is in respect of 37 dwellings, comprising a mix of semi-detached and terraced houses, bungalows and flats.

Strategic Policy SP6 sets out criteria relating to place making, notably that development should seek an appropriate mix in respect of the role and function of its settlement, seek a high standard of design, seek locations that make the most of sustainable transport and accessibility principles and realises the efficient use of land. The proposed development site is located in a sustainable location, to the south of the B4254 and within the settlement area of Gelligaer and offers the opportunity to provide housing, which will be close to residential areas and local facilities. The proposal is considered to be acceptable in terms of scale, use, density, and layout and adequate off-street parking and amenity is provided. In consideration of policy SP6 the proposal is considered acceptable.

Policy CW2 sets out criteria relating to amenity. In this respect it is considered that the proposed development is compatible with the surrounding residential land uses and does not result in the over-development of the site.

In terms of the impact of the development on neighbouring properties, adequate privacy distances are achieved in respect of the site layout and in terms of the privacy and amenity of the occupiers of existing neighbouring properties.

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Policy CW3 of the LDP considers highway implications and in this respect the Group Manager (Transportation and Highways) has raised no objection to the development subject to conditions requiring full engineering details of the road layout, etc. to be submitted for consideration and approval of the local planning authority, parking provision and visibility splays.

Policy CW6 of the LDP aims to protect trees, woodlands and hedgerows. The site comprises in the main improved grassland, with small areas of marshy grassland in the wetter sections of the site. The on-site trees are all young specimens and are in the main contained to a small area to the north and are not considered worthy of retention. A tree subject of Tree Preservation Order 39/80/RVDC is located at the entrance to the safe route to school site in the eastern corner of the site fronting Penywrlod Road. The proposed development will have no adverse impact in relation to this protected tree.

Policy CW7 of the LDP and supplementary planning guidance contained in LDP8 - Protection of Open Spaces is relevant to the determination of this planning application. A petition signed by 56 local residents has been submitted objecting to the loss of an area of open grassland to the south of the site. Residents comment that this open space is used by children as an amenity area and its loss will be unacceptable. The applicant has submitted an Open Space Assessment as set out in supplementary planning guidance contained in LDP8, which addresses the issues raised in Policy CW7 of the LDP. The assessment concludes the amount of useable open space remaining in the area meets the current thresholds as set out in the guidance.

Policy CW10 of the LDP aims to secure leisure and open space provision on all new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3hectares in gross site area. In this respect the developer will provide a locally equipped area of play (LEAP) amounting to 441square metres comprising a swings unit, roundabout, springer unit, slide, climbing unit (3 to 8 years) a bench and bin. To ensure the delivery of the playground, it is considered appropriate to attach a condition to any consent requiring the provision of the playground prior to the occupation of any dwelling.

Policy CW11 of the Local Development Plan relates to affordable housing planning obligations, and states that an element of affordable housing provision will be required where sites can accommodate five or more dwellings, or exceed 0.15 ha in gross site area. As the application proposes 37 residential units this policy is relevant. The application is submitted by United Welsh Housing Association, who are in the process of purchasing the site from the Local Authority to provide a mix of semi-detached and terraced houses, bungalows and flats in order to meet local demand for housing in the area.

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Dwr Cymru/Welsh Water (DCWW) objects to the development because the water mains to serve this area are known to have minimal pressure at times of peak demand. They state any increased demand will exacerbate the situation and would adversely affect their service to existing customers and potential users of the proposed development. They consider the proposal to be premature but it may be possible for the developer to fund accelerated provision of essential improvements by way of water requisition under Sections 40-41 of the Water Industry Act 1991 or through obligations of the Town and Country Planning Act 1990. However, it should be noted that a local planning authority should not impose conditions on a grant of planning permission to control matters which are subject to control under separate legislation. Whilst the provision of an adequate water supply may be of concern in respect of the delivery of the proposed development, it should not duplicate the effect of other controls and is not considered necessary. In this respect guidance contained in 'Ofwat Water Act 2003 Water Supply Licensing Strategic Supplies Guidance dated December 2005' states at paragraph 2.1.2 Domestic Supply Duty that "Water Undertakers have a 'domestic supply duty', in accordance with Section 52 of the Water Industry Act 1991. Under this 'duty' a water undertaker has a duty to provide to any premises a supply of water sufficient for domestic purposes (for example drinking, washing, cooking, central heating and sanitary purposes). The water undertaker also has a duty to maintain the connection between the water undertaker's water main and the service pipe by which supply is to be made to the premises." It should also be noted that the site is allocated as a committed housing site in the LDP and last year DCWW, were consulted in respect of the first review of the LDP. In response DCWW provided a letter dated 29th May 2015, confirming "A water supply can be made available to service the proposed development site". Consequently, it is considered that the provision of a water supply to serve the development is a matter to be resolved between the developer and DCWW.

The scheme is acceptable from a planning point of view because the application site is located within the Settlement Boundary, is a committed housing site in the LDP bounded by existing residential development, has been appropriately designed so as not to overdevelop the site, or detrimentally impact on the amenity of neighbouring properties or land.

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

Comments from public: The comments of the neighbouring residents are considered above.

Other material considerations: None.

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In conclusion it is considered the proposed development does not conflict with local plan policies or national planning guidance and subject to the imposition of appropriate conditions is acceptable in planning terms.

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) 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.
- 03) 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.
- 04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.

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- 05) No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding;
  - v) measures to control the emission of dust and dirt during construction;
- REASON: In the interests of residential amenity
- 06) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 07) No development or site vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.  
REASON: To ensure that reptiles are protected.
- 08) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 09) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

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- 10) Prior to the commencement of any works associated with the development hereby approved, any fences to be erected during the construction phase and during the final layout stages shall ensure gaps of 130mm x 130mm are created at the base of the fences with a minimum of one gap per section of fence.  
REASON: To ensure that hedgehogs are protected.
- 11) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in 75% of the new dwellings at Land by Gelligaer Primary School, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning policy Wales and Tan 5 Nature Conservation and Planning.
- 12) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House Sparrow, House Martin, Starling or Swift) in 75% of the new dwellings at Land at Gelligaer Primary School, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 13) Notwithstanding the submitted plans, full details of the locally equipped area of play (LEAP) shall be submitted for consideration and approval in writing with the Local Planning Authority. The agreed details shall be implemented and completed prior to the beneficial occupation of any dwelling hereby approved.  
REASON: In the interest of amenity.
- 14) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.  
REASON: To ensure the development is served by an appropriate means of drainage.

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- 15) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m metres x 33m metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 16) 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.
- 17) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 18) No gates shall be fitted which open out over the highway.  
REASON: In the interests of highway safety.
- 19) Any boundary treatment fronting onto a highway shall be restricted in height to that not exceeding 900mm.  
REASON: In the interests of highway safety.
- 20) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:  
Drawing no.1090 PL-01A Location Plan  
Drawing no.1090:PL:02 E Site Plan  
Drawing no.1090:PL:14 Type E Flats Plans and Elevations  
Drawing no.1090:PL:10 A survey and site sections  
Drawing no:1090:PL:09 A Site Plan  
Drawing no.1090:PL:08 A elevations sheet 5  
Drawing no.1090:PL:07 A elevations sheet 4  
Drawing no.1090:PL:06 A Elevations sheet 2  
Drawing no.1090:PL:05 A elevations sheet 2  
Drawing no.1090:PL:04 A elevations sheet 1  
Drawing no:1090:PL:03 A House types  
(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW4, CW10.

The applicant is advised of the comments of this Council's Ecologist, Dwr Cymru/Welsh Water, Wales and West Utilities, Head of Public Protection, Glamorgan/Gwent Archaeological Trust and Head of Public Services.

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