

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0373/OUT 25.05.2016	The Welsh Ministers C/o Ove Arup And Partners Ltd 4 Pierhead Street Cardiff CF10 4QP	Provide a mixed use development comprising residential development of up to 200 dwellings, including the development of approximately 50 affordable homes, and the development of 3.8ha (approximately 6,300sqm) of B1 employment units, plus associated access, diversion of haul route, car parking, diversion of public rights of way, drainage, public open space, landscaping and associated engineering operations Land South Of A472 (Mafon Road) Ty Du Nelson Treharris

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land south of the settlement boundary of Nelson adjacent to Mafon Road.

Site description: The site comprises 19 hectares of land that lies to the south of the A472 (Mafon Road), between the Co-operative Supermarket and the B4265/A472 roundabout. Access to the site already exists in the form of one of the spurs onto the roundabout. Most of the land is in pasture, some is covered with scrub and trees. Within the site there is also a disused football field, tennis court, playground and paddling pool. A stream passes through the middle of the site, as do public rights of way and there is an existing access road/track along the southern boundary (the Haul Road).

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Development: This is an outline application for residential development and B1 employment with all matters except access are reserved. It would comprise up to 200 dwellings including 50 affordable homes and 3.8 ha (approximately 6,300 sq m) for employment.

The application includes the diversion of the Haul Road and Public Rights of Way.

The submitted indicative layout shows a flowing main spine road with a number of junctions leading off to groups of residential dwellings along the first part of its length. The layout indicates a mixture of dwellings ranging from 1 bedroomed flats through to 4 bedroomed dwellings. At the end of the spine road is the proposed employment location. One access off the spine road is reserved for the existing transfer station and farm. The site layout indicates the provision of landscaped areas that also serve as buffer zones and include attenuation ponds. Within the landscaped areas there are play areas. The spine road includes an access point to the remainder of the allocated land to the east.

Indicative and proposed access points: A main vehicular access from the A472 roundabout, with an additional emergency access directly from the A472 (as mentioned the roundabout access is already an existing spur).

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

The dwellings have the following ranges width, length and height respectively: 9-11 m, 6-9 m and 5.5 - 8.5 m,

The employment units have the following ranges of width, length and height respectively: 12-54 m, 7-54 m and 4-12 m.

Materials: To be determined at reserved matters.

Supporting information: This application is accompanied by an Environmental Statement and is therefore EIA development. A Transport Assessment is submitted.

Additional Development: The provision of an off site footway to the A472 from the emergency access to the Co-operative Supermarket.

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Planning Application 16/0373/OUT Continued

Upgrading the existing uncontrolled pedestrian refuge island crossing the A472 to a signalised controlled pedestrian crossing.

PLANNING HISTORY 2005 TO PRESENT

06/0849/NCC - Reclaim former quarry with inert waste and extend access/haul road to landfill site - Granted 04.10.2007.

P/02/0656 - Development under use classes B1, B2 and B8 and create and form direct footpaths - Withdrawn - 05.06.2008.

07/0872/OUT - Erect prestige business park (Use Class B1) including diversion of haul route, formation of building plots, roads and drainage infrastructure, footpath diversions and other associated preparatory works - Granted - 27.04.2010.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: This site is allocated for employment as a B1 business park under policy EM1.2.

Relevant Plan Policies:

SP2 Development Strategy - Development in Northern Connection Corridor, SP4 Settlement Strategy, SP5 Settlement Boundaries, SP6 Place Making, SP10 Conservation of the Natural Heritage, SP14 Total Housing Requirements, SP16 Managing Employment Growth, CW1 Sustainable Transport, Accessibility and Social Inclusion, CW2 Amenity, CW3 Design Considerations Highways, CW6 Trees, Woodland and Hedgerow Protection, CW10 Leisure and Open Space provision, CW11 Affordable Housing, CW13 Use Classes Restrictions Business and Industry, LDP4 Trees and Development and LDP6 Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales (Edition 8, January 2016);
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
Technical Advice Note 2: Planning & Affordable Housing (2006);
Technical Advice Note 5: Nature Conservation and Planning (2009);
Technical Advice Note 11: Noise (1997);
Technical Advice Note 12: Design (2016);
Technical Advice Note 18: Transport (2007);
Technical Advice Note 23: Economic Development (2014).

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ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? This application is accompanied by an Environmental Statement.

Was an EIA required? Yes, and the application is accompanied by an Environmental Statement.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a Coal Mining Development Low Risk Area.

CONSULTATION

Head Of Public Protection - No objection is raised subject to conditions regarding the remediation of any on-site contamination, control of construction activities and additional noise information. Advice is provided regarding the collection refuse and recycling. Advice is also provided regarding the importation of material.

CCBC Housing Enabling Officer - 25% affordable housing is sought.

Senior Engineer (Land Drainage) - A land drainage condition is recommended. Advice is provided regarding the drainage history of the site and details that should be taken into account at reserved matters.

Outdoor Leisure Development Officer - No in principle objection is raised. It is pointed out that there is scope to improve the illustrative layout in terms of the location of open spaces and levels of play equipment are specified.

Transportation Engineering Manager - No objection is raised subject to the provision of a travel plan, and highways improvements that will include a bus stop and a traffic light controlled pedestrian crossing over the A472.

Dwr Cymru - No objection is raised. Advice is provided regarding drainage/water supply and that a trunk water main that crosses the site.

Wales & West Utilities - No objection, advice is provided.

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Countryside And Landscape Services - The submitted Landscape and Visual Impact Assessment is considered to be in accordance with best practice and no objection is raised. It is pointed out that at reserved matters it will be necessary to provide further information regarding the existing trees and hedges together with their management both during and after construction.

Rights Of Way Officer - No objection is raised in principle however it is pointed out that the illustrative layout should be improved at reserved matters to retain the commodiousness, character and texture of the existing and claimed rights of way that run through the site.

Natural Resources Wales - Further information regarding the impact of the proposed development upon Nelson Bog has been requested. Additional information has been provided and NRW do not raise objection. Conditions are recommended regarding protected species.

ADVERTISEMENT

Extent of advertisement: This application has been advertised on site (5 locations), in the press and 81 neighbouring properties have been consulted.

Response: Four letters have been received.

Summary of observations:

1. The village of Nelson is already overdeveloped and enjoys fewer facilities that the writer experienced as a young person (the writer is aged 84yrs).
2. The general highway infrastructure is not capable of accepting the proposed additional traffic.
3. The existing sewerage system in Nelson will not be able to cope with additional flows.
4. A local doctors' surgery is equipped for four general practitioners but there is only one coping alone. It is suggested that every new doctor is frightened away by a massive patient list therefore no more patients should be created in Nelson.
5. The proposal will adversely affect the character of Nelson and "convert it into a semi industrial and social housing planning hotch potch."
6. Parking within the village is already problematic.
7. Llanfabon is a separate village to Nelson.
8. A question is raised as to what the non-affordable part of the housing will be used for.
9. A question is raised as to whether the environmental consequences have been examined.

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Planning Application 16/0373/OUT Continued

10. It is explained that the development should be considered with regard to Policy CW2 which requires that proposals should not adversely impact upon the amenity of adjacent land or constrain its use, i.e. the siting of residential properties near to the existing transfer station could give rise to disturbance.
11. The adjacent land owner who has an interest in part of the land included within and adjacent to the application site may continue to pursue a use that may be promoted in any future review of the local development plan.
12. Detailed rather than indicative access should be provided to demonstrate adequate access can be maintained to the existing transfer station, existing farm house and land included in the previous development plan review so that its development is not compromised in accordance with policy CW15.

SECTION 17 CRIME AND DISORDER ACT

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

It is not expected that the proposed development will have a significant effect upon crime and disorder in this locality apart from the need for security at each part of the development.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The information for this part of the report will be provided at Committee together with the comments of the Council's Ecologist.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? - Yes, but this application is made in outline and the levy will be calculable at reserved matters.

ANALYSIS

Policies: Ty Du is a greenfield site comprising agricultural land with a woodland belt in the centre. The A472 forms the northern boundary of the site, with a Co-operative foodstore on the north west boundary. The central part of the site had historically been used as a sports ground but the remains have now blended into the landscape. There is an existing access off the A472 Nelson bypass roundabout, with the access also currently serving the former Berthgron quarry (currently a waste transfer station), which lies to the south west of the site and Ty Du Farm, which is located to the east.

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The application should be considered against national planning policy and the adopted Local Development Plan (2010). On 19th July 2016, the Council resolved to withdraw the Deposit Replacement Local Development Plan Up to 2031, subject to ministerial approval and therefore the policies and allocations in the Deposit Replacement LDP carry no weight in the consideration of this planning application.

Caerphilly Local Development Plan (Adopted 2010)

The application site is within the defined settlement boundary and is allocated for employment under Policy EM1 of the adopted LDP (EM1.2 Ty Du, Nelson). It has also previously benefitted from an outline planning permission for the development of a prestigious business park, this has though now lapsed and the site remains undeveloped. The site is still categorised as a business park in the adopted LDP. The proposal for residential development as part of a mixed use development is therefore contrary to the land use allocation in the adopted LDP. This is discussed in more detail below.

Strategy Policies

The site is located within the Northern Connections Corridor (NCC). Policy SP2 Development Strategy - Development in the NCC indicates that development will be focused on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; makes the most efficient use of existing infrastructure; protect the natural heritage from inappropriate forms of development and capitalise on the economic opportunities offered by Oakdale/Penyfan Plateau.

The development of a greenfield site is acceptable in this strategy area in accordance with the policy. Whilst the site has good vehicular access to the A472, public transport is limited. Nelson bus station is approximately 500 metres from the site. It is noted that the Transport Assessment identifies the potential to upgrade the existing crossing adjacent to Heol Harri Lewis and formalise the bus stop adjacent to the Co-op store. Furthermore, the adopted LDP identifies that land will be safeguarded for the provision of a new rail station at Nelson (TR3) as part of a potential reopening of the Cwmbargoed rail line between Ystrad Mynach and Bedlinog. With regards to other considerations, the potential impact of development on the natural heritage of the site is discussed further below.

Nelson is identified as a 'Local Centre' under Policy SP4 Settlement Strategy. The Plan seeks to enhance the area based on their current role and function. The plan recognises the importance of Nelson as an important area for employment growth but also acknowledges the need for employment opportunities to be supported by appropriate housing.

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The site lies within the settlement boundary, as defined by Policy SP5 Settlement Boundaries of the LDP. The settlement boundary defines the area within which development would normally be allowed. The principle of development is therefore acceptable.

SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The site as explained is within the settlement boundary and situated at the southern limits of the built environment of Nelson it forms a natural extension of the settlement. The submitted layout is illustrative. The layout at reserved matters will be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

Policy SP10 Conservation of Natural Heritage recognises the natural heritage as a positive asset that enriches people's quality of life. In this context Policy SP10 indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10. Consideration should also be given to Supplementary Planning Guidance LDP4: The Council's Landscape Architect has recommended that further information will be required at reserved matters to explain how the existing trees and hedgerow together with proposed planting will be maintained and managed.

Policy SP14 Total Housing Requirements makes provision for the housing supply during the 15-year period 2006 to 2021. This includes 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. This 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed. The total number of units for which permission is made in the plan period is 10,269 dwellings.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

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The Council has prepared four reports to date, the most recent of which was considered by Council in October 2015. It is evident from the AMR that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 4th AMR indicated that 4,052 units had been delivered (49% of the total housing requirement) up to March 2015. Therefore there is a need for a further 4,573 dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2016 JHLAS indicated that there is only a 1.5 year supply currently available.

The housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.1 TAN 1).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period. The 2015 AMR recognises the need to address this ongoing issue and recommendation R2 of the report states: "the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply."

The 200 units that could be delivered from this site would make an important contribution towards housing delivery in the County Borough. The LDP allocates two sites in Nelson under Policy HG1 - one of the two sites has been developed for 12 units but the remaining site (Land to the east of the Handball Court, allocated for 90 dwellings), has had a planning application refused on the grounds that the applicants did not sign the Section 106 agreement. There are significant viability issues with the site and therefore there are concerns about the deliverability of adequate housing in Nelson. The development of housing at Ty Du would therefore support the role and function of Nelson as a Local Centre, providing market and affordable housing which is unlikely to be delivered through other allocations.

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Policy SP15 Affordable Housing Target, sets out a requirement for at least 964 dwellings to be delivered through the planning system. It is identified that approximately 50 of the 200 dwellings proposed will be affordable, making an important contribution to this overall target.

The Policy on Managing Employment Growth (SP16) identifies that provision has been made for the development of 101.9 hectares of employment land. This will be met principally through the development of a range of employment sites including business parks, primary industrial estates and secondary industrial estates. As set out in Policy EM1, Ty Du is identified for an 18.8 Ha Business Park in the adopted LDP. The planning application identifies a mixed use development with residential and only 3.8 Ha of B1 employment, which is 15 Ha less than identified in the plan.

In principle, the proposed mixed use development is contrary to the LDP. However, the need to retain this site (in its entirety) as employment land needs to be weighed against the need to release it (in part) for housing, in an effort to boost the County Borough's housing land supply.

The Employment Sites Supply and Market Appraisal, undertaken by the BE Group in 2014 assessed each existing employment site in terms of its continued suitability for employment use. EM1.2 Ty Du is identified in the study as being unlikely to come forward for B1/B2/B8 employment as there has been little developer interest for employment, despite having had outline planning permission for a business park (now lapsed). The site was also considered to be in a peripheral location some distance from other large employment areas. Whilst the site scored well in terms of site conditions, prominence and proximity to the strategic highways network, the lack of market demand indicates that "this land is not in a desirable location for business occupiers and could usefully be reallocated to meet other needs." This is particularly relevant in the context of TAN 23, which indicates that "where sites identified for employment have no reasonable prospect of being used or re-used, the expectation is that they should be re-allocated or de-allocated."

Consideration does need to be given to how much employment land would remain in the County Borough should the majority of the Ty Du site be released for housing. The adopted LDP allocates 14 sites for employment use (Policy EM1). A number of these sites have been developed for their allocated use, or have been granted permission for an alternative use (e.g. Oakdale Plateau 3 for a new school and EM1.11 Penallta expansion and Hawtin Park South for housing). The following land remains available for employment development on allocated sites at the current time:

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EM1.1: Land at Heads of the Valleys - 5.2 ha remaining;
EM1.2: Ty Du - 18.8 ha remaining;
EM1.3: Plateau 1, Oakdale - 15.02 ha developed; 15 ha remaining;
EM1.4: Plateau 2, Oakdale - 7 ha remaining;
EM1.6: Plateau 4, Oakdale - 2.6 ha developed; 1.7 ha remaining;
EM1.7: Hawtin Park North - 4.5 ha remaining;
EM1.9: Dyffryn Business Park North - 1.57 ha developed; 3.33 ha remaining;
EM1.10: Dyffryn Business Park South - 6.3 ha remaining;
EM1.12: Land at Caerphilly Business Park - 3.6 ha remaining;
EM1.13: Land at Trecenydd - 2.2 ha remaining.

The current employment land available on allocated employment sites is 67.6 ha (including Ty Du). However, if only 3.8 ha of Ty Du is developed for employment use as proposed, this would reduce the employment land supply to approximately 52.6 ha.

It is further acknowledged that two of the remaining allocated sites are allocated to enable the expansion plans of existing firms rather than to accommodate new development proposals (EM1.7 Hawtin Park North and EM1.10 Dyffryn South), limiting potential investment opportunities from new firms to a smaller number of available sites.

It should also be noted that Ty Du, is one of only two allocated sites that is sufficiently large to accommodate a large single occupier unit such as IG Doors. There is concern therefore that the development of the site could reduce the opportunity for businesses requiring large premises to locate in Caerphilly County Borough. However, given the constraints to development of the site including, ecological constraints, watercourses and culverts that cross the site etc., it is considered unlikely that a single user would choose to locate at Ty Du. It is more realistic to assume a B1 office based development comprised of a number of smaller units which could have regard for these constraints would find a site of this nature suitable.

Importantly, Ty Du has been allocated in successive development plans with limited interest. Notably, even with the benefit of planning permission for a prestige business park (2008), the site has failed to attract investors and has not been developed. If the site is instead granted consent for a mixed use development, it is likely that this will result in the relevant infrastructure being provided to serve both the employment and residential development. Such infrastructure provision has the real potential to unlock the development of the site and would likely make the employment land a more attractive and deliverable proposition for inward investors as the site would be even ready for development.

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There are significant concerns about the loss of a large employment site given that other opportunities in the County Borough are limited. However, on balance, given the sites planning history, the findings of the BE Group study (2014) and the fact that the employment use is more likely to be brought forward as part of a mixed use scheme, no objection is raised on these grounds.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. The site is separated from the main village of Nelson by the A472 and therefore access to the primary school, other community facilities and services should be considered. There is a proposal to provide a connection route to the Co-op store and the Design and Access Statement makes reference to the upgrading the existing uncontrolled pedestrian refuge island crossing the A472 to a signalised pedestrian crossing. This will improve access to the main village for both residents and those employed on the site and is therefore an essential element of the proposal. This should therefore be required by condition.

As previously mentioned in relation to SP2, re-opening the Cwmbargoed rail line with a station proposed in Nelson is currently identified in Phase 2 programme of the South Wales Metro (2017-2023) and has the potential to improve access to sustainable transport in the medium term.

Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site and/or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses and not constrain the development of neighbouring sites for their allocated use.

It is noted that the masterplan indicates that the western part of the site would be developed for B1 employment, with residential development on the central and eastern areas. This would mean that traffic for the industrial estate will need to travel through the residential area, which could affect residential amenity and raise safety concerns. However it is to be noted that the proposed business use is B1 which is by definition intended to be compatible with residential uses. However with regards to any potential noise impact, it is acknowledged that the layout provides a landscape buffer between the employment and residential uses that should serve to minimise any potential impact on amenity.

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Whilst employment and housing uses can potentially co-exist without adversely affecting amenity, it is important that any impacts are identified and minimised at the early stage in reserved matters to avoid potential conflict.

The layout also means that there will be dwellings in close proximity to the A472, which could cause conflict with regards to noise. In pre-application discussions, the Council have previously raised concerns about this layout, with the preference being for the industrial estate to be served directly off the roundabout with the residential development being in the quieter parts of the site. The applicants have explained that they have considered this question and again given that the proposed B1 use this should not be a significant issue. It also to be noted the Environmental Health Department have recommended a condition to take account of the proximity of the A472 at reserved matters.

It is noted that the service road to access Berthgron Quarry waste transfer station is proposed to be relocated through the site. This could potentially result movements of large vehicles in close proximity to housing and the potential impact of this should be considered. The submitted Design and Access statement explains that the residential is "sited in the northern and central parts of the site, away from the existing waste transfer station. This design choice, reflects a precautionary approach to the proposed development.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that the new access roads are designed to an appropriate standard. It is noted that a Traffic Assessment has been submitted with the application and in this respect the Transport Engineering Manager's comments have been sought and are reported further on below.

CW6 Trees, Woodland and Hedgerow Protection identifies criteria against which developments containing trees will be permitted, and states that development will only be permitted where development proposals have made all reasonable efforts to retain, protect and integrate trees within the development. The proposed layout will result in the loss of some trees and this would need to be considered by the Tree Officer to determine whether this would be acceptable. However, the retention of a number of hedgerows is positive. Consideration should also be given to Supplementary Planning Guidance LDP4: Trees and Development. The comments of the Council's Landscape Architect have been sought and are reported further on below.

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Policy CW10 on Leisure and Open Space Provision requires site of 10 or more dwellings to make provision for well-designed useable space as an integral part of the development and appropriate children's play and outdoor sports provision either on or off site. The indicative masterplan identified 3 areas of play space across the site, in addition to the substantial landscaping. The Council's Leisure Services comments have been sought and are reported further on below.

CW11 Affordable Housing Planning Obligation identifies that there will be a requirement to seek to negotiate affordable housing. An indicative target of 25% is identified in this area and it is noted that this figure is supported, with 50 of the 200 units proposed to be affordable.

Policy CW13 Use Class Restrictions - Business and Industry sets out that on sites allocated or identified as Business Parks, development will only be permitted if it is use class B1 or an ancillary facility or service to the primary employment use. The proposed application only allows for a small element of B1 employment use, with the remainder being proposed for residential, which would be contrary to the Policy. However, as explained in relation to Policy SP9, the evidence base indicates that the employment use is in low demand and an alternative use would be more appropriate.

Other Considerations

There have been two recent appeal decisions where housing development has been allowed on sites that were contrary to the development plan but where other material planning considerations, particularly the shortfall in the five year housing land supply, weighed in favour of the proposals. One site, the Former Axiom overflow car park, Newbridge, was land allocated for employment in the adopted LDP and the loss of employment land was cited as one of four reasons for refusal. In the decision of 15th April 2016, the Planning Inspector acknowledged that the independent report (BE Group) concluded that the site was in a poor location and an alternative use should be promoted if possible and that there has been very little interest in the site despite being market for 10 years. Overall, the Inspector concluded "the loss of an allocated secondary employment site and conflict with the relevant LDP Policies count against the proposed alternative use. The weight to be attached is reduced by the above factors". The Inspector also concluded that "the benefits of the scheme in terms of increasing the supply of housing outweigh the loss of this employment land." These circumstances are similar to that of the Ty Du allocation.

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In addition, a decision at Cwmgelli, Blackwood, on 27th April 2016 for a housing development outside of the settlement boundary and within a green wedge allowed the application. The lack of a 5 year land supply was again a major factor in this decision. The Inspector stated "the latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met. As stated above that is not the case here but in my view the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings."

Community Infrastructure Levy

The site is within the mid-range viability area where the CIL charge is £25 per square metre. CIL is chargeable at reserved matters. There is no CIL charge for B1 office development.

Policy Conclusion

The principle of development has been established on the site by virtue of its allocation in successive development plans for employment use. However the proposal is contrary to the adopted LDP as the proposal to develop the site for both residential development and only 3.8 Ha of B1 employment would conflict with the designation of Ty Du under Policy EM1.2 for an 18.8 Ha business park. However, the findings of an independent report on the value of this employment site concluded that the site should be re-designated for an alternative use due to a lack of market demand and consequently, it is not considered that the release of part of the site for housing would adversely affect economic growth.

The Council is required to ensure that there is a genuine 5-year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application. The Council in its consideration of the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply and granting planning permission for this site would help to achieve this. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

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There were concerns about the layout and the potential conflict between users of the industrial estate and dwellings, particularly in access terms and further justification is therefore needed for the applicant as to why the B1 office area has been located in the western part of the site rather than the entrance. The applicant has pointed out that the proposed employment use is B1 therefore these concerns should not be material. To ensure that this balance is maintained a condition should be imposed to restrict the employment uses to B1.

On balance, the need to increase the housing land supply over-rides the employment allocation on the land, particularly given the conclusions of the BE Group and therefore there is no objection to the principle of a mixed use development at this location.

If members are minded to permit development on the site, then in order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to specify that development should commence within three years from the date that outline consent is granted (as opposed to the usual five years), with reserved matters submission within two years instead of three.

Comments from Consultees: Transportation Engineering Manager: No objection is raised subject to conditions that will require the provision of a pedestrian link to the Co-operative food store together with a pedestrian crossing over the A472, a tactile crossing at the roundabout and a bus stop plus shelter with layby. A travel plan is also recommended. These provisions are required to secure adequate pedestrian/public transport linkage commensurate with the additional need generated by the proposed development; they may be required by condition.

Leisure Officer: CW10 Requires the provision of well designed useable open space provision. The Leisure Officer points out that the following provisions are required: -
1. Appropriately scaled equipped play area designed for children between 2-12 (incorporating safety surfacing, fencing seating etc.). The location of such a play facility should be at the hub of the residential area, benefit from good surveillance, good drainage and lend itself to easy maintenance. With reference to the master plan the main play zone appears to be too near one of the site thoroughfares and would be better in a central area and so surrounded by the new houses.
2. Multi use games area (all weather surface and suitable scaled boundary panelling. This would benefit from being located in a slightly more peripheral part of the development site.
These details may be required for submission at reserved matters.

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CCBC Housing Enabling Officer: 25% affordable housing is sought and may be required through a Section 106 Agreement.

Senior Engineer (Land Drainage): A land drainage condition is recommended. Advice is provided regarding the drainage history of the site and details that should be taken into account at reserved matters.

Dwr Cymru: No objection is raised. Advice is provided regarding drainage/water supply and that a trunk water main that crosses the site.

Wales & West Utilities: No objection is raised. Advice is provided.

Comments from public:

1. The village of Nelson is already overdeveloped and enjoys fewer facilities than the writer experienced as a young person (the writer is aged 84yrs). LDP policy SP4 specifically identifies Nelson as a local centre where the response to needs such as housing should be directed.
2. The highway infrastructure is not capable of accepting the proposed additional traffic:- This application is supported by a detailed Transport Statement that has been considered by the Transportation Engineering Manager who does not concur with this objection.
3. The existing sewerage system in Nelson will not be able to cope with additional flows:- Welsh Water has been consulted and have not raised such a concern.
4. A local doctors' surgery is equipped for four general practitioners but there is only one coping alone. It is suggested that "every new doctor is frightened away by a massive patient list", therefore no more patients should be created in Nelson:- The provision of health services is a matter for the Local Health Board.
5. The proposal will adversely affect the character of Nelson and "convert it into a semi industrial and social housing planning hotch potch":- It is not explained why there should not be the offer of employment for the residents of Nelson and it is the Adopted Development Plan aim to provide an adequate supply of employment land for all communities (Nelson included). Neither is it explained why social housing should not be provided and again the Adopted Development Plan aim is to provide an adequate supply of affordable housing (25% in this locality)
6. Parking within the village is already "problematic":- Many of the village facilities are within 500 metres/walking distance of the site. Parking will be required on site at reserved matters in accordance with Council Guideline Standards.
7. "Llanfabon is a separate village to Nelson":- The site as allocated in the plan is an extension to Nelson it is not designated as a Green Wedge or other community separation.

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8. A question is raised as to what the non-affordable part of the housing will be used for:- The non-affordable element of the proposed housing will be for the open market. This is the element that is normally required to support the affordable provision.
9. A question is raised as to whether the "environmental consequences have been examined":- This application is supported by an Environmental Statement that has been considered by consultees.
10. It is explained that the development should be considered with regard to Policy CW2 which requires that proposals should not adversely impact upon the amenity of adjacent land or constrain its use, i.e. the siting of residential properties near to the existing transfer station could give rise to disturbance. This is a concern is dealt with above.
11. The adjacent land owner who has an interest in part of the land included within and adjacent to the application site may continue to pursue use/s that may be promoted in any future review of the local development plan. This fact does not detract from the consideration of this application upon its merits at this point in time.
12. It is suggested that detailed rather than indicative access should be provided to demonstrate adequate access can be maintained to the existing transfer station, existing farm house and land included in the previous development plan review so that its development is not compromised in accordance with policy CW15. Given that this is an outline application with ample size within which the existing user's access needs can be met at reserved matters they may be required by condition. There is land to west as well as the east that was included in the review of the development plan that has now been withdrawn. Because the review has been withdrawn access to these areas cannot be required.

Other material considerations: This application is supported by an Environmental Statement that provides a summary which is reproduced below with comments related to the individual sections:

ENVIRONMENTAL IMPACT ASSESSMENT FINDINGS

The Assessment (EIA) and examines the effects of the development proposals on a range of environmental topics, which were agreed with Caerphilly County Borough Council. The findings of the EIA for each topic are summarised as follows and commented on individually below:-

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Planning Application 16/0373/OUT Continued

AIR QUALITY

The proposed development has the potential to affect local air quality as a result of dust emissions during construction and additional traffic movements to and during the operational phase. The air quality assessment concluded that the proposed development would not result in any significant local air quality effects and impacts on local scale pollutants are negligible. Mitigation measures have been recommended during the construction phase to minimise dust nuisance. During operation, the proposed residential development would have a negligible effect on local air quality. Comments: Responses have been received from Natural Resources Wales and The Council's Environmental Health Department, no objection is raised in terms of air quality.

CULTURAL HERITAGE

The site has a very low potential to contain any significant buried archaeological remains. The line of a 19th century tram-road is preserved by existing tracks and footpaths within the site. A number of hedge lines bordering and within the site can be considered important under the historical and archaeological criteria of the Hedgerow Regulations 1997. Predominantly these hedgerows would be retained. Three Grade II Listed buildings were assessed with regard to potential changes within their setting having an impact on their significance. These assets comprise the Memorial to the Albion Colliery Disaster and St Mabon's Church in the hamlet of Llanfabon and the farmhouse at Pen-y-waun. None of these assets would have their value harmed through any changes to their setting attributable to the proposed development. Overall the proposed development would result in only a slight adverse significance of effect to the historic landscape, through the removal of short sections of historic hedgerow.

Comments: The Council's Landscape Architect has considered the Landscape impact and concurs that it will not be significant. With regard to the historical assets they are as concluded in the EIA statement. This application is in outline and there may be need for changes to the illustrative layout at reserved matter, however the scheme will be deliverable within the parameters illustrated.

ECOLOGY

The proposed development has the potential to affect ecological receptors both within the site and around its boundary. A range of ecological surveys were undertaken, including habitats, hedgerow and tree, reptiles, birds dormice, otters, water voles and bats. Mitigation measures are proposed, where appropriate. Development of the masterplan has aimed to maintain the ecological value of the application site, where possible and to provide enhancement of that value through various measures, including habitat retention.

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Planning Application 16/0373/OUT Continued

Good practice mitigation measures would also be employed during construction to minimise impacts to habitats and species, including pollution prevention control, sensitive lighting design and careful site preparation.

Comments: The comments of the Council's Ecologist will be reported separately as previously explained.

GROUND CONDITIONS

Development of the site would require limited earthworks and the development is not considered to have a significant effect on the geology and geomorphology of the area. Made ground materials are present within the site, which may have an impact on human health and the environment both during construction and operation. The adverse impacts can be readily addressed with standard mitigation measures.

Comments: No objection has been raised by the Council's Environmental Health department.

NOISE

The proposed development has the potential to affect noise sensitive receptors around its boundary during construction and operation. Mitigation measures are proposed, where appropriate, and the likely residual effects after any such measures have been adopted are described. In addition, the baseline noise at the site is assessed with regard to the suitability of the site for residential development. With best practicable means and mitigation during the construction works, the predicted noise from the centre and even near the boundaries of the construction areas would be well below the potential significance threshold level for all the surrounding receptors. Changes in traffic would be negligible with respect to noise, and hence would be not significant. The detailed design of the development would need to ensure that the combined noise levels from all operational plant and machinery on the site does not exceed the proposed criteria. This could be secured by a suitably worded planning condition.

Comments: No objection in principle has been raised by the Council's Environmental Health department. Noise mitigation may be required for some areas of the proposed development near the A472, this is required by condition.

LANDSCAPE AND VISUAL

The proposed development has been designed to minimise effects on the visual amenity and character of the local landscape. Mitigation measures retain existing topography and vegetation as much as possible. The residual effect on the character of the wider landscape beyond 1 km of the site is predicted to be negligible, whilst the residual effect on the character of the site and surrounding area within 1km is predicted to be slight. Similarly, for visual receptors, as the planting establishes, the residual effects on the visual amenity would be reduced. The proposed development of the land at Ty Du is not considered likely to give rise to any significant cumulative landscape effects.

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Planning Application 16/0373/OUT Continued

The Council's Landscape Architect has considered the Landscape impact and concurs that it will not be significant.

WATER RESOURCES

The site is not considered to be at risk of fluvial or tidal/coastal flooding as shown on published flood maps. Therefore, no further assessment of flood risk has been undertaken.

There are a number of streams of good water quality on site. Development of the site would involve the addition of culverts in the streams and ditches. The construction activities might result in sediments and pollutants entering the watercourses, which could affect downstream water quality. Following incorporation of the proposed mitigation methods however, including Sustainable Urban Drainage Systems and boundary treatments along streams, the significance of the effect on both the water quality of streams on the site and the risk of flooding is considered to be negligible. It is proposed to discharge storm flows generated at greenfield runoff rates into the stream on site. Two attenuation basins are proposed to provide the necessary storage prior to discharge.

Dwr Cymru/Welsh Water confirmed that the existing public combined sewers located within Mafon Road have capacity to receive foul flows generated from the development. The foul drainage assessment, therefore, identifies that the risk of significant residual environmental impact from the proposed development is considered to be negligible. Comments: It is noted that objection has not been raised by Welsh Water or Natural Resources Wales.

SOCIO-ECONOMICS AND COMMUNITY EFFECTS

The socio-economic chapter of the ES assessed the likely impacts of the Ty Du development for residential and community uses on future residents and users of the site and the existing population in Nelson and the surrounding area. After establishing baseline conditions, it identified predicted effects and assessed the significance of impacts during the construction and operational phases of the proposed development. The assessment included employment, schools and education, housing provision, retail and leisure provision, the area's commercial market, healthcare provision, and public open space. In general, it is expected that the proposed development would have minor or negligible negative impacts on schools and education, healthcare provisions and public open space, whilst having positive impacts on the area's commercial, employment, housing, and retail and leisure markets.

Comments: It is considered that these conclusions are generally accepted and that the development although not in accordance with the approved LDP is acceptable for the reasons previously explained.

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Planning Application 16/0373/OUT Continued

CUMULATIVE IMPACTS

The assessment concluded that there are no current or proposed developments within the immediate vicinity of the site that would give rise to significant cumulative effects or in combination effects for the proposed development at the land at Ty Du.

Comments: Agreed.

CONCLUSION

It is concluded that during construction, there would be disruption and disturbance at the site and to the local community due to the nature of the works. However, this would be temporary and of short duration. During the operation of the scheme, the majority of the environmental effects could be mitigated to ameliorate and enhance the proposed development. These mitigation measures have been identified.

The proposal offers an opportunity to create an attractive residential development, with B1 employment, in a landscaped environment. The proposal comprises a sustainable form of development. It would integrate the development with existing habitats and provide additional benefits of ecological enhancement and mitigation, plus sustainable urban drainage. Finally, it would contribute both to the shortfall in housing land in the area, local housing need through the provision of affordable housing and employment land appropriate to the local market.

Comments: This conclusion is agreed.

RECOMMENDED: (A) that this application be deferred to enable the completion of a Section 106 Agreement to require 25% affordable housing and (B) upon completion of the agreement planning permission be granted in accordance with the following conditions:

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Planning Application 16/0373/OUT Continued

- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 05) The development hereby approved shall not be occupied until there have been completed the following off site pedestrian and transport improvements:
(1) A pelican crossing over the A472 south of No 5 Heol Harri Lewis
(2) A 2 metre wide pedestrian link from the Co-operative food store along the southern side of the A472 to the proposed pedestrian site entrance to the east of the food store and
(3) On the same side of the road within the length of the required link footpath a bus layby together with a bus shelter
(4) Provision of a bus shelter on the A472 east bound approach
(5) Provision of pedestrian tactile crossing points to A472 Mafon Road/Dynevor Terrace roundabout,
REASON: To ensure the adequate and safe pedestrian access to and from the site.
- 06) The development hereby permitted shall be carried out only in accordance with the following plan: Application Area Figure 2, Drawing Number UD_LP_01, Issue 03 Received on 12 May 2016 (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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Planning Application 16/0373/OUT Continued

- 07) The development hereby approved does not extend to the illustrative layouts shown on the submitted drawing titled Proposed Illustrative Master plan Figure 3, drawing number UD_M_01, Issue 08, or Figure 4, Drawing Number UD_LA_01, Issue 01, both received on 12 May 2016.
REASON: At reserved matters it will be required that the layout be amended as may be detailed in the conditions that follow below.
- 08) At reserved matters the routes of existing and claimed rights of way that pass through the site shall be amended from those shown in the illustrative layouts to reflect more closely the commodiousness, character and texture of the existing routes.
REASON: The illustrative routes indicate less commodious lines that traverse the estate, with footpaths detracting from the existing texture and character and do not utilize opportunities to more closely integrate the routes with features such as landscaped areas.
- 09) Notwithstanding the illustrative layout details of the following leisure provision shall be provided at reserved matters:-
1. Appropriately scaled equipped play area designed for children between 2-12 years (incorporating safety surfacing, fencing seating etc.). The location of such a play facility should be at the hub of the residential area, benefit from good surveillance, good drainage and lend itself to easy maintenance.
2. A Multi use games area (all weather surface and suitable scaled boundary panelling). This would benefit from being located in a more peripheral part of the development site.
REASON: To ensure the provision of adequate on site leisure provision to meet the needs of the occupants. With reference to the illustrative master plan the main play zone appears to be too near one of the site thoroughfares and would be better in a central area surrounded by the new houses.
- 10) At reserved matters appropriately designed vehicular and pedestrian routes/access shall be shown to connect to any existing adjoining land use. Such route/access shall for example take care to show that residential traffic is not passed through areas developed solely for employment use and the route/access is suitable to serve the allocated land use.
REASON: To ensure adequate access to existing land uses.

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Planning Application 16/0373/OUT Continued

- 11) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall consider the use of Sustainable Urban Drainage and set out a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 12) Prior to the commencement of the development hereby approved a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include:
(i) Control of noise.
(ii) Control of dust, smell and other effluvia.
(iii) Control of surface water run-off.
(iv) Site security arrangements including hoardings.
(v) Proposed method of piling for foundations.
(vi) Construction and demolition working hours.
(vii) Hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the agreed scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area.
- 13) 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.
- 14) 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 (above) have been undertaken in accordance with the agreed contamination scheme.
REASON: To protect public health.

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Planning Application 16/0373/OUT Continued

- 15) The reserved matters required by Condition 01) shall identify any trees with high potential for bat habitat that will be adversely affected by the proposed development and further emergence surveys/investigations shall be undertaken prior to works to those trees and where the presence of bats is confirmed mitigation measures shall be submitted to and agreed in writing with the Local Planning Authority and the works shall be carried out in accordance with the agreed measures.
REASON: In the interest of the protected species.
- 16) The reserved matters required by Condition 01) shall identify any trees with medium potential for bat habitat that will be adversely affected by the proposed development and prior to works to those trees a scheme of soft felling the works shall be carried out in accordance with the agreed measures.
REASON: In the interest of the protected species.
- 17) The reserved matters required by Condition 01) shall include a scheme of lighting that will take into account the presence of bats and otters. The scheme shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with the agreed measures and maintained thereafter as agreed.
REASON: In the interest of the protected species.
- 18) The reserved matters required by Condition 01) shall include a Construction Environment Management Plan (CEMP) that encompasses good practice working measures during the construction phase to take into account the presence of protected species. The CEMP shall take account of the otter mitigation recommendations in section 8.7.2 of the submitted Environmental Statement and include a method statement to mitigate for the presence of the protected species during construction (i.e. hours of working). The development shall be carried out in accordance with the agreed measures.
REASON: In the interest of the protected species.

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Planning Application 16/0373/OUT Continued

- 19) The reserved matters required by Condition 01) shall include a Surface Water Management Plan to include details of, but not be limited to:
- Adequate measures, throughout the construction phase, to ensure clean surface water is directed away from working areas;
 - Adequate measures, throughout the construction phase, to ensure no discharges of contaminated surface water run-off into any nearby watercourses, including from vehicle wheel wash operations;
 - Surface water drainage from any temporary car parking areas is provided via a class 1 type oil interceptors;
 - The safe storage of all chemical fuels in a bunded area.
- . The scheme shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be carried out in accordance with the agreed measures.
- The development shall be carried out in accordance with the agreed Surface Water Management Plan.
- REASON: In the interest of the water environment.
- 20) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion 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.
- 21) The landscaping scheme required above shall include: -
- (1) A detailed site master plan.
 - (2) Detailed design and schedule of hard landscape materials, structures, elements and finishes.
 - (3) Detailed soft landscaping plan, to include a schedule of all planting, retained woodland, hedgerow, grassland, grass seeding, aquatic and marginal planting.
 - (4) Tree, hedgerow, woodland protection plans together with a method statement for working within the wooded areas during construction and a management plan for management after construction of those trees, hedgerows and woodland, together with a wetland and pond management plan, including details of how the management plan/s will be procured.
- REASON: In the interest of visual amenity.

Cont....

Planning Application 16/0373/OUT Continued

- 22) Before any part of the development hereby approved is occupied, a Travel Plan relating to that part of the development shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with the timescales and measures contained therein.
REASON: To encourage transport other than by single occupancy vehicle trips.
- 23) The employment premises hereby approved shall only be used for B1 purposes as defined by the Town and Country Planning (Use Classes) Order 1987, or as defined by any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, without the approval of the Local Planning Authority.
REASON: For the avoidance of doubt as to the extent of the development hereby approved with particular regard to the amenity of the residential dwelling uses hereby approved.
- 24) The reserved matters in relation to proposed dwellings closest to the A472 shall be accompanied by a noise study with additional noise monitoring data to inform any necessary mitigation measures to provide for the amenity of the occupants of those units.
REASON: To ensure that the proposed dwellings are adequately provided with mitigation commensurate with the impact of noise upon them from the traffic on the A472.

Advisory Note(s)

Rights Of Way advise that Footpaths 9 and 10 in the Community of Caerphilly cross the site. The line of Claimed Right of Way 153 also crosses the site. The Public Rights of Way will require a legal order to be in place prior to any works affecting the current line. It is recommended that the matter is discussed with the Public Rights of Way section in the early stages as these processes can take time to resolve.

The Head of Public Services advises that the Authority does provide kerbside collections for refuse, recycling and green waste, with the onus upon 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 dwelling.

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: CW10, CW2, CW3 and CW4.

Please find attached the comments of Dwr Cymru/Welsh Water and Natural Resources Wales that are brought to the applicant's attention.

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Planning Application 16/0373/OUT Continued

Whilst the development as submitted does not propose the importation of any soils or hardcore it is advised that where it is necessary for materials to be imported onto site to comply with the requirements of condition number 13 of this planning permission (a scheme to deal with contamination), details of testing for contamination will be sought for 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.

Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect.

