

Application Number: 23/0059/OUT

Date Received: 26.01.2023

Applicant: CCBC

Description and Location of Development: Erect up to 23 residential units and associated, highway, drainage and landscape infrastructure - Land At Former Aldi Stores Ltd Tre-Edwards Rhymney.

APPLICATION TYPE: Outline Application.

SITE AND DEVELOPMENT

Location: The application site is situated on vacant land to the north of Old Brewery Lane and to the west of Tre-Edwards, Rhymney.

Site description: The site comprises of a long and narrow hard surfaced area associated with the access, car parking area and building footprint of the former Aldi supermarket. The northern half of the site is well screened from the surrounding area by existing trees along the site's western, northern and eastern boundaries. The southern half of the site is more open with views into the site from the east at Tre-Edwards Terrace and from the south at Old Brewery Lane. Along the eastern boundary is direct vehicle access off Aneurin Bevan Road and Tre-Edwards with an unclassified lane identified as Tre-Edwards west, running parallel to the south-eastern boundary and to the rear gardens of the properties along Tre-Edwards to meet the adopted highway of Old Brewery Lane at the site's southern boundary with the self-build residential properties of Old Brewery Lane beyond.

The western edge of the site runs parallel to National Cycle Route (NCR) 468 and provides a direct route to New Tredegar and Pengam and forms part of the developing network running the length of the Rhymney Valley to NCR 47. It also connects in a northerly direction to NCR 46 to the Heads of the Valleys Road.

Development: Outline planning permission is sought in respect of development of up to 23 residential units with associated highway, drainage and landscape infrastructure.

The indicative masterplan submitted indicates that the proposed development would comprise of a mixture of two storey and three storey houses and apartment blocks with vehicle access served off Aneurin Bevan Road and Tre-Edwards to one dwelling via Old Brewery Lane. The developable areas would be limited to that of the hard surfaced areas within the site and would include a drainage attenuation area, areas of public open space and a local area of play.

All matters relating to access, appearance, landscaping, layout and scale have been reserved for future consideration and as such, only the principle of the proposed residential development is being considered at this stage.

The planning application and related plans are supported with the following documents:

Coal Mining Risk Assessment;
Design and Access Statement;
Desk Study Environmental and Site Investigation Report;
Indicative Drainage Strategy;
Noise Planning Report;
Pre-Application Consultation (PAC) Report;
Preliminary Ecological Appraisal;
Strategic Landscape Plan;
Technical Drainage Note;
Topographical Survey;
Tree Survey Report; and
Transport Statement.

Dimensions: The site area amounts to 1.06 hectares and is irregular but broadly rectangular in shape with maximum dimensions of 243 metres at its longest and 65 metres at its widest.

The scale parameters for the proposed two storey 2 x bedroom semi-detached dwellings are as follows:

Length - Minimum 7 metres and Maximum 12 metres.
Width - Minimum 4 metres and Maximum 7 metres.
Height to ridge - Minimum 6.5 metres and Maximum 11 metres.

The scale parameters for the proposed two storey 3 x bedroom semi-detached dwellings are as follows:

Length - Minimum 7 metres and Maximum 12 metres.
Width - Minimum 4 metres and Maximum 7 metres.
Height to ridge - Minimum 6 metres and Maximum 11 metres.

The scale parameters for the proposed three storey 3 x bedroom semi-detached dwellings are as follows:

Length - Minimum 7 metres and Maximum 12 metres.
Width - Minimum 4 metres and Maximum 7 metres.
Height to ridge - Minimum 9 metres and Maximum 13 metres.

The scale parameters for the proposed two storey 3 x bedroom detached dwellings are as follows:

Length - Minimum 4 metres and Maximum 8 metres.
Width - Minimum 7 metres and Maximum 12 metres.
Height to ridge - Minimum 6 metres and Maximum 11 metres.

The scale parameters for the proposed three storey 3 x bedroom detached dwellings are as follows:

Length - Minimum 4 metres and Maximum 8 metres.

Width - Minimum 7 metres and Maximum 12 metres.

Height to ridge - Minimum 9 metres and Maximum 13 metres.

The scale parameters for the proposed two storey 4 x bedroom detached dwellings are as follows:

Length - Minimum 7 metres and Maximum 11 metres.

Width - Minimum 7 metres and Maximum 12 metres.

Height to ridge - Minimum 6 metres and Maximum 11 metres.

The scale parameters for the proposed three storey 4 x bedroom detached dwellings are as follows:

Length - Minimum 7 metres and Maximum 11 metres.

Width - Minimum 7 metres and Maximum 12 metres.

Height to ridge - Minimum 9 metres and Maximum 13 metres.

The scale parameters for the proposed two storey apartment buildings are as follows:

Length - Minimum 8 metres and Maximum 20 metres.

Width - Minimum 4 metres and Maximum 12 metres.

Height to ridge - Minimum 6 metres and Maximum 11 metres.

The scale parameters for the proposed three storey apartment buildings are as follows:

Length - Minimum 8 metres and Maximum 20 metres.

Width - Minimum 4 metres and Maximum 12 metres.

Height to ridge - Minimum 9 metres and Maximum 13 metres.

Materials: To be determined at reserved matters stage.

Ancillary development, e.g. parking: To be determined at reserved matters stage.

PLANNING HISTORY 2010 TO PRESENT

14/0257/NOTD - Demolish former retail food store - Prior Approval Granted 02.09.2014.

POLICY

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

Site Allocation: The application site is located within the settlement boundary of Rhymney and falls within the Twyn Carno electoral ward.

Policies: The Policies of relevance in the Local Development Plan are:-

Strategic Policies

Policy SP1 Development Strategy - Development in the Heads of the Valleys Regeneration Area (HOVRA);
Policy SP4 Settlement Strategy;
Policy SP5 Settlement Boundaries;
Policy SP6 Placemaking;
Policy SP7 Planning Obligations;
Policy SP10 Conservation of Natural Heritage;
Policy SP14 Total Housing Requirements; and
Policy SP15 Affordable Housing Target.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;
Policy CW2 Amenity;
Policy CW3 Design Considerations - Highways;
Policy CW4 Natural Heritage Protection;
Policy CW5 Protection of the Water Environment;
Policy CW6 Trees, Woodland and Hedgerow Protection;
Policy CW10 Leisure and Open Space Provision;
Policy CW11 Affordable Housing Planning Obligation; and
Policy CW15 General Locational Constraints.

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;
LDP4: Trees and Development;
LDP5: Car Parking Standards; and
LDP6: Building Better Places to Live.

NATIONAL POLICY Future Wales: The National Plan 2040

Policy 2 Shaping Urban Growth and Regeneration - Strategic Placemaking;
Policy 3 Supporting Urban Growth and Regeneration - Public Sector Leadership;
Policy 7 Delivering Affordable Homes;
Policy 9 Resilient Ecological Networks and Green Infrastructure;
Policy 12 Regional Connectivity; and
Policy 13 Supporting Digital Communications.

Planning Policy Wales Edition 11, February 2021;

Technical Advice Note 2: Planning and Affordable Housing;
Technical Advice Note 5: Nature Conservation and Planning;
Technical Advice Note 11: Noise; and
Technical Advice Note 18: Transport.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No in that the proposed development does not reach the 150 dwellings threshold as set out in Schedule 2 Part

10 (Infrastructure projects) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Was an EIA required? No.

COAL MINING LEGACY

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

CONSULTATION

Transportation Engineering Manager - CCBC - Disputes the sustainability credentials of the site to allow for a reduction in off-street car parking however no objection is raised in principle to the consider the principle of residential development on the site subject to conditions. Informative advice is also provided.

Environmental Health Manager - No objection subject to conditions.

Heritage And Placemaking Officer - No comments received.

Senior Engineer (Drainage) - Advises that Sustainable Drainage Approval is required and there may be a requirement to obtain Ordinary Watercourse Consent also. Informative advice is also provided to the developer.

Senior Arboricultural Officer (Trees) - No objection but provides informative comments to inform any reserved matters scheme.

Parks And Countryside Operations Manager - No comments received.

Estates Manager - No adverse comments offered.

CCBC Housing Enabling Officer - For the purposes of the Affordable Housing SPG, the site is located in the Heads of the Valleys Regeneration Area, which attracts a nil affordable housing contribution. Although, an affordable housing contribution can be sought by the Council where the development is shown to be viable. The proposal is for the development to consist of over 50% affordable homes, which is above policy compliance and should be secured by way of a S106 agreement.

Waste Strategy and Operations Manager - No comments received.

21st Century Schools Manager - There is room in all the local schools for pupils applying through the normal admissions rounds.

Ecologist - No objection subject to the imposition of conditions to any consent in respect of a biodiversity strategy and the treatment of any invasive species on the site.

Landscape Architect - CCBC - No objection subject to conditions.

Dwr Cymru - No objection but detailed informative advice is provided to inform any future reserved matters application.

Chief Fire Officer - No comments received.

The Coal Authority - No objection subject to conditions.

Police Architectural Liaison Officer - No comments received.

Western Power Distribution - Provides informative advice to the developer if they require a new connection or a service alteration.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, by means of a site notice and eight neighbour consultations were sent to neighbouring properties.

Response: None.

Summary of observations: Not applicable.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?
There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? European protected species implications are unlikely to be significant issue following a satisfactory Preliminary Ecological Appraisal survey reviewed by this Council's Ecologist, however advisory notes will be added to any consent granted as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the proposed development is CIL Liable but is not chargeable in that the site is located within the low viability area for which CIL is charged at a rate of £0 per square metre.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is previously developed land within the settlement boundary for which development is normally permitted subject to the requirements of other relevant Local Development Plan (LDP) policies and material planning considerations. Therefore the main issues for consideration in the determination of this application are:

The principle of development on the site;
Ecology and landscape impacts;
Leisure and open space provision;
The impact upon residential amenity; and
The impact upon the highway network.

These issues will be discussed in turn.

THE PRINCIPLE OF DEVELOPMENT ON THE SITE

The application site is a brownfield site located in the Heads of the Valleys Regeneration Area (HOVRA). Policy SP1 of the Local Development Plan (LDP) states that proposals in the HOVRA will be required to promote the north of the County Borough as a tourist, employment and residential area at the heart of the valleys city region; provide appropriate forms of growth in response to the role and function of settlements; and serve to address existing problems of deprivation in order to sustain and develop communities in a manner that is consistent with the underlying principles of sustainable development. The Development Strategy for the HOVRA seeks to exploit appropriate development opportunities where they exist in the more deprived northern part of the County Borough, with a view to creating a viable future for all of the communities in this area with the Strategy seeking to accommodate new housing in villages where there is a need to diversify the housing stock in order to retain the existing population and regenerate existing communities. The erection of up to 23 dwellings in the HOVRA therefore accords with Policy SP1.

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development within existing settlements. The application site falls within the defined settlement boundary of Rhymney and in policy terms re-development of the site would be consistent with Policy SP5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted 2010.

Policy SP4 (Settlement Strategy) defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area.

The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Rhymney is identified as a key settlement and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

Chapter 4 of PPW covers the theme of active and social places. With respect to transport the planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. The site is within walking distance of a number of local facilities including community, education, health services, recreational spaces, local convenience stores and food outlets together with being in close proximity to Rhymney railway station which forms part of the core valley line in addition to the wider town centres of Bargoed, Merthyr Tydfil and New Tredegar being easily accessible by public transport. Furthermore, the site runs parallel to National Cycle Route 46.

In line with national planning policy, 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. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). In that the proposed development exceeds more than 100 square metres of floor space the development will require SUDs approval. The indicative masterplan indicates a drainage basin will be provided in the south-western corner of the site and those technical details will require consideration from the Sustainable Drainage Approval Body (SAB), an independent approval process outside of planning legislation.

From a placemaking perspective the surrounding area is predominately characterised by two storey residential buildings, varying in form between traditional terraced buildings to more modern detached and semi-detached houses. The appearance of surrounding buildings is also varied and the surrounding area is not considered to have any strong prevailing character. In design terms all matters are reserved for future consideration. However, the scale parameter details indicate that the proposed development, comprising of two storey and three storey houses and apartment buildings would be consistent with the prevailing height of surrounding buildings.

It should however be noted that the detail submitted at outline stage is only illustrative at this stage and any detailed reserved matters application will also need to consider the role in which the planning system has to play in making the development resilient to tackling the climate emergency through the decarbonisation of the energy system, improving air quality and the sustainable management of natural resources along with shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal as part of the Well-being of Future Generations Act.

It is therefore considered that in principle, the proposed residential development is compliant with Policy SP6.

ECOLOGY AND LANDSCAPE IMPACTS

In tandem with criterion D of Policy SP2, Policy SP10 (Conservation of Natural Heritage) is of relevance and indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. One site of Importance for Nature Conservation (SINC) NH3.1 River Rhymney is located within 10 metres of the site with the development site falling within the Zone of Influence of the Rhymney River. The application is supported by a Preliminary Ecological Appraisal (PEA) and confirms that there was evidence found to indicate that land immediately adjacent to the application site is likely to be used by protected species but no habitats of particular ecological interest or conservation concern were found to be present within the site.

The PEA also confirmed that the woodland areas along the site's peripheries provided habitat activity for birds and bats and should be strengthened through native shrub and tree planting, improving connectivity to the adjacent River Rhymney SINC corridor together with providing an appropriate buffer between the areas providing natural habitats and the built form of the proposed development. There are areas within the site that would result in the loss of pollinator habitats, scattered scrub and perennial / ruderal species which have colonised on areas of bare ground and Japanese knotweed has been identified near the north-eastern boundary of the site. The Council's Ecologist has reviewed the PEA and its recommendations and no objection is raised subject to the imposition of conditions in relation to a biodiversity strategy and the treatment of Japanese knotweed imposed to any consent. In that regard the suggested biodiversity strategy condition will inform the finer details of a reserved matters scheme and it would not be appropriate to impose such conditions at outline stage.

In terms of landscaping, the masterplan for the site has been developed around the principle of the retention of existing landscape features. The indicative masterplan facilitates the retention of mature trees and hedgerows around the site peripheries, and tree loss would only occur where considered essential along the western boundary with the following principles set out for the future landscaping strategy:

Existing trees and hedgerow species retained and enhanced through native understorey woodland planting and gapping up of existing hedgerow where required. Gaps to be filled with similar native hedgerow species to ensure existing green infrastructure corridors are retained;

Periphery wildflower/perennial meadow species providing a feathered edge to the development, embedding it within its local context organically to create a generous network of habitat and biodiversity that form part of the street scene. Rain gardens to be present within those areas to enhance the sustainable urban drainage features;

Proposed native, non-native and fruit bearing species of trees planted throughout the street scene to provide a mix of disease/pest resilient trees, whilst also creating a green and leafy street scene, ensuring variable scales of green infrastructure are included throughout the development;

Areas of wetland/marginal planting providing habitat and uplift in site biodiversity, whilst also providing aesthetic quality to a functional space;

Hedgerows to include native and edible species and will be used as a primary boundary treatments to the front of dwellings and to the street scene; and

New habitats will be created in suitable buffers from the development, including native species of trees and flowering plants.

Policy CW6 (Trees, Woodland and Hedgerow Protection) therefore requires that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. In respect of trees, the submitted Tree Survey indicates that a small number of low to moderate quality ash trees ranging between 6-8 metres in height would be felled along the site's western boundary to accommodate the residential development with the majority of perimeter trees and hedgerows to be retained. The Council's Arboricultural Officer has reviewed the Tree Survey submitted and raises no objection but further detailed surveys would be required at reserved matters stage and it is advised that the loss of any further trees should be avoided through a sensitively designed layout.

Similarly, the Council's Landscape Architect has also requested further information to be provided at reserved matters stage through the imposition of a condition and recognises that the western boundary of the site and its connectivity to the River Rhymney SINC is considered to be an important wildlife corridor and will require enhancing with native species, to both improve the biodiversity and visual amenity. Further informative comments are provided, however, in that the application is only seeking outline planning consent with all matters reserved to establish the principal of residential development on the site, the level of information submitted to accompany the indicative masterplan layout is considered sufficient at this stage and it would not be considered reasonable to impose a condition at outline stage requiring a scheme of landscaping to inform the reserved matters in that this can be further controlled by condition at reserved matters stage.

It is therefore considered that subject to appropriate mitigation the proposed development provides the opportunity for an enhancement to the biodiversity and ecological importance of the adjacent SINC through a sensitively designed comprehensive landscape masterplan that will be addressed at reserved matters stage. On that basis there is no reason to indicate that the proposed development would not have an unacceptable impact on protected species and the natural heritage of the area and therefore complies with Policies SP10 and CW6.

LEISURE AND OPEN SPACE PROVISION

Policy CW10 requires all new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3 ha to make adequate provision for useable open space, appropriate formal children's play facilities and adequate outdoor sport provision to meet the needs of the residents of the proposed development. The indicative masterplan shows that the proposed development is capable of providing the number of dwellings proposed along with providing informal areas of open space and a local area of play area with buffer zone. Whilst the masterplan is only indicative, it has been demonstrated that the provision of appropriate levels of public open space to serve the proposed development is in accordance with the Fields in Trust standards and this can also be secured by way of condition to inform any reserved matters layout. It is also noted that there are other outdoor recreational facilities in terms of tennis courts and a hard surface sports court within a 500 metre walk to the south of the site at The Terrace, Rhymney. The level of on-site leisure and open space provision is considered proportionate to the scale of the proposed development and would therefore meet the requirements of Policy CW10.

THE IMPACT UPON RESIDENTIAL AMENITY

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately adjacent to existing two storey dwellings. Whilst it is acknowledged that the submission details for the proposed development are only indicative, the scale parameters and masterplan demonstrate that the proposed dwellings can be accommodated within the site comfortably together with providing a sufficient level of outdoor amenity space for its future occupiers in line with a similar provision to that of the existing built form along with demonstrating off-street car parking provision. The maximum number of dwellings to be provided on the site will also be controlled to prevent any future reserved matters layout being compromised in terms of over-development.

In terms of neighbouring amenity there is no reason to indicate that the proposed development would have any unacceptable overbearing or overshadowing impacts on the amenity of existing neighbouring properties in that the required privacy distances and minimum standard garden areas would need to be demonstrated at reserved matters stage when the full details of the development's layout, scale, appearance and landscaping would be fully considered. On that basis it is therefore considered that the application site is capable of accommodating the proposed residential development without having any unacceptable impact on the amenity of the occupiers of neighbouring properties and accordingly, the proposal would meet the requirements of Policy CW2.

THE IMPACT ON THE HIGHWAY NETWORK

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) requires development proposals that have the potential to generate a significant number of trips

(either as an origin or a destination) 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. In that regard, the closest north and south bound bus stops to the site are located on Rhymney High Street (B4257), approximately a 400 metre walk to the east of the site with one service running every 15 minutes, on average, during the peak morning hour and there is one service every 12 minutes, on average, during the evening peak hour. Rhymney Railway Station is located approximately a 750 metre walk to the south of the site and can be accessed within a 9 minute walking journey. Hourly services from Rhymney to Penarth via Cardiff run throughout the day, with three services run between 07:00-08:00 hours.

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. In terms of vehicular access the illustrative details indicate that the main vehicular access serving the site will be obtained from the existing priority junction onto Glan-Yr-Afon, which historically served the former Aldi supermarket on the site. At the southern end of the site a driveway access will also be obtained from the northern end of Old Brewery Lane, which would serve one property. A turning head is also indicated to serve the one property orientated towards Old Brewery Lane to enable all vehicles to enter and leave the property in forward gear.

Pedestrian footpaths are also provided on both sides of the existing priority junction onto Glan-Yr-Afon and are indicated to continue into the site on both sides of the internal access road, with a minor amendment proposed to the alignment of the footway on the southern side of the access. The existing pedestrian footpath on the western side of Old Brewery Lane will also continue into the site to allow safe internal pedestrian connectivity between the two sites and access to the wider facilities to the south of the site. Furthermore, direct access from within the site to National Cycle Route 46 is also indicated.

A Transport Statement accompanies the planning application submission details and provides a comprehensive assessment of the transport implications associated with the proposed development. The submitted document considers the historical vehicle trip generation associated with the former Aldi's food store and the proposed residential development using the Trip Rate Information Computer System (TRICS). The TRICS data in respect of 1645 square metres supermarket indicates that the likely peak hour traffic generation for the former food store is estimated to have generated 25 two-way vehicular movements during the AM peak hour and 71 two-way vehicular movements in the PM peak hour. Across a 12 hour period, the former food store is estimated to have generated 894 two-way vehicular movements.

In terms of the estimated vehicle trip generation for the proposed residential development of up to 23 dwellings the TRICS data forecasts that the residential development is likely to generate 11 two-way vehicular movements during the AM peak hour and 10 two-way vehicular movements during the PM peak hour. Across a 12 hour

period, the proposed development is forecast to generate 98 two-way vehicular movements. This would equate to a maximum of one vehicle on the local highway network every five to six minutes, on average, during the busiest hours. It is therefore considered that the number of vehicle trips would have a negligible impact on the capacity of the local highway network and on the operation of local junctions, furthermore it is also likely that any vehicle movements would be travelling in different directions on the wider network reducing the negligible impacts even further.

The Council's Transportation Engineering Manager has reviewed the Transport Statement and concludes that the surrounding highway network is considered to have sufficient capacity to accommodate the increase in vehicular movements without having a detrimental impact on highway safety. However, one point of note remains that the Transport Statement has gone to great lengths to justify a reduction in the level of off-street parking to serve the proposed development, the Council's highway officers have also carried out a sustainability and accessibility appraisal and their findings do not consider that the level of car parking for the proposed development is in accordance with Supplementary Planning Guidance LDP5: Car Parking Standards and as such the layout including car parking arrangements will require re-consideration at reserved matters stage. Subject to the imposition of a condition to this effect and several other highway safety conditions, no objection is raised by the Council's Transportation Engineering Manager and the proposed development is therefore considered compliant with Policy CW3.

In conclusion Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6). The site is brownfield land within the defined settlement boundary of Rhymney and prior to the demolition of the existing building benefitted from an A1 planning land use. The proposed development complies with both local and national planning policies, and whilst the amount of proposed market and affordable housing proposed would not make a significant contribution to the overall supply of housing in the County Borough, it would make a much-needed contribution and presents the opportunity to provide up to 23 dwellings within the Heads of the Valleys Regeneration Area. The proposed development has not identified any unacceptable impacts in relation to highway safety, amenity, placemaking or the natural environment that can't be adequately mitigated by means of specific conditions or addressed at reserved matters stage through an appropriately designed housing development. It is therefore considered that the suitability of the site for residential purposes is acceptable in planning terms.

Comments from Consultees: The Council's Housing and Enabling Officer has requested that the applicant enter into a S106 agreement to provide the indicated 57% affordable homes and tenure mix as indicated in the Design and Access Statement and Scale Parameters Plan. However, the applicant is Caerphilly Homes and as such it is not possible for individual departments within the Council to enter into legal agreements between themselves. Consideration has been given to controlling the affordable

housing provision by imposing a condition to any consent if members are mindful to approve the development. However, in this instance having regard to the most recently available Local Housing Market Assessment (LHM) published in 2018 and information that has been provided from the Housing Commons Register, there is presently only a small need for affordable housing required in the Twyn Carno ward. It would not, therefore, be reasonable or necessary for the Local Planning Authority to impose a condition requiring a development in the Heads of the Valleys Regeneration Area to provide a percentage of affordable homes greater than the 40% threshold set in the Caerphilly basin in that it would not meet the tests set out in Welsh Government Circular 016/2014: The Use of Planning Conditions For Development Management (2014).

Whilst the affordable housing target of delivering at least 964 affordable units between 2006 and 2021 has not been met and the Annual Monitoring Report (AMR) continues to recommend that proposals for residential development should be considered on their relative merits on a site-by-site basis, having regard to the need to increase the housing land supply, despite the Local Planning Authority being unable to impose a condition to secure the level of affordable housing proposed, it would not affect the delivery of affordable housing on the site in that there are other mechanisms available to Caerphilly Homes to ensure that the proposed level of affordable housing is provided on the site. Accordingly, the proposed development would still meet with the requirements of Policies SP14 (Total Housing Requirements) and SP15 (Affordable Housing Target).

Comments from public: None.

Other material considerations: Paragraph 1.18 of PPW states:-

"A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review. Legislation secures a presumption in favour of sustainable development in accordance with the development plan unless material considerations indicate otherwise to ensure that social, economic, cultural and environmental issues are balanced and integrated."

Paragraph 4.2.2 of PPW states:-

"The planning system must:
identify a supply of land to support the delivery of the housing requirement to meet the differing needs of communities across all tenures;
enable provision of a range of well designed, energy efficient, good quality market and affordable housing that will contribute to the creation of sustainable places; and
focus on the delivery of the identified housing requirement and the related land supply."

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

been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) 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) 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.
- 03) 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.
- 04) The development shall be carried out in accordance with the following approved plans and documents:
Dwg No 04 Rev A Parameters Plan and Red Line Site Boundary Plan received on 23.01.2023;
Coal Mining Risk Assessment prepared by Integral Geotechnique received on 23.01.2023
Desk Study Report prepared by Integral Geotechnique received on 23.01.2023;
Noise Planning Report prepared by Hydrock received on 23.01.2023;

Preliminary Ecological Appraisal Report prepared by Wildwood Ecology received on 23.01.2023; and

Transport Statement prepared by Apex Transport Planning received on 23.01.2023.

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

- 05) This permission is for no more than 23 dwellings.
REASON: To retain effective control of the development in that more than 23 dwellings on the site would fail to provide a high standard of design in terms of placemaking and leisure and open space provision in accordance with policies SP6 and CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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.
- 07) 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.
- 08) 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.
- 09) The primary means of vehicular access to the development shall be from the existing site access off Tre-Edwards. The access shall be fully upgraded in accordance with a scheme of full engineering details which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site.

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

- 10) No development shall commence on site until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The Construction Method Statement shall include details of:
 - hours of working;
 - the on-site parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used during construction works;
 - wheel washing facilities;
 - the erection and maintenance of security hoardings;
 - measures to control noise during construction works;
 - measures to control pollution from plant and runoff;
 - measures to control the emission of dust and dirt during construction works; and
 - details of a scheme for the recycling/disposing of waste resulting from construction works.Thereafter the construction of the development shall be undertaken in accordance with the approved Construction Method Statement.

REASON: In the interests of amenity in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 11) The internal estate road layout shall be designed to the principles of Department of Transport documents Manual For Streets and Manual For Streets 2 and shall include the pedestrian and cycle links.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Off street parking provision shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP 5 Car Parking Standards.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Details submitted in relation to Condition 1 of this permission shall include details to take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those facilities shall include areas of well-designed open space that benefit from good access and surveillance together with a suitably sized Local Equipped Area of Play (LEAP) and shall be designed in accordance with the standards set out in Fields in Trust guidance. The development shall be carried out in accordance with the approved details prior to the occupation of the development.

REASON: To ensure the adequate provision of public open space in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Prior to the commencement of the development hereby approved a remediation plan detailing the treatment for Japanese Knotweed identified on the site shall be submitted to and approved in writing by the Local Planning Authority. The remediation plan shall be implemented as agreed by a suitably qualified and licenced contractor.
REASON: To prevent possible offences under the Wildlife and Countryside Act 1981 (as amended) by preventing damage to the proposed new building and infrastructure and to prevent the spread of a schedule 9 species.
- 15) Details submitted in relation to Condition 1 of this permission shall include the following surveys:-
Tree Constraints Plan (TCA);
Tree Protection Plan (TPP);
Arboricultural Implications Assessment (AIA); and
Arboricultural method statement (AMS).
REASON: In the interests of visual and residential amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Prior to the submission of any reserved matters application, intrusive site investigations shall be undertaken in accordance with Section 5.10 of the Coal Mining Risk Assessment Report prepared by Integral Geotechnique (14126/LP/22/CMRA November 2022).
REASON: In the interests of public safety.
- 17) Details submitted in relation to Condition 1 of this permission shall include the following:
The submission of a report of findings arising from the intrusive site investigations;
The submission of a layout plan that identifies the location of the mine entry, if found within the site including the calculated zone of influence (no build exclusion zone) of any mine entry within influencing distance of the site to illustrate how this relates to the layout to be considered; and
The submission of a scheme of remedial and / or mitigation measures required to address land instability arising from coal mining legacy, as may be necessary.
REASON: In the interests of public safety.
- 18) Prior to the commencement of development, implementation of the approved remedial works shall be carried out in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
REASON: In the interests of public safety.
- 19) Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been

made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

REASON: In the interests of public safety.

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

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

- 21) Prior to works commencing on site details shall be submitted for a minimum of 25% of the residential units to be constructed to make provision to allow for the installation of electric charging points for vehicles.

REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

Please refer to Public Access on the Council's website to view the comments of the consultees that are brought to the applicant's attention that inform any future details reserved by condition and subsequent reserved matters application. Informative information is also provided.

The applicant should be made aware that the developments access/off site proposals will require highway licences/agreement and no work shall be undertaken on or adjacent to the adopted highway until such have been agreed in writing and therefore it is advised that the applicant discuss requirements as soon as possible after planning permission is granted.

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance

where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

WARNING:

SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty. The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.