

PREFACE ITEM

APPLICATION NO. 17/1033/FULL

APPLICANT(S) NAME: Pobl Group

PROPOSAL: Construct seven dwellings and associated works, including the creation of a one-way system to serve the development

LOCATION: Land At Grid Ref 317269 196829 Coronation Road East Lane Blackwood

The above planning application to erect seven affordable dwellings on land to the rear of Coronation Road was reported to Planning Committee on 20th June 2018 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix.

At the meeting, it was moved and seconded that the application be deferred to allow officers to produce a reason to refuse the application on the basis that the development would be detrimental to the safety of pedestrians using the lane by virtue of the fact that inadequate width exists to provide a pedestrian footpath.

However, it is considered necessary to reiterate the positive elements associated with the scheme. The application site is currently an underused parcel of land within the settlement that provides limited amenity value. The proposed development is for seven affordable units in close proximity to Blackwood Town Centre. The distance to Blackwood Town Centre and the central bus station is less than 300 metres. Therefore the application site is located in a highly sustainable location.

In terms of the need to provide affordable housing, currently the number of applicants in Blackwood for accommodation is as follows:

- 1 bedroom dwellings – 503 persons;
- 2 bedroom dwellings – 634 persons;
- 3 bedroom dwellings – 408 persons.

The proposed development would provide 1-bed, 2-bed and 3-bed properties that would contribute to this very high need in the area.

Furthermore, the Council currently has a 2.1 year housing land supply. This has led to a number of major applications on Greenfield land being successful at appeal, i.e. Pandy Road, Cwmgelli, Oakdale Golf Course, Hendredenny. The failure to deliver housing within the defined settlement boundary increases pressure for development in the Countryside, and adds weight to the benefits of the current application.

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Preface Item 17/1033/FULL Continued

The development as proposed includes the creation of a one-way system along the rear lanes leading to the site, as well as improvements to the lane surface and placement of street-lighting columns along the lane. It was noted by the Local Member at the June Committee that the lane is already utilised by pedestrians. The proposed development will lead to a minimal increase in pedestrian and vehicular traffic, and based on the improvements outlined above, it is considered the development will lead to an improvement in highway safety terms. Plans will also be circulated to the Planning Committee at the 18th July meeting to illustrate the width of the lane and how vehicles and pedestrians will benefit from adequate space.

It should also be noted that if the application is refused and an appeal is lodged, if that appeal were to be successful the appointed Inspector may remove the requirement for the one-way system and associated lane improvement works thereby removing the highway safety improvements negotiated as part of the current application.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report, on the basis that the site represents a good opportunity to utilise land within the settlement boundary in close proximity to Blackwood Town Centre, to build very much need affordable dwellings to satisfy the local need. However, should members be minded to refuse the application, the following reason for refusal is suggested:

- In the absence of a pedestrian footpath the increased volume of traffic associated with the development would result in a loss of highway safety for pedestrians using the rear lane network contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/1033/FULL 11.12.2017	Pobl Group Mr Taylor C/o LRM Planning Ltd 22 Cathedral Road Cardiff CF11 9LJ	Construct seven dwellings and associated works, including the creation of a one-way system to serve the development Land At Grid Ref 317269 196829 Coronation Road East Lane Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on land to the rear of Gordon Road and Coronation Road, Blackwood.

Site description: Vacant parcel of land within settlement. Currently overgrown vegetation and off-street parking area.

Development: It is proposed to redevelop the land for seven dwellings, to include five two-storey dwellings, and two one-bedroom flats. The site is laid out with the five proposed houses facing east onto the lane that serves the site with off-street parking to the front. The two proposed flats are contained within a single two storey building that faces west, again, with parking to the front.

The development also proposes a one-way system along the rear lane that serves the site. Access will be gained off Gordon Road, and vehicles will exit onto Coronation Road. A separate traffic order application will be required to facilitate this one-way system, and the development will be subject to such a successful traffic order application. This will be controlled by way of a Grampian condition.

Dimensions: Plots 1 & 2 (the two flats) have a footprint that measures 8.1 metres in width, 8.9 metres in depth, with a height of 8.1 metres to ridge level;
Plots 3-5 (three x two-bedroom houses) have a footprint that measures 17.7 metres in width, 8.2 metres in depth, with a height of 8.6 metres to ridge level;
Plots 6 & 7 (a two-bedroom house and a three-bedroom house) has a footprint that measures 11.0 metres in width, 9.6 metres in depth, with a height of 8.6 metres to ridge level.

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Application No 17/1033/FULL Continued

Materials: Walls: Multi brown clay brick, dark brown plinth brickwork. Grey powder coated aluminium cladding.

Roof: Grey metal standing seam roof (zinc or similar powder coated), and integral solar panels.

Doors and windows: Grey composite.

Rainwater goods: Grey metal powder coated.

Ancillary development, e.g. parking: Twelve car parking spaces are proposed, along with a battery store building to serve the proposed flats.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within the Settlement Boundary.

Policies: Policy SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW11 (Affordable Housing Planning Obligation) as well as advice contained in Supplementary Planning Guidance LDP5 (Car Parking Standards).

NATIONAL POLICY Planning Policy Wales and TAN12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions including a condition requiring creation of a one-way system by way of a traffic order.

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Application No 17/1033/FULL Continued

Head Of Public Protection - No objection subject to conditions requiring noise and dust mitigation during construction works.

Senior Engineer (Land Drainage) - No objection subject to land drainage condition.

Dwr Cymru - Provide advice to the developer.

CCBC Housing Enabling Officer - Requires the provision of 25% affordable housing onsite, i.e. 2 of the proposed dwellings.

The Coal Authority - No objection based on the submitted Geo Technical and Geo Environmental Report, and concludes that there is no risk to development from past mining.

Ecologist - No objection subject to conditions.

Blackwood Town Council – Object to the development because of their concerns about access to the site.

ADVERTISEMENT

Extent of advertisement: 67 neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: 17 objection letters have been received to date and a petition has been received signed by 38 signatories.

Summary of observations: - Existing access inadequate to serve proposed development;

- Un-adopted access for refuse collection vehicles;
- Car cutting corner adjacent to the site which is privately owned;
- Danger to pedestrian using the lane;
- Detrimental impact on existing ecology onsite;
- Drainage issues in the area;
- Loss of community facility/play area/green space;
- Disruption during construction;
- Loss of privacy;
- Loss of light;
- Noise impact;
- Loss of community;
- Increased traffic will undermine existing boundary walls;

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Application No 17/1033/FULL Continued

- No street lighting on the rear lane;
- Damage to existing boundary wall of property adjacent to the entrance to the lane off Gordon Road;
- Existing spaces used by social services;
- Flooding of existing lane during heavy rainfall.
- Development it contrary to the Human Rights Act.

SECTION 17 CRIME AND DISORDER ACT

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Ecological surveys have been undertaken and fully assessed by the Council's Ecologist. Based on the findings of these surveys, no objection is raised by the Council's Ecologist subject to conditions.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, new residential dwellings are CIL liable. The site is located in the mid-range viability zone where the charge is £25 per square metre. The developer may benefit from a CIL exemption if the development is for the provision of affordable housing.

ANALYSIS

Policies: The application site is located within the Settlement Boundary and therefore the principle of development is acceptable subject to material planning considerations. In this instance those material considerations are as follows:

1. Impact on visual and residential amenity;
2. Impact on highway safety for pedestrians using the lane as well as vehicles;
3. Ecology.

AMENITY

Policy CW2 relates to Amenity and states:

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:
A - There is no unacceptable impact on the amenity of adjacent properties or land;

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Application No 17/1033/FULL Continued

B - The proposal would not result in over-development of the site and/or its surroundings;

C - The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;

D - Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.

The application site is bounded to the north by the properties on Coronation Road, to the east by the lane that runs along the rear boundary of the properties along Lilian Road, and to the south by the properties on Fairfield Close. Along the western boundary of the site is a garage courtyard. The proposed dwellings are located at least 21 metres from any habitable room windows of the surrounding properties and the proposal therefore fully complies with Council adopted guidance in relation to privacy distances. A condition will be attached to the permission requiring the south facing windows of Plot 3 be obscurely glazed to protect the privacy of the properties to the south on Fairfield Close. Also, given the distance of the properties from the nearest residential properties, the development will not result in an unacceptable overbearing or overshadowing impact on any nearby properties. For these reasons the development is considered to be acceptable in residential amenity terms.

In terms of visual amenity, the proposed dwellings have been well designed in terms of their layout, massing and materials, and will result in an attractive development on the site. Given the site is bounded in all direction by existing residential development, the proposal represents an appropriate use of the land that is compatible with surrounding land uses. Each dwelling will benefit from adequate levels of off-street car parking as well as private amenity space, and based on this the proposal does not represent over-development of the site. Based on the above, the proposal is considered to accord with Policy CW2 of the Local Development Plan.

HIGHWAY SAFETY

The highway network that will serve the proposed development are the lanes that run to the rear of Lilian Road and Fairfield Close/BT telephone exchange. A significant element of the proposed development is the requirement, on the part of the developer, to create a one-way system, where entry is gained off Gordon Road, and a user of the lane would be required to exit onto Coronation Road. Whilst the development will generate additional traffic movements along these lanes, the creation of a one-way system will likely improve highway safety and cars will no longer meet along these sections of lane travelling in opposite directions. On this basis the Transportation Engineering Manager does not object to the proposal.

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Application No 17/1033/FULL Continued

Another consideration is the inability to provide a footpath linking the site to Gordon Road or Coronation Road, due to limited carriageway width. Whilst it is usually the case that such pedestrian footpaths are required to serve new development, in this instance, the inability to do so is not considered to warrant a refusal of planning permission. It is understood that the rear lane is already used on a regular basis by pedestrians, and the proposed development will not result in a significant number of additional pedestrian movements per day above this existing usage. Furthermore, the creation of a one-way system will improve pedestrian safety as users of the lane will only have to deal with vehicles coming from one direction. There will also be a requirement by way of condition that the lane from Gordon Road to the site is improved in the interests of highway safety, i.e. the introduction of a rumble strip at the entrance to the lane to slow vehicles down, and by placing several street lighting columns along the route of the proposed one-way system. This element will significantly improve the existing scenario for pedestrians using the lane in the evenings of winter months when it is dark. For these reasons, whilst it is accepted that this is not the ideal scenario, on balance, it is not considered to warrant a refusal of planning permission.

ECOLOGY

Ecological surveys of the site have been undertaken and assessed by the Council's Ecologist. On the basis of these surveys, no objection is raised to the proposal subject to conditions.

OTHER CONSIDERATIONS

Policy CW11 (Affordable Housing Planning Obligation) states that on site that accommodate 5 or more dwellings the provision of an element of affordable housing is required. For the Blackwood area that provision is 25% of the total number of houses proposed, which, in this case would account to 2 of the proposed dwellings. As the applicant is Pobl, i.e. an RSL, this requirement will be controlled by way of condition.

Comments from Consultees: No objection is raised subject to conditions and advice. Blackwood Town Council raise objection to the application on the basis that the highway network serving the site is inadequate, and has been addressed above.

Comments from public:

1. Existing access inadequate to serve proposed development - No objection is raised by the Transportation Engineering Manager subject to conditions, including the requirement to create a one-way system.
2. Inadequate access for refuse collection vehicles - Technical analysis has been undertaken of the suitability of the lane to accommodate refuse vehicles, as well as a trial undertaken by the Local Authority's Refuse collection section. The trial run was successful following the same route as the proposed one-way system.

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Application No 17/1033/FULL Continued

3. Car cutting corner adjacent to the site which is privately owned - The plans have been amended to exclude the small triangle of land and it has been demonstrated that vehicles can turn up the lane without cutting this corner, including refuse vehicles.
4. Danger to pedestrian using the lane - Whilst it is accepted that it would be preferable to provide a pedestrian footpath linking the site to Gordon Road, given the limited width of the lane this is not possible. However, given the likely limited increase in traffic, coupled with the lane already being used by pedestrian, along with the introduction of lighting and a one-way system this issue is not considered to warrant a refusal of planning permission. This view is supported by the Transportation Engineering Manager.
5. Detrimental impact on existing ecology onsite - Ecological surveys of the site have been undertaken and assessed by the Council's Ecologist. On the basis of these surveys, no objection is raised to the proposal subject to conditions.
6. Drainage issues in the area - A land drainage condition will be a requirement of any planning permission to ensure development does not have a detrimental impact on land drainage in the area. Foul drainage is a matter to be controlled by Dwr Cymru/Welsh Water who have raised no objection.
7. Loss of community facility/play area/green space - The site is currently overgrown and the scene of fly tipping. It does not appear to be a well used play facility.
8. Disruption during construction - As with all development there will be an element of disruption during works. However this is inevitable and not a justifiable reason to refuse planning permission. Conditions are recommended in respect of noise and dust control.
9. Loss of privacy - As discussed above, no windows in the proposed development are located within 21 metres of direct view of a window in surrounding existing properties. Therefore the development is acceptable in privacy terms.
10. Loss of light - Given the position of the proposed dwelling, they will not result in a significant overbearing or overshadowing impact on nearby properties.
11. Noise impact - Residential use of the land in a residential area is not an unacceptable impact in terms of noise impact.
12. Loss of community - It is unclear how the creation of new dwellings will impact on the existing community.
13. Increased traffic will undermine existing boundary walls - If damage is caused by vehicles this would be a private legal matter. An increase in the usage of the adopted lane should not undermine existing boundary walls.
14. No street lighting on the rear lane - This would be a requirement of any planning permission and would improve highway safety.
15. Damage to existing boundary wall of property adjacent to the entrance to the lane off Gordon Road - Damage caused by vehicles striking the wall would be a private legal matter.
16. Existing spaces used by social services - This would not warrant a refusal of planning permission.

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Application No 17/1033/FULL Continued

17. Flooding of existing lane during heavy rainfall - A land drainage solution to drain the proposed site would be a planning requirement.

18. Development is contrary to the Human Rights Act - This is a concern that is often raised but there is no conflict in this respect. The planning system by its very nature respects the rights of the individual whilst acting in the interests of the wider community. In this case it is clear that the development complies with the Council's guidance and policies.

Other material considerations: The application represents a good opportunity to provide seven new properties within the settlement boundary in a highly sustainable location. The application site is currently underused and reportedly linked with anti-social behaviour during the evening hours and also used for fly tipping.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number: S.7544-200, One way system proposals to existing lane at rear of Coronation Road/Gordon Road (excluding proposed 1m footway shown) received 07.02.2018;
Site Location Plan received 30.11.2017;
Drawing: 2000-041, Proposed Elevations (2 person 1 bed flat) received 30.11.2017;
Drawing: 2000-042, Proposed Floor plans (Plots 3-5) received 30.11.2017;
Drawing: 2000-043, Proposed Floor plans (Plots 6&7) received 30.11.2017;
Drawing: 2000-044, Proposed Elevation (Plots 3-5) received 30.11.2017;

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Application No 17/1033/FULL Continued

Drawing: 2000-045, Proposed Elevation (Plots 6&7) received 30.11.2017;

Drawing: 2000-050, Proposed Site Plan received 30.11.2017.

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

- 03) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 04) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 05) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the residential of the area.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.
REASON: In the interests of the visual amenities of the area.
- 07) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.

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Application No 17/1033/FULL Continued

- 08) 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.
- 09) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASOPN: To ensure that reptiles are protected, in the interests of biodiversity.
- 10) The 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.
- 11) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention and protection of hedgerows along the northern boundary of the site shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with.
REASON: In the interest of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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Application No 17/1033/FULL Continued

- 12) 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 the new properties at Land at Coronation Road, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 13) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or Starling) in the new properties at Land at Coronation Road, Blackwood, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) 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.
- 15) No works shall commence on site until the implementation of a one way road traffic order running along the lanes serving the site, entering the proposed one-way system off Gordon Road and existing the one-way system onto Coronation Road, has been implemented and is in force.
REASON: In the interests of highway safety.
- 16) The proposed parking area as shown on the approved plans shall be completed in materials that shall have first been agreed in writing with the Local Planning Authority prior to occupation of any of the dwellings hereby approved.
REASON: In the interests of highway safety.

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Application No 17/1033/FULL Continued

- 17) The sections of highway serving the proposed development shall be improved in a manner that shall have first been agreed in writing with the Local Planning Authority prior to occupation of the dwellings hereby approved. These improvements shall include the creation of a 'rumble strip' on the junction of Gordon Road and the lane, and the introduction of street lighting columns.
REASON: In the interests of highway safety.
- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the south facing windows of Plot 3, as shown on the submitted plans, shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 19) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and agreed in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the agreed scheme. The scheme shall include:
- a. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than one of the approved housing units.
 - b. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, except where tenants exercise the Right to Acquire under the Housing Act 1996.
 - c. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - d. Where the development is not carried out by a Registered Social Landlord (RSL) the arrangements for the transfer of the constructed affordable housing to a Registered Social Landlord.
 - e. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing (unless no market housing is provided within the development hereby approved).
- REASON: To ensure that affordable housing is provided in accordance with adopted Council policy.

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: Policies CW2, CW3 and CW11.

PLANNING COMMITTEE 20.06.2018

APPENDIX

DEFERRED FOR REASONS FOR REFUSAL

