

Application Number: 20/1073/FULL

Date Received: 10.02.2021

Applicant: United Welsh Housing Association

Description and Location of Development: Erect residential development of 23 No. affordable homes, car parking, landscaping and associated works - Land At Grid Ref 315195 191134 Wingfield Crescent East Lane Llanbradach

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 315195 191134, Wingfield Crescent East Lane, Llanbradach.

Site description: The application site is a broadly rectangular but irregular shaped parcel located on land to the east of houses on Wingfield Crescent/Plasturtwyn Terrace and to the south of bungalows on Heol Ty-Gwyn. The site also lies to the north of Wingfield Works which comprises commercial and industrial units.

In respect of existing dwellings, the site is located east of residential properties including a detached property (Lowlands) and the terrace 2-13 (sequential no's) Plasturtwyn Terrace with an intervening rear lane between the rear amenity spaces of these dwellings and the application site. The site then extends across to the western and northern boundaries of an existing industrial estate (Wingfield Works) and to the rear boundary of properties at end of the residential street of Heol Ty Gwyn (60-64 evens only and 65). The proposed vehicle access (shared with existing planning permission 18/1089/FULL which is currently being constructed) is to the north and this access then turns west to join the existing highway network close to an existing side lane between 13 and 14 Plasturtwyn Terrace which provides access onto Wingfield Crescent.

Development: Erect residential development of 23 No. affordable homes, car parking, landscaping and associated works.

The proposed site layout has its main vehicular access to the north to connect to the spine road of the adjacent residential development approved under a separate planning permission (18/1089/FULL) and which is now under construction and has its access from Wingfield Terrace via a side lane.

The development subject to this application is arranged around the continuation of the above mentioned spine road with a 'T' junction with two roads which extend to the east and west. The western spur then turns southwards before a further element projecting westwards and terminates just before the western boundary. The proposed housing

development roads are a mixture of adoptable road and private driveways located at the two ends.

The proposed houses and apartments in two storey blocks (apart from a bungalow) are arranged with their principal elevations fronting the internal access road with blocks 1 and 2 (comprising of 8 apartments) facing eastwards and all the other blocks facing northwards.

The proposed housing mix is as follows:

- 12 No. 1 bedroom apartments.
- 4 No. 2 bedroom dwellings.
- 4 No. 3 bedroom dwellings.
- 1 No. 2 bedroom accessible bungalow.
- 1 No. 2 bedroom dwelling.
- 1 No. 1 bedroom accessible apartment.

Dimensions:

Blocks 1 and 2 which each comprise 8 residential units both measure approximately 29m in length by 7.8m in depth (excluding entrance porches) with an overall height of 7.9m.

Block 3 which comprises 2 residential units measures approximately 7.9m wide by 9.9m deep (excluding entrance porch) with an overall height of 8.5m.

Block 4 which comprises 4 residential units measures approximately 23.5m wide with a maximum depth of 9.3m and an overall height of 8.7m.

Block 5 which comprises 4 residential units measures approximately 23.5m wide with a maximum depth of 9.3m and an overall height of 8.6m.

Block 6 which comprises 4 residential units measures approximately 15.3m wide by 7.9m deep (excluding entrance porch) and an overall height of 7.9m.

Block 7 (Bungalow) which comprises 1 residential units measures approximately 11.5m wide by 10.1m deep with an overall height of 5.9m.

Materials:

Walls.

Render : Through coloured render, Colour : cream.

Stone: Stone panel cladding.

Cladding boards: Grey coloured fibre cement (wood effect) horizontal boarding.

Roof: Blue/black artificial slate.

Windows: Grey PVCu.

Entrance canopies: GRP (Glass reinforced plastic) prefabricated porch in grey colour.

Ancillary development, e.g. parking: Parking provided in a mixture of on-plot, frontage and off-street parking bays.

PLANNING HISTORY 2010 TO PRESENT

18/1089/FULL - Erect residential development of 30 No. affordable homes, highway improvement works, access, car parking and associated works - Granted 22.03.19.

19/0680/NMA - Seek non material amendment to planning application 18/1089/FULL (Erect residential development of 30 No. affordable homes, highway improvement works, access, car parking and associated works) changes to the fenestration of the proposed dwellings including changes to facing materials - Granted 11.09.2019.

20/0607/COND - Discharge conditions 3 (external finishing materials), 5 (highway deposit scheme), 6 (highway scheme), 7 (travel plan), 9 (access improvement scheme), 13 (japanese knotweed and himalayan balsam), 16 (contamination - scheme to treat), 19 (CEMP), 20 (hard and soft landscaping scheme), 21 (boundary treatment/planting), 22 (drainage) and 24 (electric charging points for vehicles) of planning consent 18/1089/FULL (Erect residential development of 30 No. affordable homes, highway improvement works, access, car parking and associated works) - Pending Consideration.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Highways), Policy CW6 (Trees, Woodland and Hedgerow Protection), Policy CW7 (Protection of Open Space), Policy CW11 (Affordable Housing Provision), CW15 (General Locational Constraints), Policy SP4 (Settlement Strategy), SP5 (Settlement Boundaries), SP6 (Place making), Policy SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), Policy SP14 (Total Housing Requirements), Policy SP15 (Affordable Housing Target), Policy SP19 (Transport Infrastructure Improvements).

NATIONAL POLICY

Planning Policy Wales Edition 11.

Technical Advice Note 1: Joint Housing Land Availability Studies (2015).
Technical Advice Note 2: Planning & Affordable Housing (2006).
Technical Advice Note 5: Nature Conservation and Planning (2009).
Technical Advice Note 12: Design (2016).
Technical Advice Note 16: Sport Recreation and Open Space (2009).
Technical Advice Note 15: Development and Flood Risk (2004).
Technical Advice Note 18: Transport (2007).

SUPPLEMENTARY PLANNING GUIDANCE

Caerphilly Basin Masterplan - Approved July 2018.
Supplementary Planning Guidance note LDP 6 (Better Places to Live).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Principal Valuer - No comments.

Ecologist - Raise no objection to the development, but make recommendations for the protection of biodiversity.

Transportation Engineering Manager - Raises no objections to the principle of development and confirms that the scale of the development is such that the additional trip generation would not have a detrimental impact on the local highway network. Advises that the proposed parking should be increased by three spaces.

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to the above planning application, subject to the development should be carried out in accordance with The Noise Assessment Report and subject to conditions to address contamination and construction issues.

Senior Engineer (Land Drainage) - Confirm sustainable drainage approval (SAB approval) is required for the development. Recommend conditions and advisory notes are attached to any permission.

Senior Arboricultural Officer (Trees) - I note the contents of the tree survey and concur that there is little of amenity value in Arboricultural terms on the site itself. I note also that the off-site trees are identified and root protection fencing is to be installed to protect these trees/hedges. Such protection would need to be explicit within the consent, if permission is granted.

Head Of Public Services - Provides advice on waste collection and bin storage requirements.

Dwr Cymru - No objections.

Western Power Distribution - Request that developer is advised that if they require a new connection or a service alteration, they need to make a separate application to WPD.

Landscape Architect - Raises no objection to the development, provides advice and recommendations on boundary treatments, planting and maintenance.

CCBC - 21st Century Schools - Advise that there is adequate room for catchment pupils in all schools (both English and Welsh).

Llanbradach & Pwllpant Community Council - Whilst members of Llanbradach & Pwllpant Community Council acknowledge the need for affordable homes within the borough the proposal of phase two Plasturtwyn Case Ref: 20/1073/FULL raises many issues and our objections are as follows:-

- (i) Insufficient off-road parking bays for existing residents of Plasturtwyn Terrace.
- (ii) Health & safety issue with back gates opening directly onto the lane/proposed highway with no pavement.
- (iii) Garage openings too are directly onto a potential highway.
- (iv) Lane is not wide enough for the passing of two vehicles.
- (v) Land ownership issues.
- (vi) A proposed communal bin store is too close to an existing property.

Ultimately we also have to question the legitimacy and integrity of holding a public consultation during a pandemic, when local bye-elections have been placed on hold, members of the public have been instructed to stay at home and the Senedd elections possibly being rescheduled for the autumn.

CCBC Housing Enabling Officer - The need for affordable housing in the area is supported by the 2018 Local Housing Market Assessment. The development will help assist Council meet some of this identified need. The mix of units to be provided has been agreed with the Housing Department, which includes a bungalow for a disabled person.

Being an affordable housing development, all homes being provided for social rent will need to be built to DQR, Welsh Government's standard for social housing. All flats are required to have their own walk-ups.

In terms of a legal Agreement, Llanbradach falls within the Caerphilly Basin which attracts a 40% target for affordable housing, subject to viability. 40% of 23 homes equates to 9 homes when rounded. This would consist of:

8 x 1 bed 2 person flats; and;
1 x 2 bed 3 person bungalow.

It is understood that the applicant's intention is to provide 100% affordable housing development however the legal agreement should meet the above referenced target to safeguard the provision of affordable housing.

Dwr Cymru - No objections.

Western Power Distribution - If a new connection or a service alteration is required the development will need to make a separate application to Western Power Distribution.

Natural Resources Wales - Raise concerns in respect of flood risk but advise that Technical Advice Note 15 (TAN15) requires the Local Planning Authority to determine whether the development at this location is justified. Provides advice in respect of the submitted Flood Consequence Assessment which includes proposed dwelling and site levels meet technical requirements of the TAN and that there is no increase in flood risk elsewhere as a result of the proposed development.

Rights Of Way Officer - Provides confirmation that there are no formal public rights of way recorded in the area of the proposed development.

Heritage And Placemaking Officer - No objections.

ADVERTISEMENT

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

Response: Objections from 11 persons have been received. A letter has also been received from the Member of the Senedd highlighting residents' concerns.

Summary of observations:

The following matters have been raised in the correspondence received:

- Flood risk of site and climate change.
- Refer to another planning application being withdrawn.

- Parking problems in the area.
- Sewage issues.
- Knotweed.
- Wildlife.
- Determination during Covid-19 pandemic.
- Road Safety including inadequate access to the site, accident history in the area, raises matters related to a proposal for a one-way system and concerns in respect of the submitted Transport documentation.
- Transport Consultants are not independent.
- Speeding and increased risks of accident for adults and children with increased vehicles. No traffic calming.
- Concerns in relation to the rear lane.
- Infrastructure problems in the area.
- Issues with construction matters on the adjacent site.
- The existing permission should be revoked.
- Overlooking from two storey properties onto existing bungalows.
- Request for parking bays on the southern part of the rear lane.

SECTION 17 CRIME AND DISORDER ACT

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

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

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? A survey was carried out and no evidence was found, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The site lies within the higher viability zone for CIL attracting a charge of £40/sqm (Excluding Indexation). However as the applicant is a Registered Social Landlord it is anticipated that they would apply for exemption from the CIL charge.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity, highway safety, flood risk and the visual appearance of the development on the character of the area.

The application site is located in the Southern Connections Corridor (SCC) within the Llanbradach settlement as defined within adopted Local Development Plan Policy SP3 (Development Strategy - Development in the Southern Connections Corridor). Policy SP3 seeks to promote sustainable development that redevelops previously developed land where feasible. The application site is vacant land and it is understood that the majority of the site was formerly used for commercial purposes with several structures appearing on historic mapping. Whilst it appears from available records that these structures were removed prior to 2001 there are areas of hardstanding still present on the site and it is not considered to have fully blended into the landscape. As such it is considered to fall within the definition of Previously Developed Land. It is also located within the defined settlement boundary of Llanbradach, in a sustainable location within easy reach of public transport and local facilities.

The application site is not allocated for any specific purpose within the adopted Local Development Plan and is located within settlement limits. It is therefore considered that there is a general presumption under Policies CW15 (General Locational Constraints) and Policy SP5 (Settlement Boundaries) that residential development would normally be allowed, taking into account material planning considerations and the impact on adjacent allocations.

National Planning guidance in terms of Planning Policy Wales (PPW) acknowledges that the efficient use of resources, including land, underpins sustainable development. In particular paragraph 4.2.22 of PPW states that "Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links." In this instance the proposal with good links to bus and train services will constitute the development of a vacant land parcel within settlement limits which would provide much needed affordable homes in an efficient manner consistent with national planning guidance.

Flooding/Drainage

The application site lies within a designated Flood Zone C1 and would represent highly vulnerable development. The applicant has submitted a Flood Consequence Assessment with the planning application and Natural Resources Wales have been consulted and have provided advice and guidance.

In particular Nature Resources Wales have advised that in relation to Technical Advice Note 15 (Development and Flood Risk) and the acceptability criteria for flooding consequences that in respect of the following sections of the Technical Advice Note:

A1.14 Criteria

The baseline model results show that the site is predicted to flood to 76.89m AOD during the 1% plus climate change allowance flood event. This corresponds to a

maximum flood depth of 0.93m during this event. In order to meet the requirements of A1.14 of TAN15, the Flood Consequence Assessment states that the ground levels will be raised to 77m AOD and individual building levels set at 77.5m AOD. As such the development site, as assessed in the Flood Consequence Assessment, is predicted to be flood free during the 1% plus climate change allowance flood event. Natural Resource Wales confirms this meets A1.14 criteria.

A1.15 Criteria

During the 0.1% event, the model results show that that the peak water level of 77.41m AOD will impact the site. Based on the proposal to raise the site to 77mAOD and the building footprints to 77.5m AOD a maximum depth of 0.41m is predicted across the site. This is within the indicative tolerable conditions set out at A1.15 of TAN15 i.e. <600mm. In addition, as the buildings are to be raised to 77.5m AOD, they are predicted to be flood free during this event as confirmed by Natural Resources Wales.

Section 6 of Technical Advice Note 15 (Development and Flood Risk) advises in paragraph 6.2 that "New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i) Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In response to these criteria, it is considered that the following is relevant to the proposed development:

- i) The provision of housing on the site within the defined settlement boundary of Llanbradach is supported by the adopted Local Development Plan particularly policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries) and the wider vision for the Caerphilly Basin that seeks to support the development of housing including affordable housing in sustainable locations within settlements including

Llanbradach as defined in strategic objective H of the adopted Caerphilly Basin Masterplan.

ii) not required to be met as part i) is already met;

iii) The application site meets the definition of previously developed land and therefore this test is met;

iv) NRW conclude that the proposed development is acceptable based on the submitted FCA subject to the requirements that the development plateau to be raised to a minimum of 77m AOD and buildings set at 77.5m AOD. This requirement can be secured via a suitably worded planning condition.

It is therefore considered that the development's location within Flood Zone C1 has been justified in accordance with the advice contained within Technical Advice Note 15.

Design

The proposed dwellings are arranged in blocks with facades which include a mixture of stone cladding, render and cladding with artificial slate roofs. They have a simple form with pitched roofs and some have gable roof details. Entrance canopies are provided on the principal elevations. The development has been designed to blend acceptably with the development granted permission to the north. The appearance of the proposed dwellings is acceptable and accords with Policy SP6 (Placemaking).

Neighbour amenity.

The impact on neighbour amenity has been considered. All of the new dwellings proposed within the application achieve separation distances to existing surrounding residential properties in excess of 21m between habitable room windows and in excess of 10.5m between new dwellings habitable room windows and the closest part of existing properties amenity areas. In this regard there will be no unacceptable overlooking or other unacceptable adverse impacts on amenity (including light, overshadowing or privacy) to existing surrounding residential dwellings. The development accords with Policy CW2 (Amenity).

Affordable Housing

Planning Policy Wales within paragraph 4.2.25 defines affordable housing as "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. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers." PPW explains within paragraph 4.2.26 that "Affordable housing includes social rented housing owned by local authorities and

Registered Social Landlords and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents."

The applicant has confirmed that they anticipate that all the properties would be social rented housing, however in line with the recommendation of the Affordable Housing Officer a legal agreement would be sought to require a minimum of 40% affordable housing units to be provided on the site. This would accord with the requirements of adopted Local Development Plan Policy CW11 (Affordable Housing Planning Obligation) and adopted Supplementary Planning Guidance LDP1 (Affordable Housing Obligations -October 2018).

Noise

The site is bound on the southern side by the Wingfield Works which includes existing commercial and industrial uses. The planning application submission was supported by a Noise Assessment. This assessment found that subject to mitigation measures (acoustic timber fencing on rear boundary and passive acoustic ventilation to windows) for those properties closest to the Wingfield works site that satisfactory noise levels can be achieved. The Environmental Health Officer has reviewed the details and advised that subject to the recommendations of the Noise Report being carried out that they have no objections to the development. It is therefore considered that suitable mitigation for future residents in respect of noise can be secure and the development accords with Policy CW2 (Amenity).

Natural Heritage

The planning application has been supported by ecological surveys which have indicated that the site is mainly comprised of areas of hardstanding and semi improved grassland, with some areas of scrubland on the periphery of the site. The report concludes that there is potential for nesting birds and reptiles on the site and a precautionary approach should be followed when undertaking site clearance to help avoid any habitats and species affected by the development. A tree survey reviewed by the Council's Tree Officer has concluded that there is little of amenity value in Arboricultural terms on the site itself. In terms of off-site trees that are identified it is recommended that tree protection details are submitted and this will be secured via condition along with finalised Landscaping details to include replacement tree planting.

Access and Highway considerations

The Highway Authority have advised that there are no safety concerns in terms of the proposed vehicular access which has been granted by both the earlier planning permission (18/1089/FULL) and a highway technical approval (S278 agreement). The Highway Authority has also considered the projected increase in trip generation in respect of the application and considers it to be minimal and will not have a detrimental impact on the local highway network.

The proposed level of parking within the layout includes a reduction in parking provision for meeting sustainability criteria within the adopted Supplementary Planning Guidance document LDP5: Parking Guidelines. However the total parking spaces in the amended layout (29 spaces) is several spaces below that recommended by the Highway Authority, taking into account reductions allowed for the Sustainability criteria. The applicant has sought to justify this further relaxation in parking standards on the likely low car ownership of prospective occupiers. It is noted however that there is sufficient unallocated room within the application site to accommodate further spaces if required and so it is proposed to require finalised parking arrangement to be agreed via a planning condition to ensure the matter of parking is resolved to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

It is also proposed to require the developer to provide a Travel Plan to promote active travel as was agreed on the earlier planning permission to the north to promote sustainable means of transport to future occupiers of the site.

The site will have access to the pedestrian/cycle route to Wingfield Crescent at the south-west corner of the adjacent site to the north and in accordance with Welsh Government Development Quality Requirements (DQR) the applicant has indicated the proposed houses will be provided with sheds which can be used as secure storage for bicycles and the apartments will be provided with a secure stand to store bicycles.

It is considered that with the requirements proposed above the development will accord with adopted Local Development Plan Policy CW3 (Highways).

Leisure and Open Space

The development does not include any public open space or play facilities as required under the criteria of Policy CW10 (Leisure and Open Space Provision) however it is noted that the Cwm Las playing field is located approximately 100m to the east of the site which includes a sizeable grassed area with sports pitch and an equipped playground area. The application site has no significant value as a recreational resource or an area of visual amenity and it is noted that existing and future residents have access to the Rhymney Riverside Walk both via informal links and also with a formal public right of way to the south of Lon yr Afon.

The supporting text in Policy CW10 states that "Where sufficient open space exists adjacent to the development site, developers will need to consider how to exploit this resource and thus provide well-designed public links within the development to these areas of land through a new footpath and/or cycle path provision." Informal paths presently exist outside of the eastern boundary of the application site across third party land towards the open space. The site layout has provided for pedestrian access towards these current links, however were these to be prohibited in the future it is noted that the connected development to the north includes provision of a three metres wide pedestrian link adjacent to the pumping station to connect with the existing lane onto

Plasturtwyn Terrace which would facilitate alternative access to the existing play facilities via Wingfield Crescent.

It is therefore considered that there are no site-specific impact mitigation requirements in respect of open space or play facilities in this instance.

Comments from Consultees:

In terms of the objections raised by the Llanbradach & Pwllpant Community Council these will be addressed under each numbered bullet point below:

(i) Insufficient off-road parking bays for existing residents of Plasturtwyn Terrace. The proposed development before Members in terms of its highway connection utilises the vehicular access which was approved under planning permission 18/1089/FULL and that planning permission is currently being implemented. The issue of off-road parking bays for existing residents was considered under the earlier application and provision for parking to offset that lost by the highway alterations were agreed under the planning permission and replacement parking has already been provided. The current application will provide sufficient parking for the new properties and is not considered to result in itself any further loss of parking bays for existing residents. In that respect the current application is not considered to introduce any material adverse impact in terms of parking for existing residents.

(ii) Health & safety issue with back gates opening directly onto the lane/proposed highway with no pavement.

(iii) Garage openings too are directly onto a potential highway.

(iv) Lane is not wide enough for the passing of two vehicles.

It is understood that these comments relate not directly to the application site but to the existing rear lane behind properties to the west of the site. The most direct route in terms of vehicle access from the housing proposed within this application to Wingfield Crescent would be along the spine road and via the side lane to Wingfield Terrace and as such is not considered likely to have a material increase in traffic on the lane referred to.

(v) Land ownership issues

No specific matters in relation to land ownership have been clarified in the objection and the application will be determined on the basis of the certificates signed in relation to the application site.

(vi) A proposed communal bin store is too close to an existing property

The bin store is located within the application site and close to the rear boundary of two neighbouring properties. These properties have generous sized amenity areas and as such it is not considered that the bin store would have any unacceptable impact on the

amenity of these properties. The final positioning of the bin store will be required under details to be submitted under condition.

Also question the legitimacy and integrity of holding a public consultation during a pandemic when other democratic processes have been delayed.

Welsh Government have provided advice to Local Planning Authorities throughout the pandemic and have advised that the planning process can continue with necessary modification to processes and procedures.

The response from Natural Resources Wales queried the level of the access road to the development which was subject to a previous approval. The agent for the development has clarified that the whole access road is set 77mAOD and this has been agreed under planning conditions for the 2018 application and a planning condition will be added to this permission with the same requirement if the access road is not provided under the earlier permission.

Comments from public:

- Flood risk of site and climate change.

The issue of flood risk has been considered above in the report and the application was supported by a Flood Consequence Assessment which considered the issue of flood risk both for the proposed dwellings and the existing surrounding dwellings. It is considered that with the requirement to raise the site to the levels advised within the FCA and as reviewed by Natural Resources Wales that the development will be acceptable in terms of flood risk. The calculations within the Flood Consequence Assessment take account of Climate Change implications as defined by Natural Resources Wales.

- Refer to other planning application being withdrawn.

This is not a material planning consideration for the current application.

- Parking problems in the area.

The new properties will be served by parking bays. Whilst not a consideration for the current applications the earlier planning permission included parking bays whose purpose was to provide alternative parking to existing residents.

- Sewage issues.

Dwr Cymru/Welsh Water was consulted on the application and raised no objections to the development.

- Japanese Knotweed.

This was identified within the surveys undertaken to support the planning application and it is proposed to require a treatment scheme to be submitted for the approval of the Local Planning Authority to ensure that suitable treatment is agreed.

- Impact on Wildlife.

The Council's Ecologist has been consulted on the application and subject to precautionary methods being adhered to in respect of reptile and agreement of ecological enhancement raises no objection to the application.

- Determination during Covid-19 pandemic.
Welsh Government guidance has been followed by the Local Planning Authority in respect of applications and planning committee during the pandemic.
- Road Safety including inadequate access to the site, accident history in the area, raises matters related to a proposal for a one way system and concerns in respect of the submitted Transport documentation.
- Transport Consultants are not independent.
- Speeding and increased risks of accident for adults and children with increased vehicles. No traffic calming.

The Highway Authority have advised that there are no safety concerns in terms of the proposed vehicular access which has been granted by both the earlier planning permission (18/1089/FULL) and a highway technical approval (S278 agreement). The consideration of a 1 way system was not required or suggested by the Highway Authority. The Highway Authority has also considered the increase in trip generation in respect of the application and considers it to be minimal and will not have a detrimental impact on the local highway network. The submission of Transport Assessments/documents which have been commissioned by applicants to support a planning application and which are reviewed by the Highway Authority is normal practice for planning applications.

- Concerns in relation to the rear lane.
The current application does not directly relate to the rear lane and the rear lane was considered in the earlier permission.
- Infrastructure problems in the area.
The 21 Century Schools consultation response has advised that there is sufficient provision in the area for both English and Welsh medium schools. A new Doctors Surgery facility has recently opened in Llanbradach and it is considered that the infrastructure is sufficient to support the scale of development proposed.
- Issues with construction matters on the adjacent site.
The matters of construction traffic and contractors on the adjacent site have been subject to dialogue with residents and the developer seeking to resolve issues as and when they arise. In terms of the development proposed within this application it is noted that the construction area will be likely to be served from the internal access road of the earlier phase bringing construction traffic further away from the residents and the site entrance will not be as close to the existing terrace dwellings as is the case at present. It is anticipated that this will provide greater opportunity to minimise problems with

contractors vehicles in terms of waiting and parking than has been the case in the earlier development works. There is a requirement within the proposed condition for submission of information relating to a method statement for development of the site and this will be reviewed in conjunction with consultees.

- The existing permission should be revoked.

It is not considered that there is a justification for the request which in any case could only be undertaken under judicial challenge subject to accepted legal challenge timeframes.

- Overlooking from two storey properties onto existing bungalows.

As included in the main body of the report the proposed properties meet accepted separation distances between new windows and existing surrounding properties and no unacceptable impacts in planning terms on the existing levels of amenity enjoyed by surrounding residential occupiers will result from the development.

- Request for parking bays on the southern part of the rear lane.

Parking for the new dwellings will be provided within the site and the earlier permission included a commitment from the developer to provide parking bays to the lane for the specific reason that highway improvement works would reduce existing parking on the west-east access between the terrace properties. The current application will utilise the same vehicular access route but as additional parking has already been provided to the rear of Plasturtwyn Terrace there is no reasonable justification for provision of further parking bays on the southern part of the rear lane.

Other material considerations:

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

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

1. 40% provision of Affordable Housing.

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

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 (except for matters to be agreed as detailed under subsequent conditions on this decision notice):
Site location plan, drawing reference (90)001.
Proposed site layout drawing reference (SK)001
Proposed site layout, drawing reference (SK)002 revision U.
Proposed floor plans - block 6, drawing reference (SK)003B.
Proposed floor plans - block 4, drawing reference (SK)004B.
Proposed floor plans - block 5, drawing reference (SK)005C.
Proposed floor plans - block 3 drawing reference (SK)006C.
Proposed floor plans - block 7, drawing reference (SK)007B.
Proposed block elevations, drawing reference (SK)008D.
Proposed block elevations, drawing reference (SK)009C.
Proposed block elevations, drawing reference (SK)010D.
Proposed street elevation, drawing reference (SK)011.
Proposed floor plans - blocks 1,2, drawing reference (SK)015.
Noise Assessment Report (Job number: CA11869).
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 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.
- 04) 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.

- 05) 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.
- 06) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
(i) control of noise,
(ii) control of dust, smell and other effluvia,
(iii) control of surface water run off,
(iv) site security arrangements including hoardings,
(v) proposed method of piling for foundations,
(vi) construction and demolition working hours,
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development permitted by this planning permission shall only be carried out in accordance with the recommendations of the submitted Flood Consequence Assessment Report produced by Earth Science Partnership, reference ESP 5561s.04.3459, dated May 2021. In particular the following is required:
1. The development plateau level shall be set no lower than 77m Above Ordnance Datum (AOD).
2. Each building to be set no lower than 77.5m Above Ordnance Datum (AOD) in accordance with the block levels stated on drawing reference S.7501-10 rev A (unless otherwise agreed in writing with the Local Planning Authority).
REASON: To address the flood risk due to the location of the development within a designated flood zone.
- 08) The development hereby approved shall be carried out in accordance with the recommendations made in Section 5 of the Preliminary Ecological Assessment and Reptile Survey report dated 18 December 2019; Version 2.0 ; prepared by

by EcoLogical Services Ltd; unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended).

- 09) Prior to the commencement of development a strategy to deal with the Invasive Non-Native species on site, shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be fully implemented prior to commencement of site clearance works.
REASON: To prevent the spread of invasive non-native species as a result of development works.
- 10) Prior to the commencement of development a lighting strategy plan shall be submitted and approved by the Local Planning Authority. The plan shall demonstrate the location of dark vegetated wildlife movement corridors around the site, including the placement of lighting columns to achieve this and shall be implemented in accordance with the approved details.
REASON: To provide continuity of movement for wildlife around the site in accordance with the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 11) Prior to the commencement of development, a scheme for biodiversity conservation and enhancement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be exclusively limited to: integrated bird boxes in a minimum of 12 units, wildflower planting and hedgehog friendly fencing under every fence throughout the development.
REASON: To provide biodiversity conservation and enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 12) Notwithstanding the submitted details, prior to the occupation of the first dwelling hereby approved details of a waste strategy and bin storage facility/facilities and timescale for their provision shall be submitted for the written approval of the Local Planning Authority. Such details as agreed shall be provided in accordance with the agreed strategy and timescale(s).
REASON: In the interests of amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Notwithstanding the submitted details prior to the commencement of development details of the means of protection of all retained trees (including those off site but with root protection areas within the area of any proposed development) shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: In the interests of amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Notwithstanding the submitted plans prior to the occupation of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works. comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. 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: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 and highway safety in accordance with Policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) Notwithstanding the submitted details prior to the occupation of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials, type of boundary treatment and timescale for erection or planting. The boundary treatments shall be completed in accordance with the approved details and agreed timescale(s).
- 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.

- 16) The development permitted by this planning permission shall only be carried out in accordance with the recommendations (contained within section 6) of the submitted Wardell Armstrong Noise Assessment Report (Job number: CA11869).
- REASON: To ensure suitable measures to mitigate noise impacts on future residents in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 17) Prior to works commencing on site details shall be submitted to and approved in writing by the Local Planning Authority which shall make provision to allow for the installation of electric charging points for vehicles for a minimum of 10% of the residential units to be constructed. The development shall be completed in accordance with the approved details.
REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity and to comply with paragraph 4.1.39 of Planning Policy Wales.
- 18) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed and Himalayan Balsam on site. The treatment of Japanese Knotweed and Himalayan Balsam shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act" . Japanese Knotweed and Himalayan Balsam is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
- 19) Prior to the occupation of the first residential dwelling hereby approved written confirmation shall be submitted to the Local Planning Authority that the proposed access works to the adopted Highway network have been completed in accordance with the details agreed under planning permission 18/01089/FULL or alternatively a scheme for access provision shall be submitted to and agreed in writing with the Local Planning Authority. The highway improvement works shall be completed in a timescale to be firstly agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 20) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the commencement of the development (excluding site clearance works) a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting, car parking and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details and the approved car parking shall be

implemented prior to the occupation of the development and thereafter kept available for parking purposes at all times.

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

Advisory Note(s)

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

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.

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).