

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

**APPLICATION TYPE:** Outline Application

**SITE AND DEVELOPMENT**

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

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

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

Use: Residential

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

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

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

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Dimensions:

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

Minimum width: 6m.

Maximum width: 12m.

Minimum length (depth) 8.5m.

Maximum length (depth) 11m.

Minimum ridge height 8.5m.

Maximum ridge height: 8.9m.

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

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

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

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

Policies:

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

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Supplementary Planning Guidance.

LDP 4 - Trees and Development.

LDP 6 - Better Places to Live.

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

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

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

### CONSULTATION

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

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

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

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

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

Recommends planning conditions in respect of Ecological matters.

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

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

Principal Valuer - No comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADVERTISEMENT

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

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

Summary of observations:

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

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

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

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

COMMUNITY INFRASTRUCTURE LEVY (CIL)

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

ANALYSIS

Policies:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Comments from public:

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

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

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

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

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

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

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- Loss of wildlife.

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

- Restrictions/Loss of parking and for existing residents.

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

- Devaluation.

This is not a material planning consideration.

- Sufficient housing within Nelson and these are not required.

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

- Redevelopment of the site is suitable.

Other material considerations:

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

A section 106 Agreement may be required where:

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

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

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

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

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

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

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

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

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

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- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The plans and particulars submitted in accordance with Condition 1) shall include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
  - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
  - d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
  - e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
  - f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

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

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

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

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

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

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

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

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

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

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Application No. 19/1018/OUT Continued

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

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Planning Committee – 17.06.20

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Advisory Note(s)

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

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**APPROVE IN ACCORDANCE WITH RECOMMENDATION SUBJECT TO  
REFERRAL TO WELSH GOVERNMENT AND THE SIGNING OF A SECTION 106  
AGREEMENT**