

**Application Number:** 23/0882/FULL

**Date Received:** 08.01.2024

**Applicant:** Castell Group

**Description and Location of Development:** Demolish existing public house and erect residential development of 26 apartments, landscaped access, vehicle parking, public open space, and associated works - The New Forge Brynhoward Terrace Oakdale Blackwood NP12 0LG

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application site is located on Brynhoward Terrace, Oakdale.

Site description: Long established vacant public house, with a number of parking bays to the front of the site and a large car park to the rear. The site is currently enclosed with heras fencing and the windows and doors within the building are boarded up for security purposes. Vehicular access into the site is located along the western boundary and the site falls away in a southerly to northerly (front to rear) direction.

Residential properties are located along the western and northern boundaries, the eastern boundary is enclosed by a timber fence beyond which is a hedgerow forming the boundary of one of Croespenmaen's protected public open space/ amenity areas and also forms part of leisure allocation LE 5.4 Former Oakdale Colliery and is bounded by further residential development beyond. A pedestrian footpath fronts the southern boundary with an intervening 6.5 metre wide carriageway. On the opposite side of the carriageway there are two detached dwellings with residential properties to the east and Oakdale Athletics Track to the west.

Development: Full planning permission is sought to demolish the existing public house and erect residential development of 26 apartments, landscaped access, vehicle parking, public open space, and associated works.

Dimensions: Block 1 is T-shaped and has a maximum footprint measuring 11.05 metres wide and 24.01 metres long. The principal elevation of the building facing Brynhoward Terrace measures 6.9 metres to the eaves and 10.05 metres to ridge height. As the land falls away to the rear the building measures 7.41 metres to eaves and 10.78 metres to ridge height.

The ground floor comprises of 4 x 1 bedroom apartments and 2 x 2 bedroom apartments.

The first floor comprises of 4 x 1 bedroom apartments and 2 x 2 bedroom apartments.

The second floor comprises of 6 x 1 bedroom apartments.

Block 2 is located to the rear of Block 1 and has a maximum footprint measuring 26.01 metres wide and 20.03 metres long. The building steps down from three storeys to two storeys in height towards the northern end of the site. The maximum height of the three storey element measures 7.48 metres to the eaves and 10.76 metres to ridge height and the maximum height of the two storey element measures 5.9 metres to the eaves and 9.0 metres to ridge height

The ground floor comprises of 2 x 1 bedroom apartments and 1 x 2 bedroom apartments.

The first floor comprises of 2 x 1 bedroom apartments and 1 x 2 bedroom apartments. The second floor comprises of 2 x 1 bedroom apartments.

Materials: The walls comprise of red/brown multi facing brick with contrasting brick cills, heads and soldier courses, stone quoins and white coloured rough cast render. The roofs comprise of blue/ grey fibre cement slates and GRP roofing to dormer windows together with upvc fascias, rainwater goods and windows.

Ancillary development, e.g. parking: The development will be served by 26 off-street car parking spaces and one visitor space. Cycle storage, bin stores, outdoor drying areas and communal garden areas and low level retaining walls along the western boundary are indicated.

PLANNING HISTORY 2010 TO PRESENT18/0090/FULL - Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works - Granted - 18.02.2019.

19/0509/ADV - Erect three fascia signs, two internal posters and one projecting sign - Granted - 20.08.2019.

19/0508/FULL - Erect two new air conditioning condenser units in a security cage and two extract grilles - Granted - 20.08.2019.

19/0373/COND - Discharge Condition 02 (Materials - samples/details req) Condition 04 (Clearance Breeding Birds) Condition 05 (Illumination Bats) Condition 06 (Enhancement hedgerow for bats) Condition 07 (Mitigation for Robin/Thrush) Condition 08 (Bat Roost Provision) Condition 09 (Breeding Bird Provision) Condition 11 (external plant and machinery) Condition 14 (Site control - dust suppression) Condition 15 (Site control - noise suppression) Condition 19 (Construction - structural calcs) Condition 22 ( Drainage - prov before occ details req) of planning consent 18/0090/FULL (Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works) - Decided - 01.06.2020.

23/0181/COND - Discharge condition 22 (Drainage) of planning consent 18/0090/FULL (Partly demolish existing building and change the use of the existing Class A3 (public

house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works) - Decided - 27.04.2023.

23/0573/COND - Discharge condition 22 (Drainage) of Planning Consent 18/0090/FULL (Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works) - Decided - 09.10.2023.

23/0715/NCC - Vary condition (01) of planning consent 18/0090/FULL (Partly demolish existing building and change the use of the existing Class A3 (public house) and erect new extension to create two Class A1 (retail) units, servicing area, car parking and associated works) to extend the lifetime of the consent for a further 2 years - Granted 12.04.2024.

## POLICY

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

Site Allocation: The application site is located within settlement limits.

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

### Strategic Policies

Policy SP2 Development Strategy - Development in the Northern Connections Corridor (NCC);

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 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 12, February 2024;

Technical Advice Note 2: Planning and Affordable Housing;  
Technical Advice Note 5: Nature Conservation and Planning;  
Technical Advice Note 18: Transport; and  
Technical Advice Note 23: Economic Development.

#### 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? Not applicable.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No, the application site is located within a low risk coal mining referral area. However, standing advice will be provided to the developer by way of an informative note.

#### CONSULTATION

Environmental Health Manager - No objection subject to conditions in relation to noise and dust mitigation. Informative advice is also provided regarding the presence of asbestos with the existing building.

Senior Engineer (Drainage) - No comments received.

Dwr Cymru - No objection in principle to the foul flows discharging to the public sewer and requests the imposition of a condition to reflect this to ensure surface water flows do not connect directly or indirectly with the public sewerage network.

Estates Manager - Property Division - No adverse comments offered.

CCBC Housing Enabling Officer - The proposed development is situated in the Penmaen ward and Northern Connections Corridor for the purpose of the Affordable Housing SPG. As such it attracts an affordable housing target of 25%. 25% of 26 units would be 7 when rounded up. If the scheme were to come forward as a 100% affordable housing development then the amount of affordable to be delivered would be above what is required by policy.

The 2018 LHMA shows a clear need for 1 and 2 bedroom accommodation both in the immediate ward and wider housing market area.

In terms of the plans, the bedrooms in some block 1 apartments back directly on to the living room of other apartments, which may create the potential for noise nuisance and suggests that the layouts are flipped to mitigate this - so bedrooms back onto bedrooms.

Requests that all bathrooms in the 1 bedroom flats are fitted with a walk-in shower rather than a bath, which is consistent with the advice provided by the Council on all new developments. All affordable units will need to be built to the Welsh Government WDQR standard.

If approved, the applicant will need to enter into a s106 agreement to cover the arrangements in relation to the affordable housing contribution. If the application progresses as planned and Linc Cymru draw down grant funding then they will be the recipient of the affordable housing contribution. If not, the contribution will be transferred to the Council. Advice on this matter can be provided at the time of drafting the s106.

CCBC - 21st Century Schools Manager - The schools that would be affected by the proposed development are: Rhiw Syr Dafydd Primary; Islwyn High School; YG Cwm Derwen; and YG Cwm Rhymini.

There is room in all the above schools for catchment pupils applying through the normal admissions rounds.

Parks And Countryside Operations Manager - No comments received.

Waste Strategy And Operations Manager - The compound should be of an adequate size to store the quantity of bins/food caddies also an appropriate turning facility should be provided.

Chief Fire Officer - Provides informative advice to the developer.

National Grid - No comments received.

Ecologist - The building on the site has been identified as a roost for Common Pipistrelle bats and as acknowledged in the Ecology report, a European Protected Species licence from NRW will be required in addition to the planning consent.

Whilst the recommendations are made for biodiversity conservation and enhancement, these are not specific and a Biodiversity Strategy will therefore be required, detailing the nature and location of biodiversity conservation and enhancement measures. This should be secured by way of a planning condition imposed to any consent.

Police Architectural Liaison Officer - No comments received.

Senior Arboricultural Officer (Trees) - No objection subject to the conditions in relation to arboricultural method statement and arboricultural method statement. A matter has also been raised in relation to the maintenance responsibility for the adjoining hedgerow and whether it will fall to the council to maintain.

Landscape Architect - CCBC - The revised landscaping scheme is considered acceptable.

Further detail is required in terms of hard landscaping, boundary treatments and cycle shelter all of which may be dealt with by condition.

Transportation Engineering Manager - CCBC - The proposed development consists of 20 no. 1 bedroom apartments, 6 no. 2 bedroom apartments. The proposal is located within parking zone 4, as set out in the Council's Supplementary Planning Guidance (SPG). As such, the proposed apartments have an off-street requirement of 1 space per bedroom (maximum requirement 3 spaces) for residents plus 1 space per 5 units for visitors. The development has a total requirement of 37 spaces.

The submitted site plan indicates provision for 27 spaces for the proposed apartments, a short fall of 10 spaces from the developments SPG requirement. Provision of 27 spaces equates to 1 space per apartment plus and 1 additional space for visitors. Given that at least 1 space per apartment is provided and that any visitor parking is likely to be typically limited to short periods of time and would be able to utilise any available space within the site, the proposed provision of 27 spaces is, on balance, considered acceptable.

The proposal also has a requirement to provide cycle parking provision of 1 stand per 5 bedrooms for the apartments. The 26 no. apartments have a total of 32 bedrooms, resulting in a requirement of 6 stands, or 12 cycles spaces.

No highway objection is raised subject to conditions to secure on site parking and cycle storage, for the developer to submit a Construction Method Statement and measures to ensure surface water run-off from within the site do not discharge into the highway.

Informative advice is also provided to the developer regarding the proposed vehicle footway crossover.

Senior Arboricultural Officer (Trees) - No further comments received in response to the queries raised previously.

Placemaking Officer - Douglas McGlyn - The scheme has gone through a number of revisions and the amendments to include additional detailing to the elevations and is now considered to be acceptable.

## ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, by means of a site notice and neighbour letters and was also re-advertised locally following receipt of amended plans.

Response: 13 representations and an MP objection were received upon receipt of the initial neighbour consultation and 4 representations were received following re-advertisement of the amended plans.

Summary of observations: The following representations were received:-

1. The change from the previous permission from retail units to flats does not appear to be the best form of development for the area.
2. The previous proposal provided more facilities to serve the community.
3. The development does not meet the needs of the community.
4. CCBC keep accepting different proposals on the site in the hope of wearing down objecting residents.
5. The number of changing proposals for the site has impacted the health and wellbeing of residents.
6. Suggests alternative uses for the site.
7. The infrastructure and services available in Oakdale do not support such a large development of flats.
8. The development amongst other recent planning approvals will exacerbate existing pressures on health services and education needs within the area which are already strained.
9. The proposal will not accord with the Welsh Government Wellbeing Economics Strategy.
10. New infrastructure and services are required before further housing developments can be provided.
11. The proposal focuses solely on maximisation of profit based on the number of units that can be squeezed into the site.
12. The height of the buildings are out of character with the surrounding built form. Whilst two properties at Gwesty Close are much taller in height and comparable to the height of the proposed buildings, the overall massing and footprint of the proposed buildings are of a much larger scale.

13. The proposed development is intrusive and will give rise to direct overlooking and loss of privacy.
14. Future occupiers will have a clear view into private gardens and habitable rooms.
15. It is reasonable for residents to enjoy and maintain privacy where it existed previously, particularly at first floor level.
16. The vast amount of windows is an invasion of privacy.
17. The drawings fail to show the relationship between the development and Waun Y Gof House, this is viewed as a deliberate attempt to omit key information.
18. The buildings will block out a lot of light when there are properties already receiving limited light, this situation would be exacerbated during the winter months.
19. The communal garden areas are too close to neighbouring properties.
20. Concerns regarding the use of the communal gardens and potential damage to the privately owned boundary fence.
21. The location of the refuse collection area is too close to the neighbouring gardens.
22. Concerns in relation to odour, vermin and potential impacts on neighbouring property by poor management and would only be compounded if CCBC collection services reduce.
23. The proposed development will increase drainage issues at the site and risk water damage to neighbouring properties.
24. The pavement outside Waun Y Gof House is not maintained by the council and therefore should not be included in the proposals.
25. The location of flats directly opposite a school is inappropriate.
26. Suggests alternative house types for the site.
27. The lack of green spaces within the village and surrounding areas are declining by the day.
28. Gold crested newts, badgers and hedgehogs require protection from the development.
29. Concerns raised about the future occupiers of the flats.
30. Confirmation as to whether the apartments will be available for purchase or private letting.
31. The development is advertised as affordable housing but there is fear that the development will be passed on to a social landlord.
32. Requests reassurances that property values and the safety of existing residents will not be compromised by any future occupiers.
33. The Transport Statement contains paragraphs 4.3.10, 4.3.13 and 4.3.14 and draws comparisons which have no relevance to the site.
34. The Transport Statement is flawed by relying on cycling routes when the site can only be accessed uphill from all directions and there is no other infrastructure that can be relied upon.
35. There are insufficient parking spaces for an area with minimal transport infrastructure.
36. Visitor parking is not suffice and the highway cannot support on street car parking.
37. Queries how the parking will be enforced, the 2 bedroom flats may have 2 cars.
38. The proposed development poses a threat to all highway users.
39. There is no consideration to the safe access and egress of vehicles entering and leaving Waun Y Gof House.



40. Additional levels of noise of vehicles entering, leaving and idling at the site will give rise to noise nuisance and disturbance.

41. Letter from MP setting out the concerns raised by one resident included in the above representations

## 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. Furthermore, it can be argued that development of the site will prevent further vandalism and the attraction of groups/individuals breaking in and entering the vacant building at present.

## EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The application is accompanied by an Ecological Impact Assessment Report and Updated Walkover Survey where it is confirmed that the vacant building was identified as a day roost for 2 common pipistrelle bats, along with high levels of foraging/ commuting activity by the same species observed in the gardens to the north and along the hedgerow to the east of site. In such instances the Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests have been applied and answered as follows:

(i) There are overriding economic, public safety and social reasons to re-develop the brownfield sites as the existing building has fallen into a state of disrepair and exacerbated by vandalism. Market forces prior to Covid 19 has previously determined that the public house was unviable to continue as a business and re-development of the site will deliver a number of affordable homes to contribute to the overall housing need and shortfall within the County Borough.

ii) An alternative proposal for the building would be to do nothing and allow the vacant building to fall into disrepair that would prevent future re-use of the site. It should be noted that there is also an extant permission on the site (planning reference 123/0715/NCC) to partly demolish the existing building and change the use of the

existing Class A3 (public house) and erect new extension to create two Class A1 (retail units, servicing area, car parking and associated works) to extend the lifetime of the consent for a further 2 years, that application is the subject of extending the period of time to commence the originally approved application in 2019. Whilst all pre-commencement conditions have been discharged, given the length of time since that has lapsed, and the discussions had with commercial operators/ retailers in relation to the individual operational requirements it is clear that the site has sufficient constraints to prevent conversion of the existing building for retail purposes. Consequently, there is no other satisfactory alternative other than to re-develop the site in its entirety.

(iii) The surveys of the site confirmed no presence of bat droppings and extremely low numbers (2) of common pipistrelle bats were identified emerging from the building in the second dusk emergency survey undertaken to buildings across the site. A detailed Method Statement of works will be submitted for the development to minimise any impact on the bats providing adequate mitigation for any loss. The favourable conservation status of the species is therefore unlikely to be affected by this development in that any mitigation sought will maintain and enhance the roosting opportunities for common pipistrelle species at this location.

#### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable as new residential floor space is being created. The site is located within the mid viability area for which CIL is charged at a rate of £25 per square metre plus indexation.

#### ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance to demolish the existing public house and erect residential development of 26 apartments, landscaped access, vehicle parking, public open space, and associated works. The loss of the public house has previously been considered in association with planning consent 18/0090/FULL granted in February 2019, therefore the main issues for discussion in the determination of this application are:

- The suitability of the site for residential development,
- Affordable housing provision
- Planning obligations
- Placemaking and design
- Ecology and landscape impacts;
- The impact upon residential amenity; and
- The impact upon the highway network;

These issues will be discussed in turn.

#### THE SUITABILITY OF THE SITE FOR RESIDENTIAL DEVELOPMENT

The application site is a vacant brownfield site located in the Northern Connections Corridor (NCC). 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 site is not covered by any allocations or designations according to the LDP Proposals Map 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 (LDP) in that it promotes the full and effective use of urban land and serves to concentrate new development within the existing settlement.

Policy SP2 (Development Strategy in the Northern Connections Corridor (NCC) requires development proposals within the NCC to promote sustainable development. Specifically proposals in this area should be targeted to both greenfield and brownfield sites having regard to the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; and protect the natural heritage from inappropriate forms of development.

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. Oakdale is identified as a residential area and the application site meets the definition of previously developed land (also referred to as brownfield) as set out in Planning Policy Wales (PPW).

In settlements, brownfield land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome. Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. 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, convenience stores, recreational spaces and formal leisure provision together with the nearest Principal Town Centre of Blackwood easily accessible by public transport.

Having regard to the above, it is therefore considered that the principle of re-developing the site for residential purposes is considered acceptable in land use terms subject to satisfying all other material planning considerations.

With regards to housing need, Policy SP14 made provision for 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8,625 new dwellings required to meet the moderate growth strategy of the LDP. This equated to an annual requirement of 575 dwellings per annum. The most recent Annual Monitoring Report (AMR) of the LDP was approved in October 2022 and includes a housing trajectory of the 15 year plan period up to 2021 plus 6 years (see Appendix 1 of AMR). This shows that the number of dwellings completed has been below the annual requirement of 575 dwellings per annum since 2008/09 and is forecast to continue to be below this requirement for most years up to 2026/27. There is just one exception in the year 2023/24 where the number of dwelling completions is forecast to be 625 units. The affordable housing target of delivering at least 964 affordable units between 2006 and 2021 (Policy SP15) has also not been met and the 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.

The proposed residential development would provide 26 apartments all of which are proposed to be affordable. Whilst the overall amount of housing proposed on the site would not make a significant contribution to the overall supply of housing, it would make a much needed contribution, particularly in terms affordable housing. Accordingly, the proposal would meet the requirements of Policies SP14 and SP15.

## AFFORDABLE HOUSING

In terms of affordable housing Policy CW11 (Affordable Housing Obligations) seeks to negotiate the inclusion of an appropriate element of affordable housing on housing developments of five or more dwellings. Policy CW11 states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of:

- 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
- 25% in the Northern Connections Corridor (excluding Newbridge); and
- 10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area) up to 25% in the Northern Connections Corridor subject to viability.

The site falls within the Penmaen ward, which attracts an affordable housing target of 25%. The Council's Housing Enabling Officer has requested that the proposed development should provide 25% of the overall number of dwellings proposed as affordable housing, this equates to 7 apartments when rounded up.

## PLANNING OBLIGATIONS

In tandem with Policy CW11 Policy SP7 (Planning Obligations) recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council will be seeking to secure the residential development to provide 25% of the proposed apartments as affordable housing. Whilst it is acknowledged that the proposed development seeks to provide a 100% affordable housing scheme development, which is over and above the required 25% housing target, the Local Planning Authority can only request to secure the relevant housing target for the area in terms of any Section 106 agreement. The agent on behalf of the developer has provided a statement confirming that they are willing to enter into the necessary Section 106 agreement to secure the delivery of affordable housing.

## PLACEMAKING AND DESIGN

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 terms of the design and layout of the proposed development this has responded to the existing built form and access arrangements to the site. It should be noted that the proposal has evolved through both the pre-application stage and application process in response to the requests made by Officers to reduce the overall scale and massing, improve the design detailing and roof forms and to provide acceptable levels of amenity for existing neighbouring residents and future occupiers of the development.

Each of the two apartment blocks are located towards the southern and eastern boundaries to reflect the siting of the vacant public house and promote a sense of place and active frontage along Brynhoward Terrace, with the site access and parking arrangements remaining in a similar fashion towards the western boundary with significant landscaping and useable outdoor amenity space wrapping around areas of hard surfacing. Each block is two and a half storeys in height with the roof space incorporating projecting gable dormer windows on the principal and side elevations with their overall design providing an architectural response to the immediate street scene and the wider Oakdale Conservation Area, which is within walking distance to the site.

The material palette and design detailing requested by Officers comprises of a variety of finishes and whilst the final external finishes have been agreed in principle, it is considered necessary for the exact materials to be used to be formally submitted and this can be controlled by condition.

It is therefore considered that the proposed development does have regard to the local context, is of an appropriate scale and design that would sit comfortably with the context of the site and would be in keeping with the character and appearance of the local area and wider Oakdale Conservation Area. The landscaping scheme also provides a positive contextual response to the streetscene and reinforces the residential role of the area. Accordingly, the proposed development would meet the requirements of Policy SP6.

In terms of sustainability credentials, the proposed development will adopt modern methods of construction and have been designed to comply with Welsh Government's Design Quality Requirements (WDQR), and Lifetime Homes standards. They will also be non fossil fuel dependent with reliance on air source heat pumps and photovoltaic roof arrays in order to achieve the required 'A' rated Energy Performance Certificate (EPC) to ensure that the proposed development can be as efficient as possible in terms of its carbon footprint and overall heat demand for its future occupiers in order to secure the relevant Welsh Government grant funding.

With regards to surface water management the proposed development will require Sustainable Urban Drainage approval. The drainage details submitted for consideration indicates various drainage attenuation measures to be provided throughout the site comprising of bio-retention garden areas, underground tanks, permeable paving and large areas of useable open space. Those technical details will require technical consideration and separate consent from the Sustainable Drainage Approval Body (SAB), an independent approval process outside of planning legislation.

## 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. The application is supported by an Ecological Impact Appraisal (EIA) Report in response to a Preliminary Roost Assessment and a Preliminary Ecological Appraisal originally carried out in 2017 and follow up survey in 2022. In 2017 the vacant public house offered low potential to support bats, a single bat activity survey was undertaken and no bat roosts were identified in the building. In 2022 a change in circumstances to the condition of the building as a result of vandalism offered moderate bat roost suitability. Two additional bat activity surveys were therefore undertaken.

The 2023 EIA Report incorporates the 2022 survey work with an updated desk based assessment and concludes that the building is utilised as a day roost for two pipistrelle bats and it cannot be guaranteed that there is no maternity use of the building. Several

recommendations have been made within the EIA Report to mitigate for the loss of the roost. The Council's Ecologist has reviewed the PEA and its recommendations and no objection is raised subject to the imposition of a condition in relation to a biodiversity strategy to secure appropriate mitigation for the day roost and additional biodiversity enhancement. Should planning permission be granted a European Protected Species (EPS) licence will be required from Natural Resources Wales prior to demolition works and as part of obtaining the EPS licence and the developer will need to submit the approved biodiversity strategy.

With regards to green infrastructure (GI) there is very little in terms of existing soft landscaping or GI features of note within the site as it is occupied by a vacant building and the associated parking and hard standing areas. The site does however benefit from some small areas of vegetation to the front of the site and a hedgerow behind the fence line along the eastern boundary adjacent to the formal open space at Blacksmith Close, which is not within the ownership of the landowner. A GI statement, Soft Landscaping Scheme, Tree Constraints Plan and Tree Survey accompanies the submission.

Policy CW6 (Trees, Woodland and Hedgerow Protection) requires that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. There are no trees identified in the site for removal and the hedgerow along the eastern boundary is to be retained but has raised some concern in terms of future responsibility and maintenance. The hedgerow runs parallel to the site boundary but the timber fence demarcates the eastern boundary of the site and the hedgerow adjoins the formal leisure allocation and associated public open space within the ownership of the Council, therefore the future maintenance of council assets cannot be passed on to developers by default. No works are proposed to the hedgerow itself but enhancement of new planting species within the site will provide additional foraging and connectivity through the site and along its boundaries to connect directly with the wider ecological network. The development has been sited away from the hedgerow to ensure it is not compromised but should planning permission be granted tree protection measures will be sought by condition to protect the hedgerow during the demolition and construction phases of the development.

In terms of landscaping, a detailed planting scheme has been submitted and the overall design includes a range of GI features to enhance biodiversity across the site and to create multi-functional useable outdoor amenity spaces. The Council's Landscape Architect has confirmed that the proposed landscaping plan in terms of soft landscaping is considered acceptable but further detail is required in terms of the hard surfacing materials and the boundary treatments to be erected. It is considered that such matters can be addressed via conditions requiring the submission and approval of the additional details. Subject to such conditions, 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. Furthermore, the proposed landscaping scheme would provide an appropriate visual setting for the proposed development and therefore complies with Policies SP10 and CW6.

## THE IMPACT UPON RESIDENTIAL AMENITY

Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. In that regard the proposal is for residential development and is located immediately adjacent to two residential estates on the northern side of Brynhoward Terrace and directly opposite detached dwellings on the opposite side of Brynhoward Terrace. The proposed development is considered to be compatible with surrounding land uses and is not considered to be over-development. It should also be noted that the former public house would have created a certain amount of traffic, noise and general disturbance.

In relation to residential amenity the larger of the two proposed apartment blocks would front onto Brynhoward Terrace and would maintain the existing building line. It is accepted that the building would be brought closer to the highway at the corner point of the southern/ western elevations by 5.3 metres and would be positioned at an angle of 14 degrees in anti-clockwise direction to that of the existing building. There is a two storey dwelling (Waun Y Gof House) directly opposite the site and whilst the proposed development is considered to be two and a half storeys in height, it does provide residential accommodation over three floors. In that the existing building on the site is single storey in height, there is no dispute that the outlook from any habitable windows of Waun Y Gof House would change compared to the existing situation and the existing separation distances would reduce from approximately 19.9 metres to 14.6 metres, nonetheless those distances are across an intervening highway and footpath. Therefore the level of direct overlooking between the proposed block 1 building and Waun Y Gof House would be no different to that of a traditional street arrangement with dwellings brought forward to the front of the highway and the overall height, scale and massing of Block 1 is not considered to be overbearing. Furthermore, Future Wales and PPW encourage a higher density of residential development within existing settlements. On that basis it would be unreasonable for the Local Planning Authority to justify warranting refusal of the scheme on loss of privacy, direct overlooking or overbearing to the occupiers of Waun Y Gof House.

With regards to the relationship with the residential properties to the west at Clos Penywaun, the nearest western side elevation of Block 1 would be sited 15.7 metres away from the common boundary and in excess of 32 metres away from the nearest habitable room windows. In terms of the western elevation associated with Block 2 to the rear of Block 1 those distances increase to 20.6 metres and 33.6 metres respectively and the northern elevation of Block 2 would be sited 14.9 metres away from the common boundary. Whilst there would be habitable room windows in the western and northern elevations the relevant separation distances required are exceeded.

Overall it is not considered that the proposed development will give rise to any significant perceived impacts to the nearest residential occupiers in terms of



overbearing, overshadowing and overlooking and as such the proposed development is considered to meet the requirements of Policy CW2.

## THE IMPACT ON THE HIGHWAY NETWORK

Policy CW3 (Design Considerations - Highways) requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Statement (TS) accompanies the planning application submission details and in combination provides a comprehensive assessment of the transport implications associated with the proposed development. The TS sets out the following: Existing conditions regarding the site including location, use, access, road safety analysis and travel behaviour; overview of the highway network and vehicular connection to and from the site; connectivity of the site by sustainable modes of transport; the development proposals and associated highway considerations; along with trip generation and traffic impacts.

In that regard the site is located within a relatively sustainable location, with good public transport links and the existing vehicular access to the site from Brynhoward Terrace would remain unchanged. The proposed development does include a reconfigured access arrangement in the form of a dropped kerb arrangement with extended footway provision to aid and improve pedestrian activity. The layout also indicates an appropriate turning facility for refuse and delivery vehicles to enter and leave the site in forward gear.

In terms of parking arrangements off-street car parking is provided at a level of one space per apartment (26) and would be unallocated. 1 visitor space is also provided. The approach to allow a reduced level of parking on affordable developments has previously been considered acceptable at Ton-Y-Felin Farm Lane, Croespenmaen (Planning reference: 17/0888/FULL) and more recently on the former Oakdale Comprehensive School site (Planning reference: 23/0441/RM). This would be in accordance with the maximum parking standards and in accordance with Paragraph 4.1.51 of PPW whereby it states:-

"A design led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport ... among other things, car parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a shift to walking, cycling and public transport. Moreover, it states that well designed schemes which keep parking levels down, especially off-street parking, must be supported by planning authorities."

This is further reinforced in Policy 12 of Future Wales in respect of car parking matters.

In terms of trip generation the proposed development is forecast to generate 6 two-way movements during the AM Peak and 7 two-way movements during the PM Peak. This is considered to be a minimal level of movements and would not have a material impact on the operation of the highway network, particularly so in that the former public house would have generated a number of vehicle movements to and from the site.

The Transportation Engineering Manager has reviewed the scheme and confirms that the development would provide a shortfall of 10 spaces utilising the maximum standards required in Supplementary Planning Guidance LDP 5: Car Parking Standards. However, confirms that the 27 spaces indicated equates to 1 space per apartment and one visitor space and on balance raises no objection subject to conditions.

## CONCLUSION

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 Oakdale. The proposed development complies with both local and national planning policies, would make a positive contribution to addressing the affordable housing targets for the County Borough and the surrounding highway network is considered to have sufficient capacity to accommodate the modest increase in vehicular movements without having a detrimental impact on highway safety. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement. This application offers an opportunity to provide 26 affordable homes within the Northern Connections Corridor without causing any significant harmful effects which cannot be successfully mitigated.

A Section 106 Agreement will be required to secure affordable housing provision on the site. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision. In that regard there are tests for Section 106 Agreements which have to be met.

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required;
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy.

With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide the deliver affordable homes within the local community.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants as a Registered Social Landlord proposes to provide 100% affordable housing. This exceeds the 25% affordable housing target in the Northern Connections Corridor and is therefore it is only reasonable for the Local Planning Authority to secure the maximum 25% affordable housing target. This would not prevent the Registered Social Landlord from providing the remainder of the apartments as affordable housing.

Comments from Consultees: The comments of consultees have been addressed in the report above.

Comments from public: Responses to the representations received are as follows:

1. The change from the previous permission from retail units to flats does not appear to be the best form of development for the area.

LPA RESPONSE: The landowner has explained that the former use of the site as a public house became unviable which eventually led to the closure of the business. The applicant did originally pursue interest with a commercial/retail operator for a portion of the site but the complexities of the operational requirements post planning consent made the proposal difficult to deliver.

The development for consideration accords with the role and function of Oakdale and the proposed land use responds positively to the immediate and wider surrounding area. Furthermore, the provision of affordable housing would assist in meeting an identified need within the community.

2. The previous proposal provided more facilities to serve the community.

LPA RESPONSE: Please refer to point 1 above.

3. The development does not meet the needs of the community.

LPA RESPONSE: The scheme will deliver 26 affordable apartments comprising of a combination of 1 and 2 bedroom accommodation, which is understood to have been informed by the local housing need within the area. In turn this will help contribute to alleviating the increasing affordable housing need within the local community.

4. CCBC keep accepting different proposals on the site in the hope of wearing down objecting residents.

LPA RESPONSE: This is outside of the control of the Local Planning Authority (LPA). The role of the authority is to assess each application on its individual merits in accordance with national planning policy and guidance, the local development plan and supplementary planning guidance.

5. The number of changing proposals for the site has impacted the health and wellbeing of residents.

LPA RESPONSE: Whilst change can be unnerving for local residents, their representations have been considered as part of the PAC and the consultation exercise as part of the application. The responses to points 1 and 4 above provides clarification on such matters and the role of the LPA.

6. Suggests alternative uses for the site.

LPA RESPONSE: This is outside the scope of the LPA to consider, please refer to point 4.

7. The infrastructure and services available in Oakdale do not support such a large development of flats.

LPA RESPONSE: The number of apartments proposed is not significant or disproportionate to the overall settlement and will not result in any undue pressure to the wider community. Furthermore, it could also be viewed that the additional homes created will help to support existing shops and services through the increased demand.

8. The development amongst other recent planning approvals will exacerbate existing pressures on health services and education needs within the area which are already strained.

LPA RESPONSE: See response to point 7. The Council's Education Department has confirmed that there is adequate provision to accommodate pupils. Aneurin Bevan Health Board is a consultee of the Local Development Plan process and as such would have been fully informed of the number of new dwellings required to meet the predicted growth strategy.

9. The proposal will not accord with the Welsh Government Wellbeing Economics Strategy.

LPA RESPONSE: The Well-being of Future Generations Act looks to achieve economic, social, environmental and cultural wellbeing and the various considerations are linked to one another. Economic factors relate to reinforcing local workforces and providing housing in prosperous locations, which this scheme will promote.

10. New infrastructure and services are required before further housing developments can be provided.

LPA RESPONSE: Please refer to the responses to points 7 and 8 above.

11. The proposal focuses solely on maximisation of profit based on the number of units that can be squeezed into the site.

LPA RESPONSE: The development sought exceeds the affordable housing policy requirements for the area which is 25%. Should planning permission be granted it is to be delivered and managed by a Registered Social Landlord who are a not-for-profit organisation.

12. The height of the buildings are out of character with the surrounding built form. Whilst two properties at Gwesty Close are much taller in height and comparable to the height of the proposed buildings, the overall massing and footprint of the proposed buildings are of a much larger scale.

LPA RESPONSE: Several revisions have been made during the application process to respond to the requests of the Placemaking Officer. The development includes architectural forms and features which are evident within the local vernacular along with a material palette considered appropriate for its context along with the site levels and surrounding context paying particular regard to the nearest residential properties.

13. The proposed development is intrusive and will give rise to direct overlooking and loss of privacy.

14. Future occupiers will have a clear view into private gardens and habitable rooms.

15. It is reasonable for residents to enjoy and maintain privacy where it existed previously, particularly at first floor level.

16. The vast amount of windows is an invasion of privacy.

LPA RESPONSE: In response to points 13-16 the impact upon the residential amenity of existing occupiers has been fully considered. The separation distances from the proposed development to the boundaries of the site and to adjacent properties are considered to be acceptable and in compliance with amenity standards. Where those distances are less it results in opposing principal elevations between Block 1 and Waun Y Gof House on the opposite side of the highway. In this instance, the relationship would be no different to that of any other typical residential street arrangement.

17. The drawings fail to show the relationship between the development and Waun Y Gof House, this is viewed as a deliberate attempt to omit key information.

LPA RESPONSE: The street scenes and context elevations provided illustrate the relationship between the site, the development proposals, and the existing neighbouring properties within the immediate locality, including Waun Y Gof House, located on the opposite side of the highway.

18. The buildings will block out a lot of light when there are properties already receiving limited light, this situation would be exacerbated during the winter months.

LPA RESPONSE: The impact upon the residential amenity of existing occupiers has been fully considered and the siting and orientation of each block avoids any significant overshadowing or loss of light to existing properties.

19. The communal garden areas are too close to neighbouring properties.

LPA RESPONSE: The proposed proximity of the communal garden to existing gardens is not an unacceptable relationship. Furthermore, the increased level of soft landscaping and the removal of the public house could be considered to offer some amenity benefits when compared to the historic uses associated with the former public house and external areas.

20. Concerns regarding the use of the communal gardens and potential damage to the privately owned boundary fence.

LPA RESPONSE: The landscaping scheme indicates planting along the neighbouring fence at the northern boundary of the site. A knee rail is also proposed at the top of the embankment that will deter potential access from the main useable open space area.

21. The location of the refuse collection area is too close to the neighbouring gardens.  
22. Concerns in relation to odour, vermin and potential impacts on neighbouring property by poor management and would only be compounded if CCBC collection services reduce.

LPA RESPONSE: In response to points 21 and 22 the refuse/recycling store has been relocated into the main body of the site, away from the boundaries of the neighbouring properties at the request of the LPA. All refuse and recycling will be contained within a concealed store and will be provided with wash down facilities. This is considered to be an acceptable approach to prevent any potential odour and vermin issues.

23. The proposed development will increase drainage issues at the site and risk water damage to neighbouring properties.

LPA RESPONSE: Surface water drainage proposals have been built into the design albeit these will be subject to a separate vetting and approval process. This would also require separate sustainable urban drainage (SAB) approval from the Local Lead Flood Authority (LLFA). The drainage scheme submitted will need to comply with Schedule 3 to the Flood and Water Management Act (2010) and satisfy the LLFA that the proposed development would not lead to any adverse impacts on the existing hydrology of the area. Such considerations will include demonstrating opportunities to tackle climate change effects in flooding, prevent groundwater contamination and integrate water sensitive urban design solutions to the design of the development, all of which will need to be supported by robust drainage calculations.

24. The pavement outside Waun Y Gof House is not maintained by the council and therefore should not be included in the proposals.

LPA RESPONSE: The pavement outside Waun Y Gof House on the opposite side of the highway is not included within the application site boundary and does not form part of the development for consideration.

25. The location of flats directly opposite a school is inappropriate.

LPA RESPONSE: There is no reason to suggest why an apartment block is not an acceptable form of development within the wider residential context or within walking distance to a school, with the nearest school located 550 metres away from the site.

26. Suggests alternative house types for the site.

LPA RESPONSE: The development sought responds to the local housing needs assessment and the housing mix has been informed by discussions with the Council's Housing Officers.

27. The lack of green spaces within the village and surrounding areas are declining by the day.

LPA RESPONSE: The development does not reduce any existing useable green space within Oakdale. Moreover, the development incorporates areas of useable outdoor space for future residents to enjoy and will result in a net increase in soft landscaping and open space when compared to the existing situation.

28. Gold crested newts, badgers and hedgehogs require protection from the development.

LPA RESPONSE: Ecological surveys have been carried out and no evidence of badgers, great crested newts, or hedgehogs were found within the site. Much of the site is made up of hardstanding which comprises of tarmacadam with some limited vegetated verges and ornamental planting.

29. Concerns raised about the future occupiers of the flats.

LPA RESPONSE: This is not a material planning consideration.

30. Confirmation as to whether the apartments will be available for purchase or private letting.

31. The development is advertised as affordable housing but there is fear that the development will be passed on to a social landlord.

LPA RESPONSE: In response to points 30 and 31 the apartments are to be made available as affordable housing and are to be managed by a Registered Social Landlord. Any future occupiers will be taken from an assigned qualifying waiting list.

32. Requests reassurances that property values and the safety of existing residents will not be compromised by any future occupiers.

LPA RESPONSE: This is not a material planning consideration.

33. The Transport Statement contains paragraphs 4.3.10, 4.3.13 and 4.3.14 and draws comparisons which have no relevance to the site.

LPA RESPONSE: The accompanying Transport Statement provides clarity on the parking arrangements for future residents, which include one space per apartment, plus one additional visitor space.

34. The Transport Statement is flawed by relying on cycling routes when the site can only be accessed uphill from all directions and there is no other infrastructure that can be relied upon.

LPA RESPONSE: The streets within the vicinity of the site are considered conducive to cycling, encouraged by 20-30mph speed limits. There is a National Cycle Network route (NCN467) within 2km of the site. There are also bus stops within walking distance of the site providing access to Oakdale and the wider areas of Newbridge and Blackwood.

35. There are insufficient parking spaces for an area with minimal transport infrastructure.

36. Visitor parking is not suffice and the highway cannot support on street car parking.

LPA RESPONSE: In response to points 35 and 36 the development will provide one off-street car parking space per apartment, with one extra space for visitors use. The

provision offered has been considered by the Transportation Engineering Manager and no objection is raised given the sustainability credentials of the site and the anticipated low car ownership of future residents.

37. Queries how the parking will be enforced, the 2 bedroom flats may have 2 cars.  
LPA RESPONSE: It is unlikely that demand will exceed the supply of parking spaces on the basis that car ownership for these types of units is typically lower. No objection has been raised by the Transportation Engineering Manager in relation to unallocated parking provision within the site.

38. The proposed development poses a threat to all highway users.

39. There is no consideration to the safe access and egress of vehicles entering and leaving Waun Y Gof House.

40. Additional levels of noise of vehicles entering, leaving and idling at the site will give rise to noise nuisance and disturbance.

LPA RESPONSE: In response to points 38-40 the Transport Assessment confirms that the scheme would not have an unacceptable impact on safety, with footways and footpaths within the site separating pedestrians from vehicles, and the access arrangements being formalised and improved in comparison to the existing dropped kerb which extends over a larger width of the site frontage. There is no evidence of a safety issue in relation to the existing site use and access, and the proposed improvements to the access, and minimal vehicle movements generated by the scheme would therefore not lead to an unacceptable impact on safety or give rise to unacceptable levels of noise.

It should also be noted that the historic use of the site would have attracted a number of associated vehicle movements, including delivery and servicing vehicles.

41. Letter from MP setting out the concerns raised by one resident included in the above representations

LPA RESPONSE: These matters have all been addressed in the detailed responses provided above.

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."

Paragraph 4.2.26 of PPW states:

"A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications."

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).

Having regard to the above, the proposed development site's designation as an allocated housing site reinforces its accordance with national policy and guidance together with the local planning policies.

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 12 has also been published on 7th February 2024. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 12 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 12.

RECOMMENDATION that (A) the application be deferred to allow the applicants to enter into a Section 106 Obligation to provide the following:-

1. 25% provision of Affordable Housing.

On completion of the Section 106 Obligation that (B) planning permission is granted subject to the following conditions.

If the obligation is not completed within three months of the resolution to approve, that the Head of Planning and Regeneration be granted delegated powers to refuse the

application for failure to comply with Policy CW11 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
  
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Dwg No. A100 Site Location Plan received on 20.03.2024;  
Dwg No. A102 Proposed Site Layout received on 16.05.2024;  
Dwg No. A103 Block 1 - Ground Floor Plan received on 16.05.2024;  
Dwg No. A104 Block 1 - First Floor Plan received on 16.05.2024;  
Dwg No. A105 Block 1 - Second Floor Plan received on 16.05.2024;  
Dwg No. A106 Block 1 - Elevations received on 16.05.2024;  
Dwg No. A107 Block 2 - Ground Floor Plan received on 16.05.2024;  
Dwg No. A108 Block 2 - First Floor Plan received on 16.05.2024;  
Dwg No. A109 Block 2 - Second Floor Plan received on 16.05.2024;  
Dwg No. A110 Block 2 - Elevations received on 16.05.2024;  
Dwg No. A111 Context Elevations received on 16.05.2024;  
Dwg No. A116 Street Scene received on 16.05.2024;  
Dwg No. A120 Additional Sections received on 16.05.2024;  
Dwg No. C23097-ATP-DR-TP-001 Swept Path Analysis - Large Car received on 20.03.2024;  
Dwg No. C23097-ATP-DR-TP-001 Swept Path Analysis - Refuse Vehicle received on 20.03.2024;  
Dwg No. C23097-ATP-DR-TP-003 General arrangement of Proposed Dropped Kerb Access received on 20.03.2024;  
Dwg No.1174.01 Rev D Soft Landscape Proposals received on 20.03.2024;  
Tree Constraints Plan received on 20.12.2024;  
Ecological Impact Assessment (Bats and Nesting Birds) received on 20.12.2024;  
Ecological Walkover Survey Update Note received on 20.12.2024;  
Tree Survey received on 20.12.2024; and  
Transport Statement received on 20.12.2024.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
  
- 03) Prior to the commencement of the development on site full details of the tree protection measures for the existing trees, shrubs and hedges growing adjacent

to the site have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include a plan clearly showing the location and specification of the protective fencing. The approved protective fencing must be installed prior to the commencement of the development and thereafter retained intact for the full duration of the construction works and there shall be no access, storage, ground disturbance or contamination within the fenced area without the prior written approval of the Local Planning Authority.

REASON: To ensure the satisfactory protection of trees, shrubs and hedges in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 04) Prior to any demolition works commencing on site, a Biodiversity Strategy shall be submitted to, and approved in writing by the Local Planning Authority. The Biodiversity Strategy shall include details of a replacement bat roost (to be mirrored in the NRW licence application), provision of 4No. 3-chamber woodcrete Swift boxes to be erected at the gable apex of the new build, including provision of monitoring; provision of a Boundary Treatments Plan demonstrating hedgehog access through all new boundaries and use of native species in the landscaping scheme. The approved measures shall be provided prior to the occupation of the development and retained in situ for a minimum of 5 calendar years from the completion of the development.

REASON: To provide biodiversity conservation and enhancement measures, in accordance policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021, Part 1 Section 6 of the Environment (Wales) Act 2016, policy contained in Planning Policy Wales (2024) and Technical Advice Note 5: Nature Conservation and Planning (2009).

- 05) Prior to the commencement of the development a scheme for surfacing of the internal pathways to include details of size, texture, colour and edging shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be surfaced in accordance with the agreed scheme and maintained as such thereafter.

REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 06) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To ensure that the works are carried out as approved in the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, height, materials and type of all boundary treatments to be erected including the retaining walls and knee rails as indicated on Dwg No. A102 Proposed Site Layout and Dwg No.1174.01 Rev D Soft Landscape Proposals. The boundary treatment shall be completed in accordance with the approved details before the development is occupied.  
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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;
  - the management of vehicular and pedestrian traffic.
  - wheel washing facilities;
  - the sheeting of lorries leaving the site;
  - 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 demolition and construction of the development shall be undertaken in accordance with the approved Construction Method Statement.  
REASON: In the interests of amenity and highway safety in accordance with policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Notwithstanding the approved layout, no development shall commence until details indicating the provision of an adequate vehicular footway crossover to

serve the proposed development have been submitted to and approved in writing by the Local Planning Authority and shall thereafter be fully implemented in accordance with the approved details prior to beneficial occupation of the development.

REASON: To ensure the adequacy of the proposed means of access, in the interests of highway safety and the free flow of traffic in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 11) Prior to the commencement of the development above Damp Proof Course (DPC) level, details of the layout, design and appearance of the covered cycle store as indicated on Dwg No. A102 Proposed Site Layout shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be provided in accordance with the approved details prior to occupation of the development, and maintained as such thereafter.  
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) Rainwater run-off associated with the development hereby approved shall not discharge into the highway surface-water drainage system.  
REASON: To safeguard the highway drainage system in accordance with policy CW5 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) 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.

### 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. Informative information is also provided.

Warning: A European protected species (EPS) Licence is required for this development. This planning permission does not provide consent to undertake works that require a EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions 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).

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

**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 100m<sup>2</sup> 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](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://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.

**NOTE:**

Prior to the demolition, the applicant is advised to undertake an asbestos survey to ensure that any asbestos containing material is identified and removed by a competent contractor to achieve compliance with the Control of Asbestos Regulations.

**NOTE:**

The applicant is encouraged to liaise with the Council's Highway Development Control team with regard to its requirements for the vehicular footway crossover.