

DESIGN AND ACCESS STATEMENT INCLUDING PLANNING STATEMENT

OUTLINE PLANNING APPLICATION – ERECTION OF 11 DWELLINGS INCLUDING ACCESS, CAR PARKING AND NEW FOUL AND SURFACE WATER DRAINAGE SYSTEM FOR EXISTING DWELLINGS AT BROOKLANDS, NELSON, CF46 6DR.

Site and Context

The site lies in the north western part of the County and forms part of the settlement of Nelson.

The site measures some 0.67 hectare of former tipped land adjacent to B4255 Shingrig Road and is well contained and enclosed by Shingrig Rd, existing housing at Brooklands and the Nant Caech, railway line and National Sustrans 47 route.

The Nant Caeach stream runs south-east to north-west with footpath access alongside and defines the site boundary. Beyond is the railway line set below road level, and adjacent Sustrans route. The railway and stream corridor are both tree lined linear features. The railway defines the edge of Trelewis, which lies within Merthyr Tydfil CBC.

Boundaries are tree lined to the west, north, and east, with species of alder, sycamore, oak, ash, and an understorey of grey willow, buddleia, bramble, ivy, clematis. The boundary to Brooklands is fenced but with no vegetation cover.

The site had consent as a private landfill site in 2004 (planning reference P/04/0221) which saw over 4/5m of fill deposited over the site which gives it the landform that it currently possesses. Landfilling ceased by Jan 2014. The majority of the site is fairly level although there is a steep bank along the north east and north west boundary down to a stream outside of the planning application site. The steep slopes from the main site plateau to the stream are as a result of the authorised and licensed landfill operations post 2004.

The land is currently vacant although there has been some spoil piled centrally. The site houses four septic tanks along the south western boundary which serve the properties off Brooklands. These units are in broken and in poor condition and leak or overflow in damp conditions. It is likely that the tanks have limited or no formal soakaways and the applicants have noted that these units will require replacement in the near future. There are currently legal wayleaves/easements in place for these tanks.

The site is covered by a range of policies to protect the landscape and biodiversity.

- Green Wedge policy;
- Special Landscape Areas policy;
- It is a SINC site for nature conservation although its ecological value (see Celtic Energy report) has been lost due to licensed tipping of materials;
- Nant Caech stream corridor is a separate SINC site in Merthyr Tydfil and would be protected from development by the designation of a 9/10m buffer zone.

Proposed Development and Design

The outline application seeks consent for the erection of 11 dwellings on previously developed and brown field with associated access and car parking with all matters reserved. The site has good access and lies within walking and cycling distance of local facilities and lies close to public transport opportunities. Its development promotes the main aim of national and local planning policy of supporting sustainable development.

With Caerphilly Council falling far short in its housing delivery approval of the planning application will support steps to secure a long-term solution to the foul and surface water issues affecting Brookland residents. Caerphilly CBC councillors and officers are well aware of this issue but neither the council or local residents have the resources to be able to adequately tackle the issue.

Development Opportunities and Constraints

The outline proposals have been developed through a detailed understanding of the constraints and opportunities at the site to allow its redevelopment from an unused brownfield site to provide local housing and in so doing sort out the totally inadequate drainage infrastructure for existing Brookland's residents.

The main **constraints** are identified as:

Need to protect the landscape and biodiversity importance of the Nant Caech SINC in order to safeguard the valuable nature conservation and landscape corridor. This ensures that no development would occur from a point mid-stream in the Nant Caech for 10m. Long term protection of this vegetation and buffer zone also ensures the separation of the communities of Nelson and Trelewis in accord with the aims of the LDP.

Need to access the site close to the current access point to limit flow of traffic along the existing highway in front of the Brookland's houses. In this way traffic flows are not increased and the amenity of existing residents is protected.

Need to tackle existing foul and surface water drainage issues for local residents that impact on the site.

Setting a minimum distance of 21m between existing and proposed habitable room windows and between dwellings on the site themselves.

In terms of **opportunities** the site has taking advantage of the following issues:

Opportunity to utilise brownfield underutilised land in a sustainable location to create a range and choice of new housing close to public transport opportunities.

Opportunity to create a treed landscape buffer of 5m within the site's south western corner in order to blend the development into the surrounding landscaping. This also creates strong defensible boundaries and edges to the modest increase in the village at this location.

Retention of the boundary trees which are an important screen to retain (see tree protection plan) with only two existing trees having protection areas extending beyond the top of the slope (site entrance trees T1 and T2).

Benefit of designing the site with sufficient land capacity to allow enhanced foul and land drainage to the existing residents and therefore removing a financial and environmental liability into the longer term by tackling the totally inadequate existing drainage.

Design and Layout

Although the application is made in outline with all 'matters reserved' the development proposes 11 dwellings as shown on the Preliminary Site Plan that forms part of the planning application. The dwellings are suggested as three- and four-bedroom dwellings comprising three pairs of semi-detached dwellings and five detached dwellings grouped around a central adopted highway. Based on marketing information, it is felt that a mixture of three and four bed dwellings support meeting local need and provide good coverage from a sales perspective. Based on the Councils Affordable Housing policies, it is proposed that three x three bed dwellings would form the applicant's contribution to support meeting local affordable housing need. The applicant would work with the Council's nominated Housing Provider to ensure that the houses conformed to appropriate Welsh Government Social Housing Quality Standards and to ensure the houses would be affordable into the longer term.

The proposed orientation and location of the dwellings adopt the traditional approach of facing the principal elevation of the dwelling onto the highway with in essence the dwellings set in a horseshoe shape around the main

access. Dwelling curtilages are excluded from the essential 9/10m ecological buffer zone advocated by the ecological assessment while gardens only marginally sit within the broader desirable 10m buffer zone that protects the integrity of the Nant Caech Site of Interest for Nature Conservation.

In terms of more detailed design issues, the indicative scheme layout and elevations suggests a contemporary approach. Proposed wall coverings are likely to include a mix of stonework, render and timber while a metal standing seam roof covering could be used. The indicative elevational plans show timber cladding on the external elevations that maintain the contemporary feel.

The public areas have generally been separated by low stonework walls. While this is a costlier material it would benefit the aesthetics of the local area and help with the fit of the new dwellings into the local landscape. Elsewhere, within private areas, more utilitarian timber fences could be installed which would generally be higher in order to provide for greater privacy.

These elevational drawings are shown to exhibit the design quality that the scheme aspires to for the local area – all the while the applicant appreciates that the application is made in 'outline' where the main emphasis is on the principal of that number of dwellings on the land.

Dwellings are not shown in the south east corner of the site as this is reserved for the Kingspan/Clearwater/Klargester Envirosafe sewage treatment plant and in order to avoid assumed line of existing surface water pipework (to be confirmed). This corridor is also proposed to be protected in relation to the presumed location of a new outfall pipe from the new sewage treatment plant.

Access Circulation and Parking

Presently access into the site is via a double gated entrance close to the exit onto Shingrig Road from Brooklands. Brooklands serves ten dwellings and leads to a single farm to the west of the site which may require access for larger vehicles such as tractors.

A permissive path runs just outside the site along the east and north boundaries and links to public rights of way along the Nant Caech in Merthyr Tydfil CBC. The development would not impact on this path.

Vehicular access is proposed from 'Brooklands' which is accessed from the B4255, Shingrig Road, linking Nelson to Trelewis. Parking will be provided within building plots at the rate of three off street spaces per dwelling. Use of the existing but improved access will reduce any additional vehicular movements up Brooklands and negate the need for the road to be widened.

Access internally is via a single road with turning area centrally. Again, this is intended to be used for refuse vehicles but can accommodate other larger vehicles such as delivery trucks or ambulances. It is assumed that the tarmacked paths and roads will be adopted by the council. Generally, estate roads such as this would be a minimum of 5.5m wide with a 1.8m pavement either side. Again, discussions with the highways department can determine the finer details of this arrangement at the reserved matters stage.

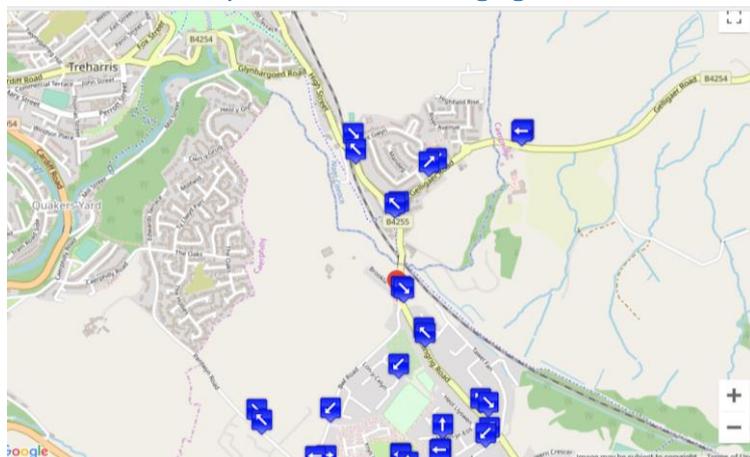
The scheme design ensures that traffic and pedestrian movements could be safely made and the new dwellings would not cause an adverse impact on the safe flow of traffic in the immediate area or locality.

It is proposed to deliver community benefit to improve movement and parking in the street. The road itself is around 6.0m wide along its length which is adequate for a two-way system. The scheme proposes a turning circle plus better defined areas for on street parking. This would avoid the need for reversing along the Brooklands Road. The proposals include additional parking for ten spaces along the existing road. Any exclusivity required for residents only parking etc would be a matter for residents to apply for through the local authority and is not part of the overall planning application. Double yellow hazard lines opposite will ensure the highway is left clear and as noted the 6.0m width is adequate for a two-way system. The parking spaces are contained within the client's ownership negating the need to a complete road overhaul with a pedestrian path alongside the road. It is assumed that the road is adopted by the council and that this would fall under their adoption also.

The site lies in a sustainable location with pedestrian and cycle access and in easy walking distance of public transport and local services.

Bus and Transit Stops near CF46 6DS

Nearest bus stop is Star Club Shingrig Rd



Ecology

An ecological assessment by Celtic Ecology (see attached) has found the following main features on the site:

A stream, the Nant Caeach, flows east to west along the site's northern boundary in a heavily wooded channel approximately 5m below the main site level. The southern boundary is a fence alongside Brooklands; the fence line is dominated by tall ruderal species and bramble scrub.

There are a number of open cess pits inside the site's southern boundary which serve the houses on the opposite side of Brooklands. These are surrounded by bramble scrub and tall ruderal species, predominantly rosebay and greater willowherb.

A large spoil heap in the centre of the site is dominated by bramble and willowherb. A single stand of Japanese knotweed was noted on the eastern edge of this tump.

There are a number of mature trees in the site boundaries, including pedunculate oak (*Quercus robur*), and ash (*Fraxinus excelsior*); the trees are between 15m and 20m in height with a maximum diameter at breast height of 600mm. There are no trees on the proposed development site itself.

The northern, eastern and western boundaries are wooded with alder, sycamore, pedunculate oak, ash over a willow, butterfly bush and bramble understorey with ivy and clematis

The recommendations of the ecological assessment requires a minimum of a five-metre setback from the stream so that all bank vegetation is retained. It is though suggested that ideally a ten-metre setback would negate the need for an ecological watching brief during any vegetation disturbance. The 10m setback runs almost along the top of the bank and it is suggested that any development outside of this would be problematic from an engineering side anyway. The development follows the ecological advice and goes further than the minimum requirement of a 5m buffer and advocates in its layout and design that a buffer zone of 9/10m is maintained.

Section 4.2.1.1 (see below) indicates that the site no longer meets the criteria to be classified as a SINC. The highlighted sections are important to note in this regard.

4.2.1 Brooklands Marsh SINC

4.2.1.1 Brooklands Marsh – evaluation

Design and Access Statement (including Planning Statement)

The notification form for this site is at **Appendix E**.

The boundaries of this site are largely the same as those of the development site although the SINC site extends to the north of the Nant Caeach corridor. The site was surveyed in July 2007 on behalf of CCBC. It was found that the site comprised semi-natural wet woodland (in an early state of development) and stream corridor along with scrub, neutral grassland and tall herb vegetation; the Nant Caeach provides undisturbed habitat for otters and bats. The habitats provide habitat for reptiles and invertebrates.

The summary states that the site is “borderline” with respect to the SINC classification and criteria due to a number of factors including tipping, bonfires and a lack of management. The water in the marshy areas appeared to be polluted (ferrous oxide), presumably as a result of mining activity in the area.

Since the SINC survey, the site has been extensively modified by tipping resulting in a flat, level area of regenerating grassland. With the exceptions of parts of the site boundaries, there is no marsh left at the site. As a result of this modification, it is considered that the site no longer meets the SINC criteria as the number of neutral grassland indicator species observed was less than 8.

Overall, it is considered that the grassland area of the Brooklands Marsh SINC does not meet the criteria required to qualify it as a SINC and that it is of a **low local (site)** ecological importance. However, the Nant Caeach stream corridor is, despite its overgrown nature, of a **moderate local (county)** ecological value as it provides a link between other SINC sites and to SINC sites in the neighbouring planning authority (Rhondda Cynon Taf County Borough Council) area.

4.2.1.2 Brooklands Marsh - impact assessment without mitigation

The SINC site as currently described does not meet the SINC qualifying criteria. Therefore, there will be a loss of approximately 0.4ha of ground from the SINC; however, it is considered that as the heavily modified grassland and scrub habitats which would be lost have a generally low ecological value at a local (site) level and the Nant Caeach corridor will be retained, there can be **no adverse** impact on the SINC or the features it was originally notified for. It is further considered that as the cess pits will be removed from the development site and all waste will be treated and removed via the mains sewage system, there will be a **positive** impact on the retained habitats.

The ecological assessment finds that the development would have no adverse impact on the Nant Caeach

4.2.2.2 Nant Caeach - impact characterisation

It is anticipated that the stream corridor will be retained, along with an approximate 5m buffer of woodland and scrub (to which there will be no human access) between it and the proposed development site. There will be a requirement to provide a surface water run off facility discharging water from the development site (when operational) to the stream; however, it is anticipated that all run off will be attenuated (i.e. the removal of all suspended particulates, sediments and hydrocarbons etc.) prior to discharge via an existing surface water facility on running south to north on the eastern side of the site boundary. As the water will be attenuated and clean, it is considered that there will be **no impact** on the SINC as a result.

4.2.2.3 Nant Caeach - impact assessment without mitigation

It is considered that the habitats will be retained in their entirety with the possible exception of scrub from an area just outside the eastern boundary of the site. Therefore, it is considered that there will be **no adverse** impact on the Nant Caeach SINC. It is further considered though, that as the cess pits will be removed from the development site and all waste will be treated and removed via the mains sewage system, there will be a **positive** impact on the water quality of the Nant Caeach locally and downstream of the development site.

The conclusions of the ecological assessment indicate that the development would not harm the biodiversity of the local area as indicated below:

8.0 CONCLUSION AND RECOMMENDATIONS

Overall the development site area of the landholding is of a low ecological value at a local level due to the habitats present and its recent use and management.

The Nant Caeach and the directly associated woodland and scrub habitats are of a high local value but will be retained or only subject of very minor work in the form of a connection to an existing surface water drain and discharge point.

Reptiles should be assumed to be present on the site.

Birds should be assumed to utilise the scrub habitats on the site and the woodland around the site's boundaries during the breeding season.

Mitigation for these groups is therefore required:

Site clearance in respect of reptiles should be undertaken in accordance with an appropriate method statement. This will also benefit other species (e.g. amphibians) which might otherwise be affected by site clearance.

Japanese knotweed is present on the site in one identified stand; treatment and disposal will be required prior to site clearance. Other stands may be present within the boundaries; any work in these areas will need to consider this possibility.

It is considered that no other or further ecological surveys are required.

It is recommended that the mitigation measures, outlined in the various sections above are incorporated as far as is possible into the design process for this development and the relevant construction methodologies.

It is recommended (but not a requirement) that consideration be given to the inclusion of enhancement features to benefit wildlife are included within the design of the final development proposals and post development landscaping scheme on the site, for example pole mounted bat boxes, bird boxes etc.

Landscape and Trees

A Landscape Visual Impact Assessment and Tree Protection Plan completed by Mackley Davies consultants (attached) has been used to advise the layout of the dwellings and has ensured the protection of main landscape features of importance and introduced a 5m landscape buffer on the western side to help integrate the scheme in to the wider landscape setting. Mackley Davies has provided a tree constraints plan with the permissive path route and buffer zone for planting. This includes a requirement to set back development from south west corner to enable at least a 5m wide planting buffer to screen site from footpath across the adjacent field. The landscape architects also advised retention of the boundary trees which are an important screen to retain and it is helpful that only two trees have protection areas extending beyond the top of the slope (site entrance trees T1 and T2).

As stated in para 3.6 of the LVIA:

‘Although indicative, the layout on Plan 10 has been designed around a number of site constraints, including underground services, retention of the tree lined boundaries, providing a sufficient set-back from the Nant Caech stream corridor, the need to extend the existing landscape buffer onto adjacent pasture to the west.’

The LVIA notes in section 5 that in terms of landscape character as advised by LANDMAP, the visual and sensory score is ‘low’ on a range from ‘low’ to ‘outstanding’. This is reinforced in para 6.6 by the assessment that:

The LANDMAP Visual and Sensory evaluation for the site and wider countryside between Trelewis and Quakers Yard is ‘Low’. In addition, the landscape quality at the site and has been compromised by licensed tipping and the presence of housing along Brooklands, views to new and existing housing within Trelewis, and visual and noise impacts from the B4255. In terms of preventing coalescence between settlements at this location, the Nant Caeach SINC corridor, railway, and associated linear open space will collectively act to prevent this.

Section 7 of the LVIA comments on the ability of the landscape character to accommodate the proposed development change without detriment to the key landscape characteristics. This is a key consideration in order to comply with the planning policies protecting landscape character in the area. The LVIA finds that:

‘7.3 There are no key landscape characteristics of the Mynydd Eglwysilian Special Landscape Area that are relevant to the site other than the stone wall to the west boundary which will be retained.

Key policy, management and development control issues that are relevant to the site are:

- protect, maintain and enhance hedgerows and stonewalls
- restrict urban spread into the countryside and soften the existing urban edge

7.4 The indicative layout on Plan 10 has been designed around a number of site constraints, including underground services, retention of the tree lined boundaries, providing a sufficient setback from the Nant Caech stream corridor SINC, and the need to extend the existing landscape buffer onto adjacent pasture to the west.

7.5 Selected tree removal is recommended based on poor tree health, refer Mackley Davies ‘Tree Survey’. These losses will not affect the key landscape characteristics outlined above and proposed native tree and hedgerow planting will compensate for any losses.

7.6 The site already has clearly defined mature tree boundaries to the north, west and east, is further defined by the stream corridor to the north and B4255 to the east. Housing development at the site will be seen as an extension to housing along Brooklands and the densely developing residential areas south of the B4255. The site will be perceived as a small-scale extension to the built environment of Nelson.

7.7 Mitigation measures will be needed to ensure the proposals retain the mature tree boundaries and vegetated stream corridor, and to provide an adequately planted landscape buffer

onto pasture to the west. This can be achieved by careful development layout and ground modelling, alongside new locally native tree and hedgerow planting.’

And in summary in relation to landscape character changes proposed at the site the LVIA finds in para 7.8:

Provided mitigation measures are undertaken, the overall impact on landscape character is assessed as **Adverse Minor**, a localised adverse change to the existing overall character with good scope for mitigation.

Section 8 of the LVIA examines the key likely impacts on views and amenity of the development and finds in summary that:

Due to the topography, urban setting, and existing tree cover at the site and within the wider context, views will only be available from a very limited number of locations:

- Open direct on level view from adjacent houses and users of Brooklands
- Open but oblique on level view at junction but otherwise screened from Shingrig Road
- Glimpsed view up from permissive path along east boundary
- Glimpsed view down from footpath 1 heading east

Good design following the principles outlined below in ‘Landscape Mitigation Measures’ will reduce impacts. Impacts can be reduced from day one by the use of good layout, careful use of levels, and retention of boundary trees. New planting may take over five years to establish, but will over time eliminate or substantially reduce many impacts.

The **visual sensitivity** of the receptors to change may be **high** for residents as their existing view is to open paddock with the housing at Trelewis largely screened by tree cover, although some residents may prefer a view onto neighbouring property. Apart from open views along Brooklands, sensitivity for any glimpsed views from footpath users will be **Low** as the site will be seen against the backdrop of housing in Nelson or nearby Trelewis.

Where visible, the **magnitude of change** will be largely contained within the site, the change will see a development of 11 dwellings replacing an artificially raised open grassed paddock in poor condition. This will be a **Medium** change for adjacent residents ie. a noticeable change in the view, reducing to a **Small** or **Negligible** change for road and footpath users as views are generally glimpsed and seen against a backdrop of housing.

Assuming good use of layout, and successful retention of boundary trees, the overall visual effects of the proposal **from a limited number of viewing points** will be at worst **adverse Moderate** for adjacent residents, and **adverse Minor** for other users, with effects decreasing as planting mitigation takes effect.

In overall terms it will be seen that impacts at worst would only be adverse moderate for local residents and adverse minor for other users.

Given the visual impact on existing residents of houses along Brooklands it is very pertinent at this stage to say that discussions with resident’s representatives have indicated a general willingness to see the scheme implemented. Residents, local councillors and officers also recognise that the

funds generated through the sales of new houses could be recycled back into community benefit in terms of for once and all sorting out the totally inadequate drainage infrastructure in the area. Without this the necessary costs of sorting out the infrastructure will fall on the residents and the council.

Section 10 of the LVIA report sets out the consultant's conclusions and it will be noted that there would be no significant adverse impact on the landscape character or visual or sensory amenity of the area. Mackley Davies' conclusions are:

'10.0 CONCLUSION

10.1 The proposal is an outline application for the construction of 11 semi-detached and detached two storey dwellings, with associated access, parking, gardens, and service infrastructure. The site is adjacent to housing at the northern edge of Nelson, at the boundary with Merthyr Tydfil County Borough Council.

10.2 The site lies within Green Wedge and the Mynydd Eglwysilian Special Landscape Area.

10.3 The site is part of the Brooklands Marsh Site of Interest for Nature Conservation (SINC) but as the site has been extensively modified by licensed tipping the resulting grassland is now of low local ecological importance. Immediately adjoining the site to the north is the Nant Caeach SINC (ref 56) allocated by Merthyr Tydfil CBC.

10.4 LANDMAPs Visual Sensory aspect for the site **Nelson CYNONVS384** is described as Urban and evaluated as LOW.

10.5 The site has an open boundary with a single row of houses along Brooklands to the south, all other boundaries are tree lined: along the B4255 to the east, along the Nant Caeach stream to the north, and alongside pasture to the west. The site itself is a flat plateau with steep slopes to all but the boundary with Brooklands.

10.6 Good design at the Reserved Matters stage following the principles outlined in 'Landscape Mitigation Measures' Section 9 and shown on Plan 11 will eliminate or substantially reduce impacts. Immediately through the use of good layout and careful use of levels, through retention of boundary trees and the vegetated stream corridor, and following successful plant establishment to provide a buffer onto pasture to the west and to soften views for residents.

10.7 The **sensitivity** of the landscape to change is **Low** and the **magnitude of change** is assessed as **Medium**. Impacts will be localised and provided mitigation measures are undertaken, the impact on landscape character is assessed as **Adverse Minor**.

10.8 Due to the topography, urban setting, and existing tree cover at the site and wider context, views will only be available from a very limited number of locations. The visual effects of the proposal will be at worst **adverse Moderate** for some adjacent residents, and **adverse Minor** for footpath and road users as the site is generally glimpsed and seen against the backdrop of housing elsewhere in Nelson or at nearby Trelewis. The impacts on all users will decrease as planting mitigation takes effect.

Foul Drainage/Sewage

The proposed drainage for the development will encompass two completely separate systems. One to deal with the surface water and one to deal with foul water. The systems will need to meet standards agreed by Welsh Water as the licensing authority. At this time, it is understood that Investigations conducted on behalf of CCBC by external contractors, favour systems which pumps foul water into the existing sewer on Shingrig Road and surface water joining the existing storm water drains which traverse the development site.

It is currently envisaged that residents of Brooklands will be free to join both systems at no cost to themselves. However, it will be necessary for the surface water and foul water to enter the development drainage schemes as separate flows. Any cost involved in that part of the process will be that of the individual householders as will the necessary road crossings to access the development drainage system.

The existing cess pits will become redundant and will be removed as part of and at the cost of the development; such cost is not unsubstantial due to the hazardous nature of the waste.

The applicants are keen to ensure that everyone is aware that the offer to join the drainage schemes must reasonably be conditional on the following:

- a. That the development is able to proceed with a sufficient number of houses to make the development viable and to employ the drainage systems detailed above.
- b. Should it be necessary to reduce the number of houses on the development to the point where it is not financially viable to employ the drainage systems detailed above, then it will be necessary to look at what alternative solutions can be put in place and to determine to what extent the development can subsidise that alternative system.

As indicated above, at this outline stage the exact design of how the existing Brookland's residents foul and surface water will be improved and how this will fit in with foul and surface water at the new houses is not specified in detail. However, for the purposes of this outline application it is assumed that strategically the project would proceed on the following principles:

For the purpose of this outline scheme a Kingspan/Clearwater/Kargester Envirosafe HEQ47 sewerage treatment plant has been positioned towards the south east of the site. The population has been based on the initial feasibility Outline Planning Application, Brooklands R Hathaway Chartered Town Planner, Plan R Ltd Bridgend

report provided by the applicants indicating the existing dwelling have a maximum population of 47 persons plus an additional 76 persons for the new development. To err on the side of caution a 150 person tank has been allowed which measures around 10 x 3.5 metres. The location at the start of the site means that maintenance vehicles can enter and access easily without travelling through the housing development. A turning circle for a larger vehicle has been allowed here with a tarmac hardstanding area directly adjacent to the tank. The position is also in close proximity to the surface water drainage discharge pipework.

The foul drainage routes from both existing and new buildings has not been determined although a public path has been included centrally on the site which will enable the foul pipework to carry through shared land rather than an easement required through a private garden.

The LVIA and Ecological Reports take account and comment on the need for mitigatory measures in relation to the implementation of any outfall pipe.

Geo Technical and Coal Mining Risk Assessment

Rhondda GeoTechnical Services undertook a Coal Mining Risk Assessment (CMRA) on the site. The CMRA concludes:

(end of section 3)To summarise, the site is underlain by shallow coal workings. This fact is indisputable. There are, however, several unknowns. These are:-

Depth to workings

Intervening strata

Vertical extraction thickness and lateral extraction ratio

State of collapse of the workings (if any)

4. Mitigation Strategy

At this stage it is not proposed to offer any engineering-based solutions. The site needs a comprehensive intrusive site investigation. The work will require design and supervision by a suitably qualified person with extensive mining experience. It should consist of a sufficient number of rotary boreholes to adequately cover the areas of any proposed development. These should be drilled through workings, or intact coal to prove the strata beneath the seam. This will vary in depth across the site. The work will need to be done under the C.A. permitting system and a final Validation Report produced for the C.A. It should then be possible to put forward remediation measures to stabilise the

site. These will be entirely dependent on the findings of the site investigation, and speculation as to what they may involve is pointless at this early stage.

5. CONCLUSION

This risk assessment has presented abundant evidence from comprehensive research that there is a risk to ground stability posed by coal mining legacy issues at the site. However, there are too many unknown factors to accurately assess the risk from shallow workings under the site at present. These require further intrusive investigation. The measures proposed above should be sufficient for the Coal Authority to allow validation of the initial planning application. The mitigation measures above, validation of the results and acceptance of any remediation scheme should be made into planning conditions for any detailed future planning application for the site.

As indicated in the mitigatory strategy, further intrusive ground investigations would need to be taken following the grant of outline consent and be subject to the discharge of appropriate conditions on ground stability. Clearly the applicants would not go to the cost of undertaking such ground stability investigations without firstly having confidence that planning permission for housing could be obtained on the site. It would be for the applicants and their engineering advisers to following the grant of outline consent to build the ground investigations into their programme of works on the site.

Planning Policies

The local planning policy framework for the site is set by the Caerphilly Local Development Plan 2010. The site lies in the Northern Connections Corridor (NCC). Plan 8 in the LVIA shows extracts from the LDP Proposals and Constraints Maps.

The Council had previously commented in its Detailed Assessment of Candidate Sites in Nelson Jan 2016 Pages 39-55 on many of the strengths of the site for housing and these are repeated here as necessary to provide added support for the quality of the brownfield site for local housing

Para 1.11 of the LDP recognises that the NCC 'does not provide sufficient affordable housing to meet the needs of all sectors of society. The Development Strategy seeks to address this issue and the Plan sets targets for the provision of affordable housing based on a robust assessment of viability - 10% of housing in the Newbridge area and 25% in the rest of the Northern Connections Corridor area.' The proposed development seeks to deliver three affordable homes on previously developed land that lies immediately adjacent to the settlement boundary.

Para 1.45 of the LDP seeks to 'Ensure development contributes towards necessary infrastructure improvements'. The development proposes, subject to sufficient scale, to fund the necessary replacement of foul and surface water drainage on the land and its safe disposal.

Para 1.52 seeks to ensure that development outside settlement boundaries would not harm adversely harm the countryside, The LVIA and Ecological assessments, plus the indicative design quality of the scheme would ensure that there were no harmful impacts, especially on the Special Landscape Area and on biodiversity interests.

Development Strategy – Development in the Northern Connections Corridor

SP2 Development proposals in the Northern Connections Corridor will promote sustainable development that:

- A Focuses significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area
- B Reduces car borne trips by promoting more sustainable modes of travel
- C Makes the most efficient use of the existing infrastructure
- D Protects the natural heritage from inappropriate forms of development
- E Capitalises on the economic opportunities offered by Oakdale / Penyfan Plateau

The proposal meets the objectives of the above Policy SP2 in that the development is proposed to be located on a previous licenced landfill site. The Council in its 2016 Candidate Site assessment of the site indicated that development on the site would bring a brownfield site back into beneficial use. It also noted that the site is located in a sustainable and accessible location close to bus stop and to local facilities. The development would improve existing poor-quality infrastructure for the benefit of existing residents and the housing would not damage the natural environment.

Settlement Strategy

SP4 The Council will support existing settlements, which will be enhanced based on their role and function in the settlement strategy:

Principal Towns:

- Bargoed (HOVRA)
- Blackwood (NCC)
- Ystrad Mynach (NCC)
- Caerphilly (SCC)
- Risca / Pontymister (SCC)

Local Centres:

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Rhymney (HOVRA)
Nelson (NCC)
Newbridge (NCC)
Bedwas (SCC)

The Council accepted in its Candidate Site Assessment in January 2016 that proposed housing development on the site would conform with Caerphilly's LDP Preferred Growth Strategy for the following reasons:-

- Would result in the organic expansion of Nelson subject to detailed assessment through the settlement boundary review;
- Would provide for residential development in line with the role and function of the village;
- Provides for a diversity of housing needs;
- Supports the primary role and function of Nelson as a Local Centre; and.
- Would bring a brownfield site back into beneficial use

The Council also recognised that the designation would appropriately fall under the description of 'rounding off' the settlement. These are significant benefits and demonstrate the locational qualities of the site and its 'fit' with preferred locations for modest, sustainable growth in accessible locations.

Planning Obligations

SP7 The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles to planned development, meet local needs and make development more sustainable. Such obligations will include:

- A Infrastructure for walking, cycling, public transport, parking
- B Schools and ancillary facilities
- C Community Facilities
- D Strategic highway improvements in the Northern and Southern Connections Corridors
- E Flood defence measures required to mitigate the risk of flooding
- F Formal and informal open and leisure space
- G Affordable housing and
- H Other facilities and services considered necessary.

The scheme will provide for highway and parking improvements for existing Brooklands residents in terms of a turning circle to avoid reversing, additional on street parking, three affordable houses in line with Policy SP15 and remediation of the currently broken foul and surface water drainage. The development will also provide the Council and its communities with Community Infrastructure Levy funds to improve local infrastructure.

Conservation of Natural Heritage

SP10 The Council will protect, conserve, enhance and manage the natural heritage of the County Borough in the consideration of all development proposals within both the rural and built environment.

Please see later views on policies on Trees, Green Wedge, Special Landscape Areas and Biodiversity.

Total Housing Requirements

SP14 The Council has made provision for the development of up to 10,269 new dwellings in the County Borough between 2006 and 2021 in order to deliver the 8625 new dwellings required to meet the moderate growth strategy. This 19% over provision allows for flexibility and choice.

Development of the site for 11 houses supports the supply of new dwellings required during the lifetime of the plan. In terms of ease of implementation and therefore likelihood of houses being built to match Caerphilly's assessed housing need, the site is in single ownership with no restrictive covenants. The Council has a weak housing land supply of only two years against a target of 5 years which is a material consideration (see later in report about the lack of progress on the LDP and low housing land supply figure and the need for this to be an important material consideration in the determination of this application).

Parking Standards

SP21 In order to implement the Parking Standards laid out in the CSS Wales Parking Standards 2008, the Council will identify the following Parking Zones

- A Town Centres
- B Urban Areas
- C Suburban Areas
- D Countryside
- E Deep Rural

The development provides for three parking spaces per dwelling in accord with parking guidelines.

Amenity

CW2 Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A There is no unacceptable impact on the amenity of adjacent properties or land
- B The proposal would not result in overdevelopment of the site and / or its surroundings
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use

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

The proposed houses are positioned in such a way so as to meet the standard 21m requirement between existing habitable rooms and the new housing. The scale and location of the new houses is such that would be sufficiently distant from existing houses and would not over dominate or overshadow.

The eleven houses on a .67 ha site would not result in over development of the site and the plot size and layout would not compromise the existing character of the area.

Residential use is compatible with the surrounding land uses in the local area and in the adjacent Borough of Merthyr Tydfil.

Design Considerations – Highways

CW3 Development proposals must satisfy the following highways requirements:

A The proposal has regard for the safe, effective, and efficient use of the transportation network

B The proposal ensures that new access roads within development proposals are designed to a standard that:

i Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and

ii Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve

C Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008

D Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity

Highways advice, in the Candidate Site Assessment January 2016 shows that access onto Brooklands can be achieved and that the Brooklands/B4255 junction appears acceptable subject to checks on visibility and geometry. Highways recognise that the level of traffic would not exceed the thresholds set out in TAN 18.

The development provides for three parking spaces per dwelling in accord with parking guidelines.

The Council in its Candidate Sites Assessment Jan 2016 accepted that the site lies in a sustainable location and lists public transport opportunities as:

- Nearest Bus Stops: 200m on the Shingrig Road near junction of Bwl Road..
- Nearest Railway Station: Quakers Yard 3.5km (although a new station is proposed for Nelson)
- Nearest Railway Station with Park & Ride: Ystrad Mynach - 4.3 km

Natural Heritage Protection

CW4 Development proposals that affect locally designated natural heritage features, will only be permitted:

A Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).

B Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:

i Conserve and where appropriate enhance the ecological or geological importance of the designation, or

ii Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.

As indicated and evidenced earlier in this statement, the LVIA, Tree Protection Plan and Ecological Assessment all indicate that the development could be achieved without harm to landscape or biodiversity interests. Indeed, the Ecological Assessment indicates that the site no longer meets the appropriate nature conservation threshold as a SINC.

Trees, Woodland and Hedgerow Protection

CW6 Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one of more such trees or hedgerows, will only be permitted provided that:

A Where arboricultural surveys are required, they are submitted and approved, including any mitigation, compensation or management requirements, as part of the planning application.

B Root systems will be retained and adequately protected for the duration of all development activity on site.

C Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.

D Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate.

The layout of the development has been advised by a detailed tree Protection Plan prepared by Mackley Davies and included in the application. Any reserved matters application for landscaping will be accompanied by a full planting plan.

As indicated earlier in this statement the development does not infringe on the important landscape aspects of the site, the treed riverbank and provides for a 9/10m landscape buffer between the site and the river.

Further extracts from the LVIA that show that LDP Policy CW6 would be adhered to include:

‘10.6 Good design at the Reserved Matters stage following the principles outlined in ‘Landscape Mitigation Measures’ Section 9 and shown on Plan 11 will eliminate or substantially reduce impacts. Immediately through the use of good layout and careful use of levels, through retention of boundary trees and the vegetated stream corridor, and following successful plant establishment to provide a buffer onto pasture to the west and to soften views for residents.

LANDSCAPE MITIGATION MEASURES

Section 9. Mitigation measures are derived from the need to: conserve the key qualities of the area identified in Section 5; meet the Local Development Plan policies identified in Section 6; provide screening of the proposal; take the opportunity to enhance landscape and biodiversity interest. The majority of new planting will be locally native, using species which are appropriate to the landscape setting, and appropriate for a housing development.

The following mitigation measures will be undertaken, for locations refer to Plan 11.

1. Provide adequate tree protection in line with Mackley Davies ‘Tree Survey’. This will also provide protection for the Nant Caeach stream corridor vegetation in line with the Ecologist recommendations. Where tree protection areas are compromised, an Arboricultural Method Statement should be provided to ensure successful long-term retention.
2. New native mixed tree and shrub group planting to the south west corner, and hedge and tree planting along the west boundary to soften views from footpath 1.
3. Native or ornamental hedge within rear gardens along Brooklands to soften views of rear elevations from Brooklands.
4. Tree planting to front gardens where space allows to soften elevations.
5. Native or ornamental hedging along the entrance road where services allow.
6. Tree planting to rear gardens along the north boundary to provide biodiversity benefit to stream corridor.
7. Consider pollinator planting where underground water or surface drainage tanks may be a constraint to hedge planting.

Mitigation measures during the Construction Phase:

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1. Keep the construction period to a minimum – this will be particularly important for adjacent residents.
2. Locate the construction compound and any materials storage away from tree protection zones and ideally away from public view.
3. Undertake planting in the first planting season following completion. Replace any failures the following planting season.'

Affordable Housing Planning Obligation

CW11 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).

As indicated earlier in the DAS and Planning statement, the development proposes three affordable houses in line with the above policy.

Specific Northern Connections Corridor Policies

Settlement Identity

SI1 Green Wedges are identified and will be protected at the following locations:

.....

SI1.11 West of Nelson

.....

As assessed by Mackley Davies consultants in the LVIA and as commented on earlier in this statement, the development would not significantly impact on the landscape in visual or sensory terms. This view is surely supported by the fact that the Council allowed the site to be used as a licenced land fill tip during the 2000s.

Allowing a small 'rounding off' development on the site would not result in coalescence between the two settlements of Nelson and Trelewis. An assessment of building in the surrounding area shows that the northern edge of the village of Nelson is built right up to the railway line for much of its boundary. Present on-going building of dwelling houses at Manor View is closer to the railway line than any house that could be built on Brooklands. (see photographs). On the opposite side of Shingrig Road there is outline planning for two bungalows in the garden of a house which are located at the same distance from the railway / unitary boundary as Brooklands. The Google Earth image below shows this clearly and marks the relative positions of the outline planning for two bungalows and the present building at Manor View.

Plan Showing Sites with Planning Permission in between Nelson and Railway Line



Housing at The Paddocks, Trelewis Bringing Development Closer to County Borough

Design and Access Statement (including Planning Statement)



Clear Defensible Settlement Boundary Formed by River, Cycle Track and Railway



Proximity of New Dwellings at Manor View to Brooklands



New Building at Manor View



While the site is within a Green wedge it is modest in scale and well contained and screened. Its scale would not suggest that it would fatally wound the totality of the green wedge. The Council already recognise this given that in its Candidate Site Assessment Report in January 2016 it accepted that the site conformed to many aspects of Caerphilly's Preferred Growth Strategy such as:

- Would result in the organic expansion of Nelson subject to detailed assessment through the settlement boundary review;
- Would provide for residential development in line with the role and function of the village;
- Provides for a diversity of housing needs;
- Supports the primary role and function of Nelson as a Local Centre; and.
- Would bring a brownfield site back into beneficial use

Importantly the Council also recognised that the designation would appropriately fall under the description of 'rounding off' the settlement and that development of the site would be a small incursion into the Green Wedge and SLA at the north-eastern boundary of both'.

Indeed, the separation between Trelewis and Nelson would remain and is well delineated by both the stream, railway and cycle path and green verges. The site allowed by the Council at Manor View is far more obtrusive to the bog, railway and the overall coalescence than Brooklands will ever be

Special Landscape Areas (SLAs)

NH1 Special Landscape Areas are identified and will be protected at the following locations:

NH1.2 Gelligaer Common

NH1.3 Mynydd Eglwysilan

As indicated above, the LVIA has shown that modest housing on this small portion of land immediately adjacent to existing housing and well linked to the surrounding urban landscape, would not significantly damage the SLA.

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Sites of Importance for Nature Conservation (SINCs)

NH3 Sites of Importance for Nature Conservation are identified and will be protected at:

NH3.58 Brooklands Marsh, North of Nelson

As indicated earlier in this DAS and Planning Statement, the ecological report from Celtic Ecology clearly demonstrates that the Brooklands Marsh Site no longer meets the criteria for SINC designation. Furthermore, the developments steers away from the SINC designation surrounding the Nant Caeach and would not adversely impact upon it.

National Planning Policies in PPG Wales Ed 10

Policies in PPG Wales Ed 10 support the development of this site under many headings:

Brownfield Site and Relationship to Existing Housing at Brooklands



It is recognised that national guidance does not promote housing in green wedges unless there is an overriding reason to allow development. It is argued that allowing development would help local people improve their chances of having a home to live in. The Council only has a two-year supply of housing land against a Welsh Government target of five years. The provision of 11 homes including 3 affordable houses would support the Council in meeting its local housing need. Delays in the production of a revised LDP to stimulate and provide housing land that is well related to existing settlements is also a material consideration.

The Council's attention is drawn to similarities between this application and application 15/0252/OUT. The Inspector's decision on land at Cwmgwilli, Blackwood (appeal reference APP/K6920/A/15/3137884 see attached) commented:

Para 14 The Council cannot demonstrate a 5 year housing land supply and has not been able to do so since the LDP was adopted. The latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met. As stated above that is not the case here but, in my view, the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings.

Para 19....PPW presumes in favour of sustainable development and the proposed development would satisfy PPW's objectives of achieving sustainable development by ensuring that local communities have sufficient housing and affordable housing for their needs and promoting access to employment, shopping and other facilities.

Para 20. The Council can only demonstrate a 1.9 year housing land supply. This is well short of what should be provided and the proposed development would provide much needed housing and affordable housing. The emerging LDP is seeking to address the current housing shortfall but, if found sound, won't be adopted for at least 18 months. It is acknowledged that the site lies in a sustainable location and I consider that the development can proceed without causing unacceptable harm to its surroundings. In my view, there is an overriding need for this development and these factors combine to constitute the very exceptional circumstances to outweigh the conflict with national and local policies described above.'

The Council cannot demonstrate a 5 year housing land supply and has not been able to do so since the LDP was adopted. It's programme for producing a revised LDP, largely as a result of its failure to deliver appropriate housing numbers has slipped considerably. Local housing is needed at the present time. As stated by the Inspector in the above appeal 'the extent of the shortfall (*in housing*) weighs heavily in favour of development that can proceed without causing harm to its surroundings.' This is surely significant and the same logic can be applied to this application.

Given that the site lies in a sustainable location and would not cause significant harm (as demonstrated earlier) it is argued that the scheme is acceptable.

As a former waste tip, the site meets the definition of previously developed land which and lies in a very accessible location immediately adjacent to existing housing development.

Design and Access Statement (including Planning Statement)

The layout and design of the development is advised by landscape, arboricultural and ecological advice and the new housing would not significantly impact on the green infrastructure of the area. In particular development would not lead to coalescence of the settlements of Nelson and Trelewis given the existing strong defensible boundaries of the Nant Caeach, railway line and Sustrans 47 route.

Allowing development would provide funds to tackle the totally inadequate local drainage infrastructure which the Council and householders are unable to tackle.

RCH Plan R Ltd Oct 2019