

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0802/OUT 26.11.2014	Filigree Trading Limited And Julian Hodge Bank C/o Savills Miss L Price 12 Windsor Place Cardiff CF10 3BY	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from the A4049 and footpaths and the installation of new services and infrastructure, ecological mitigation and enhancement works and other ancillary works and activities Land At Hawtin Park Gelli-haf Pontllanfraith Blackwood

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The site is located on land which is positioned between existing residential and industrial development at Hawtin Park, Blackwood.

In a wider context the site itself is located approximately a mile to the south of the town of Blackwood.

Site description: The site is composed of a number of field parcels which in total form an irregularly shaped area of land. This land is in part overgrown with regenerated scrub and is covered in substantial marsh grassland, as much of the site is poorly drained. There are also a number of trees on the site, the majority of which are located alongside the stream which runs centrally across the site. The field parcels themselves are bounded by overgrown hedges.

The site is positioned close to the ridge of the hillside which separates the Islwyn and Rhymney valleys. In gradient terms it falls generally from north to south, however there is also a cross-fall, which follows the line of the small valley through which a stream runs in a diagonal direction across the site.

The housing land to the east and south is known as The Bryn, whilst the industrial land to the north and west forms part of the Hawtin Park Industrial Estate. The land to the west and south forms part of existing farm operations.

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Development: The application is an outline proposal mainly for residential development, along with public open space, highways infrastructure and associated works. All detailed matters are reserved for subsequent approval. The application contains a "Masterplan", which is for illustrative purposes only, but does give an indication of how a development of approximately 175 units, comprised of houses and flats, could be accommodated on this site.

This application relates, in part, to land which was granted planning permission for mixed use development in June 2014 (ref. no. 08/0752). An indicative layout for this extant scheme granted permission for residential development on land to the east of this application site (for approximately 80 dwellings). The same permission granted permission for commercial uses to the west (i.e. the application site). The extant permission includes the provision of a significant nature conservation area which runs with the stream across the centre of the site.

This application seeks planning permission to develop the land, previously identified for commercial use, for housing.

The proposal is accompanied by the following documents:-

A Design and Access Statement (DAS);
A Transport Statement (TS);
A Flood Consequences Assessment (FCA) and Surface Water Drainage Strategy;
Extended Phase 1 Habitat Survey;
Stage 2 Ecology Survey Report;
Tree Survey, Categorisation and Constraints Report;
Noise Impact Report.

Dimensions: The application site measures 11.67ha. However, because the application site includes the nature conservation area, the net developable area for housing is approximately 4.4ha.

Materials: As the application is in outline with all matters reserved there are no materials submitted as part of the scheme.

Ancillary development, e.g. parking: The "Masterplan" shows that the proposed development would most likely be accessed via a new junction onto the A4049, but a spur is shown as being taken off this road at the southern end to cross the retained grassland area to access the proposed residential development that was approved under outline consent 08/0752/OUT. This seeks to ensure that the access to that previously approved site can be maintained as part of the layout to this subsequent proposal.

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PLANNING HISTORY

08/0752/OUT - Erect residential and commercial development - Granted 26.06.14.

2/11673 - Overhead line diversion - Granted 17.12.93.

5/5/93/0708 - Divert approx 830 meters of 33kv overhead line - Granted 17.12.93.

5/5/91/0623 - Erect industrial development (B1, B2) -& warehousing (B8) - Granted 19.12.91.

5/5/90/0901 - Construct roads and sewers - Granted 18.04.91.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site forms part of an Employment allocation in the Adopted Local Development Plan (EM1. 8). The application site area is also covered by a Sites of Importance for Nature Conservation designation (i.e. a SINC, ref. no. NH3.77)).

Policies: The policies of relevance in the Caerphilly County Borough Council Local Development Plan up to 2021 - Adopted November 2010 are indicated bellow. They are considered to be those that will address the principle of development at this location.

Strategy Policies;

Policy SP2 Development Strategy (NCC), Policy 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 and Policy SP16 Managing Employment Growth.

Countywide Policies;

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design Considerations Highways, Policy CW4 Natural Heritage Protection, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space Provision, Policy CW11 Affordable Housing Planning Obligations and Policy CW13 Use Class Restrictions Business and Industry.

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NATIONAL POLICY The Proposal should be considered in line with National Planning Policy and Guidance and in particular (but not exhaustive) the requirements of:

Planning Policy Wales (Edition 7, July 2014);
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
Technical Advice Note 2: Planning & Affordable Housing (2006);
Technical Advice Note 11: Noise (1997);
Technical Advice Note 12: Design (2014);
Technical Advice Note 18: Transport (2007);
Technical Advice Note 23: Economic Development (2014).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal constitutes an urban development project beyond the 0.5 Hectare threshold for EIA screening.

Was an EIA required? However having regard to the characteristics of the development and its location and impacts, it was not considered to require an EIA.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Head Of Public Protection - have objected to the application on the issue of unacceptable noise nuisance that may be caused by the existing industrial uses to the west of the site.

CCBC Housing Enabling Officer - supports the application subject to the completion of a Section 106 Agreement designed to secure the affordable housing requirement in accordance with Local Development Plan policy.

Senior Engineer (Land Drainage) - makes a number of drainage comments which are required to be passed on to the applicant by way of advice and also a condition is recommended in respect to the control of land and surface water discharges.

Outdoor Leisure Development Officer - comments that the outline nature of the proposal makes it difficult to make detailed comments however he requires adequate leisure provision in respect to Policy CW10 of the Local Development Plan, to be incorporated into the detailed layout.

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Transportation Engineering Manager - raises no objection subject to the imposition of conditions relating to highway safety matters.

Dwr Cymru - comments that there were capacity issues present at this site; however, works to improve the system should be completed by the end of March 2016. They originally asked for a "Grampian" type condition to be imposed in this regard but the time limit identified by them is shortly to expire and as such there is no need to attach such a condition.

Wales & West Utilities - advises that it has apparatus within the vicinity of the site.

Countryside And Landscape Services - the landscape architect has no objection to the principle of the proposal whilst the ecologist recommends a wide range of conditions that should be attached to any permission granted

Natural Resources Wales - have not formally commented on this proposal but on the previous application they raised particular concerns relating to the protection of the nature conservation area. They also recognised that the site was earmarked for development in the adopted plans of the time.

Glam/Gwent Archaeological Trust - comments that it does not consider that there are any significant features within the vicinity of the site.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and by way of fifty-eight direct letters with neighbouring properties.

Response: Nine responses were received. Of these a number were letters sent in by the same responders when reconsulted on additional information submitted as part of the application. Of these responses seven objected to the application whilst one supported it and the other two required clarification.

Summary of observations:

1. How many affordable properties will be built at the rear of Crown Lane?
2. The submitted plan shows land that is marked as "previously consented". Will this land be built upon in the future?
3. The site entrance shown on the submitted layout shows an access that is too close to the bend. This will have highway safety consequences.
4. Have noise reports been undertaken in the vicinity of Bryn Road?
5. The road shown on the application "Masterplan", which serves land to the east, is not described on the application form.

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6. The road referred to in point 5 above crosses the area shown as a nature conservation area.
7. This road also links land which is not part of the current application and should not form part of the proposal.
8. Noise will increase with the proximity of the new development to the existing dwellings on the Crown Estate.
9. The site is contrary to policies contained in the Adopted Caerphilly County Borough Council Local Development Plan, namely CW2 (Amenity). This policy specifically seeks to safeguard the interests of existing uses, and ensure that they are not compromised by the granting of a residential permission which may adversely impact on those uses. In this case the detrimental effect that the proposed housing could have on the adjoining factory.

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 considered that the determination of this application will have no impact on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE No. Matters of nature conservation and given further consideration in the analysis part of this report.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The application is in outline and consequently the floor area calculation for the C.I.L. contribution cannot be accurately calculated. Consequently the C.I.L. contribution will be secured at the reserved matters stage.

ANALYSIS

Policies: Section 38(6) of the Planning and Compensation Act 2004 requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this regard the Adopted Caerphilly County Borough Council Local Development Plan is the relevant plan. As such the main policies of relevance are those relating to the Strategic and Countywide sections contained within that plan.

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With regard to the Strategy Policies

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the west of the Bryn housing estate, Pontllanfraith, Blackwood, and to the south of Hawtin Park Industrial Estate. It is an allocated Primary Employment Site and also a designated Site of Importance for Nature Conservation. The principle of development on the site is therefore already accepted.

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

Having regard to the social and economic functions of the area, Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serves the NCC. The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the area's major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development. As a consequence there are very few residential land allocations identified in the LDP within Blackwood or the Greater Blackwood area (including Pontllanfraith). Conversely there is a significant amount of land identified within the area for employment use, including the application site (EM1.8).

The land immediately to the east of the application site is identified for residential development (HG1.30) and this is the only substantial housing site allocated in the LDP to serve the Greater Blackwood area.

The LDP in allocating the Land at Hawtin Park for employment and housing use recognises this area as a sustainable location for new development. The LDP further recognises that the land in question can exploit the existing infrastructure within the area, although acknowledges that provision would need to be made for the upgrade of some infrastructure and utilities within the area.

The whole of the site is identified as a Site of Importance for Nature Conservation (NH3.77) and Policy SP2 requires this to be protected from inappropriate development.

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There is an extant outline planning permission (08/0752/OUT) for a mixed use development that conforms with local planning policy for the area, therefore the principle of development on the site is already accepted; however, the use of the employment land for housing is contrary to policy and needs further consideration through this application.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The whole of the application site is identified for development and is located within the settlement boundary for Greater Blackwood and specifically Pontllanfraith. The principle of development on the site is therefore already acceded.

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features.

Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of sustainable urban drainage systems.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The current proposal is an outline submission with all detailed matters reserved for subsequent approval. Consequently at the detailed stage the layout should be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council should seek to secure the provision of 25% affordable housing, if planning permission is accepted.

In line with the overarching Strategy requirements contained in Policy SP2, Policy SP10 Conservation of Natural Heritage seeks to protect, conserve, enhance and manage the natural heritage of the county borough in the consideration of all development proposals.

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The extant permission includes the provision of a significant nature conservation area, which runs with the stream across the centre of the site; the development of the application site for housing, rather than employment use, affords a further opportunity to protect these natural features within the site as housing can be more closely integrated within the landscape than most employment uses.

Policy SP14 Total Housing Requirements makes provision for 10,269 dwellings for the 15-year period 2006 to 2021. This represents 1,644 (19%) residential units more than the 8,625 units required to meet the dwelling housing requirement identified for the plan period. The 19% over-allocation allows for flexibility and choice in recognition of the fact that not all sites will be developed.

The Annual Monitoring Report (AMR) is the main mechanism for reviewing the relevance and success of the LDP and identifying any changes that might be necessary. The main principle of the monitoring process is to identify when the revision of the LDP should take place.

The Council has prepared three reports to date, the most recent of which was considered by Council in October 2014. Notably the AMR monitors Policy SP14 against the annual building rate and therefore against the housing land supply calculated by past building rates. Using these monitoring factors the trigger points for review have not been reached.

Notwithstanding this position, it is evident that new housing has not been delivered at the levels required in the first half of the plan period. Policy SP14 indicates that there is a housing requirement for 8625 new dwellings to be delivered to meet identified need over the plan period. In order to meet this need an average of 575 dwellings needs to be delivered per annum. The 3rd AMR indicated that 3287 units had been delivered (38% of the total housing requirement) up to March 2013.

When the 2014 JHLAS completion figures (i.e. an additional 351 units) are factored into the calculation, completions over the plan period increase to 3638 (42%). Therefore there is a need for a further 4987 (58%) dwellings to be developed over the remainder of the plan period i.e. by 2021 to meet the total housing requirement for the plan period.

National indicators are also included within the AMR for housing land supply and notably these require housing land supply to be monitored based on the residual method as outlined in Technical Advice Note 1: Joint Housing Land Availability Studies (2015). TAN 1 seeks to ensure that there is a genuine 5 year land supply available, and thus categorises sites to indicate those that can be included within the 5 year land supply. Using this method of calculation the 2014 JHLAS indicated that there was only 2.5 year supply available rising to 3.5 years if all of the S106 sites were included in the land supply.

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The most recent JHLAS, published in October 2015, indicates that the land supply has now dropped to below 1.9 years.

It is acknowledged that the housing land supply figure is a material consideration in determining planning applications for housing. It is further acknowledged that where the current study shows a land supply below the 5-year requirement the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies (Para 6.1 TAN 1).

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The illustrative "Masterplan" which accompanies the application indicates a maximum of 175 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 43 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered if consent is forthcoming.

Policy SP16 Managing Employment Growth makes provision for 101.9 hectares of employment land across the county borough to meet the needs of business up to 2021. This compares to the projected land required for employment use of approximately 64.2 hectares over the plan period. At 8.8 hectares, the application site is one of a range and choice of sites that contribute to the overall employment land supply. It is acknowledged that the plan makes a significant over provision of employment land, however this is necessary to create the conditions necessary to facilitate development and drive forward economic growth in the county borough.

Notwithstanding the oversupply of employment land, consideration needs to be given to the potential loss of this site as an employment site, as not only is the amount of land available important, but the location and quality of that land is extremely important.

Modern businesses and developers looking to acquire land for employment use, generally seek to acquire prominent, (easy to develop) greenfield sites close to arterial roads or motorways, as irrespective of sustainable transport policies, private transport still dominates in most industrial sectors. A healthy property market should provide a mix of options including speculative developments; design and build schemes, and freehold plots for owner-occupiers to self-build. The Land at Hawtin Park is a designated Primary Employment Site that offers a site for self build in an excellent location within the NCC.

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There are two other significant Primary Employment Sites located within the NCC that contribute to the employment land supply for the county borough, namely Oakdale Business Park and Ty Du Nelson. Oakdale Business Park is approximately 106 hectares of existing and planned employment land that aims to make provision for a blend of properties to meet the needs of modern business, whilst Ty Du is an allocated greenfield site of approximately 18 hectares identified solely for B1 use (office-based development). A significant supply of land is therefore available for employment use within the NCC.

In terms of existing industrial floorspace, the NCC contains the majority of existing industrial floorspace in the county borough at approximately 68,010 sq m across 30 units. Of this a significant number of units of different sizes are available to let at any one time.

On balance it is considered that the loss of 8.8 hectares of land from the employment land supply would not have an adverse impact on the county borough's ability to meet the requirements of modern business.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. This again is a matter that can be addressed by way of detail in the reserved matters submission.

Policy CW2 Amenity recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. This is particularly pertinent to this application, given the presence of existing business units to the north and north-west corner of the application site. The policy addresses two sides of the issue, firstly the potential adverse effects of new development on adjoining uses, and secondly the potential for the existing use to adversely impact upon the residential amenity of new residents. Of key consideration in this regard is the likely impact of any potential nuisance that could arise from the existing employment use on the industrial estate. Careful consideration therefore needs to be given to the proposed relationship of housing and employment along the north-western edge of the application site in particular. Where the residential amenity of proposed housing is likely to be impacted by the close proximity of these uses, priority needs to be given to the need to ensure that the existing employment use is not compromised by the introduction of housing on the adjacent land.

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In order to address this issue the Planning Statement states that the indicative masterplan provides areas of open space and strategic landscaping, within the site, between proposed housing and where the site directly abuts existing employment uses. Further it states that in the north-west corner of the site, a landscaping buffer and the proposed LEAP will act as a physical buffer between the existing industrial unit to the west and the proposed housing development. No development is proposed on the northern field of the site, which is to be retained as grassland and informal open space.

The Council's Head of Public Protection was not convinced that these arrangements were enough to safeguard the dwellings from noise. As a result further discussions with the applicant's agents resulted in a revised "Masterplan" being submitted. This showed augmented protection along the boundary with the factory site to the west. The revision shows a two metre bund topped with a two metre high fence. The applicant's noise consultant has also submitted an updated noise report seeking to address the concerns of the Head of Public Protection. This report indicates that to mitigate road noise, from the classified road to the south, a 2.1 metre high acoustic barrier is proposed along this boundary. This will address any noise issues identified under TAN 11.

With regard to the industrial noise between the adjoining factory and the proposed dwellings, the report acknowledges that the application is in outline and therefore further work will be required at the reserved matters stage when the detailed design is known. In any event a "worst case scenario" was assumed at this point. The report consequently recommended a 4 metre barrier (i.e. 2 metre acoustic fence on top of the 2 metre bund). In addition it indicates that a small number of the proposed dwellings, located closest to the factory may require a "closed window strategy" for the first floor windows. This will involve the use of mechanical ventilation to serve these rooms.

The use of such mechanical ventilation is not considered to be acceptable by the Head of Public Protection. It is recognised however that the opposition to this form of ventilation has recently not been considered viable to argue at appeal by this Authority, as there is insufficient supporting case law to compile a justifiable argument to refuse a planning permission on this basis. In the circumstances it is considered that the matter of the industrial noise issues can be addressed by the way of the imposition of conditions attached to a grant of planning permission.

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network and in particular to observe the requirements of Criterion D in respect of restrictions on new development as it relates to County Roads (A4049). In particular, there should be no provision for on-street parking or direct frontage access along the County Road.

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The comments of the Transport Engineering Manager are pertinent in this regard, and as can be seen from the above report, he considers that the proposal is acceptable in highway safety terms subject to the imposition of a number of conditions controlling aspects of the development.

Policy CW4 addresses the Natural Heritage Protection, whilst Policy CW6 Trees, Woodland and Hedgerow Protection deals with these stated aspects. This is a major issue in regard to this sites development due to the scale and character of the large Nature Conservation Area. The County Ecologist has carefully considered the issues of the impact of the development on (1) the Site of Importance for Nature Conservation (i.e. the SINCC) which covers the majority of the site area; (2) Hegerows; (3) Birds; (4) Bats; (5) Reptiles and Amphibians; and (6) Long Term Management of Retained Habitats and Species.

The Ecologist concludes that having assessed all of the submitted information." It is considered that an acceptable balance has been reached between the development of the site and the retention of an area of land within the site, which with suitable management, provides the high quality grassland habitat and its connectivity through the site. Consideration has been given to the Habitats Directive, but in the absence of confirmed presence of European Protected Species other than those species of bats that were found to be foraging across the site, it is considered unnecessary to address the three tests referred to in the Directive. However, these species have been considered in the foregoing assessment and conditions are recommended to ensure that any potential impact is mitigated".

Consequently a range of conditions have been suggested to deal with the issues considered.

Policy CW10 Leisure and Open Space Provision requires all new housing sites capable of accommodating 10 or more dwellings to make provision of adequate well designed open space and children's play facilities either on or off site. Given the size of the proposal and its relationship to the existing residential area the on-site provision of a Local Equipped Area for Play is welcomed.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. The mix and type of properties to be sought has been subject of discussion with the Housing Division, and will be specified in the S106 Agreement designed to deal with this matter.

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The last LDP policy applicable to this site is Policy CW13 Use Class Restrictions Business and Industry, this specifies that development will only be permitted on Primary Employment Sites if it is within use class B1, B2 or B8, is an appropriate sui generis use or will provide an ancillary facility or service to the primary employment use. The development of this site for residential use would clearly be contrary to Policy CW13, but this matter has been considered already in this analysis.

With regard to national policy it is considered that the TANs identified contain general advice which is covered in the adopted Local Development Plan policies elaborated upon above.

Site Specific Considerations

The site is an allocated Primary Employment Site (Policy EM1.8 refers) and also a designated Site of Importance for Nature Conservation (Policy NH3.77 refers). The principle of development on the site is already accepted, however the development of the site for residential use is a departure from its designation in the plan. These matters have been considered above.

Other Material Considerations - 5 year Land supply

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The application seeks to make provision for approximately 175 houses on an allocated employment site (EM1.8) contrary to the provisions of the adopted development plan.

Policies SP16, CW13 and EM1.8 seek to restrict the development of the application site to employment use, specifically B1, B2, B8 or to an appropriate sui generis or ancillary use. The aim of the policy framework is to make provision for the development of a range of employment sites throughout the county borough to meet the identified needs of business over the plan period in order to provide sufficient employment for the residents of the county borough. It is acknowledged that the plan makes a significant over provision of employment land in order to provide flexibility and a good range and choice of sites to create the conditions to enable business to flourish.

Whilst the proposal for housing is clearly contrary to certain provisions of the plan (specifically the sites designation for employment under Policy EM1.8) this needs to be balanced against other material planning considerations, in order to determine whether the proposal to develop the site for residential use would be acceptable.

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PPW requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS). Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (TAN1) says that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing.

The Caerphilly JHLAS for 2014 shows that there is 2.5 years land supply when calculated using the residual method as required by TAN 1. The Council recognises that where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies

The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period. The monitoring evidence indicates that it is unlikely that this position will improve in the short term. Indeed it is likely that the JHLAS for 2015 will indicate a worsening position.

LDP Revision: The First Revision of the Adopted LDP is underway. As part of the revision of the plan, there is recognition that there is a need to re-designate some employment land for alternative uses including for housing. The Deposit Replacement Local Development Plan is now out for consultation and in this plan the site is shown as an identified housing site (as is the adjacent site to the east).

Community Infrastructure Levy

The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy. Pontllanfraith lies within the Mid Viability Area and as such general market housing is liable to pay £25 per square metre. In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations.

Conclusions

The principle of development on this site has already been accepted through its allocation as an employment site in the Adopted Caerphilly County Borough Local Development Plan up to 2021.

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The proposed development of the Land at Hawtin Park (EM1.8) for residential development would represent a sustainable development providing family and affordable housing (subject to the policy considerations outlined), for which there is an acknowledged need. However in order for the proposal to be acceptable in policy term, sufficiently robust mitigation should be included within the layout of the site in order to ensure that the existing employment use on Hawtin Park is not compromised by the introduction of housing on the adjacent land. This will be dealt with by the imposition of suitably worded conditions attached to a grant of outline permission.

The lack of a 5 year housing land supply as identified by the 2014 JHLAS, together with the over provision of employment land and premises within the NCC are material considerations that outweigh the conflict with the site's designation for employment use in the Adopted Caerphilly County Borough Local Development Plan.

In order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to impose a condition that the development should commence within three years from the date that outline consent is granted as opposed to the usual five years, with reserved matters submission within one year instead of three.

In the circumstances it is considered that there are no policy objections to this application.

Comments from Consultees: It is evident from the above report that the comments from the consultees do not contain sufficient reasons to justify a refusal of permission. Whilst the Head of Public Protection objects to the proposal it is not considered that the objection could sustain a reason for refusal as it is mainly based on the issue of the opposition to mechanical ventilation being fitted into properties which are relatively close to the boundary of the site with the existing factory building (i.e. Moulded Foams). It is also recognised that the application is in outline, with all matters reserved. This allows the Authority an opportunity to ensure that further reports are commissioned to make the detailed layout specifically appropriate in protecting the amenities of both the residents and the industrial enterprise.

Comments from public: The responses to the comments raised by the public are as follows:-

1. The applicant indicates that the site can accommodate around 175 dwellings. If this assessment is accepted then the development should accommodate approximately 43 affordable homes. This is based on the requirement of 25% affordable homes from such a development. The current application is an outline submission, with all matters reserved, and cannot identify where such properties would be located.

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2. The submitted Indicative Site Layout Plan shows an area outside the site boundary as "Previously Consented Land". This site was granted consent under code reference 08/0752, in June 2014. It therefore remains extant and can be acted upon with a view to providing residential development on the land to the east of the application site.
3. Access is a reserved matter in this application and as such it is the principle of an access which is being considered rather than the exact location of the point of access. However the Transportation Engineering Manager will assess the highway safety aspects of the site as part of his consultation response.
4. Noise reports have been undertaken, and assessed, as part of the consideration of this proposal.
5. Whilst the road shown by way of dotted lines on the "Masterplan" is one that forms part of an extant consent to land located to the east of the site, it is shown for information purposes but is not part of the current application and therefore does not appear in the description of the development.
6. The road referred to in point 5 above is shown as running through the southern edge of a nature conservation area. The approval for the residential area of land to the east (code ref. 08/0752) contained this illustrative access line as it represented a way of acceptably getting to the developable area without harming the nature conservation area.
7. As indicated the road is included for information and acknowledges that there is a valid planning permission on land to the east which is likely to be accessed along this general line.
8. The majority of the development proposed is located on land to the west of any existing housing land. It is also sited on an area which was identified for residential purposes in the Adopted Local Development Plan. The noise reports undertaken did not identify a problem with the development of the site for residential purposes with regard to its location in respect to the existing housing.
9. This objection is one that was submitted on behalf of the adjoining industrial operation and is a reasonable comment on the change of circumstances that could occur if the application is approved or if the Deposit Replacement Local Development Plan is confirmed. As such the matter was fully considered in the policy section, in the assessment of Policy CW2 (Amenity). The additional noise report submitted indicated physical mitigation (i.e. bund and acoustic fence) along with a built in ventilation system which could protect the first floor from nuisance if required. It was on this basis that the planning merits were considered, on balance, to be acceptable.

Other material considerations: In order to secure the relevant percentage of affordable housing, required under the Adopted Local Development Plan on the site, it is recommended that a Section 106 Agreement be entered into on the terms previously discussed between the applicant and the Council's Housing Department.

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This agreement should also ensure that the Nature Conservation Area identified on the submitted plans, is transferred to the Council for its future protection and management. The planning permission, previously granted for residential and commercial development on the site was similarly linked to a S106 Agreement which required the transfer of this area to Council ownership. That latter agreement also required contributions to leisure and education provision. These two areas are now covered by the C.I.L. levy and any monies will be forthcoming by way of that process.

The Section 106 Agreement would be necessary to ensure compliance with the Council's policies regarding affordable housing and nature conservation. The requirements are directly related to the development, and reasonably and fairly related to the proposal in scale and kind.

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

1. 25% provision of Affordable Housing.
2. Transfer to the Council of the retained area of land of nature conservation interest, a commuted sum towards its long term management and long term management of the habitat areas not transferred to the Council.

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

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

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- 04) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.
REASON: In the interests of highway safety.
- 06) Prior to its first use the proposed means of access to the A4049 shall be laid out, constructed and maintained thereafter with visibility splays of 2.4m x 120m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 07) Notwithstanding the submitted plans no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority which provides a 90m forward visibility splay around the bend on the A4049 adjacent to the south east corner of the site. Such provision shall be completed prior to the first occupation of the development hereby approved. No obstruction or planting when mature exceeding 0.9m in height shall be placed or allowed to grow in the required forward visibility area.
REASON: In the interests of highway safety.
- 08) All the dwellings on the site shall be provided with car-parking spaces in accordance with the Council's Adopted Supplementary Planning Guidance LDP5-Car Parking Standards.
REASON: To ensure that the properties are provided with adequate parking facilities.
- 09) Prior to the commencement of vegetation or site clearance works, a plan shall be submitted to the Local Planning Authority for approval detailing the location of the donor grassland and receptor sites for translocation together with a method statement and a programme for monitoring the translocated vegetation. Work shall be carried out in accordance with the approved plans and translocation programme. A copy of the results of the monitoring programme shall be submitted to the Local Planning Authority at the end of each monitoring year.
REASON: In the interests of nature conservation.

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- 10) Prior to the commencement of any vegetation or site clearance works, details of a three year scheme to enhance the retained habitats within the application site shall be submitted to the Local Planning Authority for approval. The scheme shall contain details of the timing of its implementation, and shall be implemented in accordance with the agreed scheme.
REASON: In the interests of nature conservation.
- 11) Prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of nature conservation.
- 12) Notwithstanding the submitted plans, the plans and particulars of the landscaping and layout submitted in accordance with Condition 01) above shall include:-
- (a) a plan to a scale and accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres.
 - (b) the details of each tree as required at para, 4.2.6 of BS5837 in a separate schedule.
 - (c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
 - (d) The details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2. of BS5837) of any retained tree, (in this condition a 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to at paragraph (a) above).
 - (e) The details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
 - (f) A statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
- REASON: To ensure that existing trees that are to be retained are adequately protected during the development of the site.

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- 13) Prior to the commencement 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.
- 14) The plans and particulars of the landscaping and layout submitted in accordance with Condition 12) above, shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 12) above until they are established.
- REASON: To ensure that the landscaping scheme becomes established in the interests of visual amenity.
- 15) No development or site/vegetation clearance that affects the trees identified as Category 1 and 2 potential bat roosts in section 4.6 of the Soltys Brewster Stage 2 Ecology Report dated 21 November 2014 shall be carried out until a pre-clearance bat roost survey has been carried out by a competent Ecologist with proven expertise in bat surveying. The results of the survey together with an assessment of the impact of the development on these species and if necessary, details of any proposed remedial measures including protection of roosts during construction, and details of lighting in the vicinity of potential roosts and key foraging areas shall be submitted for the approval of the Local Planning Authority. The approved measures shall be complied with as agreed.
- REASON: In the interests of nature conservation.

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- 16) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, and a licence is required, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 17) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site if necessary) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: to ensure that reptiles are protected.
- 18) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 19) Prior to the commencement of the development hereby approved, a management plan covering a period of 25 years to maintain and enhance the biodiversity value of the retained habitats and species within the site shall be submitted to and approved by the Local Planning Authority.
REASON: In the interests of nature conservation.
- 20) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats and nesting sites for birds on or within 75% of the new dwellings shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats and nesting sites for house nesting birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

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- 21) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 22) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 23) As part of the particulars to be submitted in compliance with Conditions 01) and 02), full details of all lighting associated with the external elevations of the commercial buildings, car parks, roads and cycleways/footpaths shall be submitted to and approved by the Local Planning Authority. Any lighting at the site shall only be installed in accordance with the approved details.
REASON: In the interest of visual and residential amenity and nature conservation.
- 24) 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: To prevent contamination of the application site in the interests of public health.
- 25) An updated noise assessment shall be submitted as part of any reserved matters application in respect to the specific location, layout and design of residential units relative to the adjacent industrial uses. The assessment shall include mitigation measures to limit the impact of noise from the existing industrial uses on the residential development hereby approved. Such attenuation measures as may be approved shall be implemented on site prior to occupation of any dwellings to which they relate and thereafter shall be retained in place for the lifetime of the development.
REASON: To protect the dwellings on site from potential noise nuisance emanating from the adjoining industrial site.

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- 26) Prior to the erection of the noise barriers to be located on the southern boundary of the site and along the boundary with the adjacent factory unit, details of their design and specification shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these agreed noise barriers shall be implemented concurrently with the development and shall be maintained in place for the lifetime of the housing scheme hereby approved.
REASON: To protect the residential amenities of the residential development hereby approved.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010 are relevant to the conditions imposed on this consent: policies CW2, CW3 and CW4.

