

PREFACE ITEM

APPLICATION NO. 15/0563/OUT

APPLICANT(S) NAME: Trustees Of Llanover Estate

PROPOSAL: Erect up to 50 dwellings and access with all other matters reserved

LOCATION: Land At Ty-Mawr Ty-Mawr Farm Lane
Croespenmaen Newport

This application was reported to the last Planning Committee at which a decision was deferred to allow Officers to draft reasons for refusal based on the impact of the development on highway safety, and the encroachment on the green wedge. A copy of the original report is attached as an Appendix.

The following reason for refusal would reflect the concerns raised on highway grounds:

The local highway network is inadequate to accommodate the traffic generated by the proposed development, particularly the lane that directly serves the site, and the traffic light junction on the B4251. The proposal would therefore be contrary to policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

A Transportation Assessment was submitted with the application which concluded that the development would have a negligible impact on local traffic levels, amounting to a potential trip generation of 26 two-way movements in the AM peak hour and 30 two-way movements for the PM peak hour. It estimates that only 4 and 5 vehicles per hour, for the AM and PM peak hours respectively, are likely to seek out the lanes to the east and south of the site, which equates to one vehicle every 12 to 15 minutes.

The Transportation Engineering Manager generally agreed with those conclusions, subject to the need for some lane widening between the site and Treowen to the east. When questioned at Committee about the adequacy of the traffic light junction on the B4251, the highway engineer was satisfied that the scheme would not cause any problems in that respect.

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Application No. 15/0563/OUT Continued

The second reason for refusal could be worded in the following manner:

The proposed development would encroach on a green wedge as defined in the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010, to the detriment of its open character. The development would therefore be contrary to policy SI1 of that plan.

The impact of the development on the green wedge was discussed at committee and it was established that approximately 10.5% of that allocation would be taken up by the development. The impact is further illustrated by the plan attached to the end of this report which shows that the eastern edge of the proposed development aligns with the existing development to the north, and there would remain a substantial area of green wedge separating the two settlements.

The site is outside the settlement boundary as defined in the adopted LDP and within a green wedge, but its development would not be wholly contrary to the strategy set out in that plan for the Northern Connections Corridor. Policy SP2 states amongst other things that development proposals in that area will promote sustainable development that focuses on both brownfield and greenfield sites that have regard for the social and economic functions of the area.

Planning permission was recently allowed on appeal for residential development of some 115 houses at Cwmgelli at the northern end of Blackwood. That site was also outside the settlement and in a green wedge. In that case the inspector stated: "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." He went on to conclude that green wedges should be subject of review as advised by Planning Policy Wales; the LDP review shows the site as allocated for housing; questions of prematurity did not weigh against the scheme because it did not go to the heart of the plan; and housing was required now whereas the LDP review would not be adopted until 2017.

Overall, the inspector came to the following conclusion, "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.

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Application No. 15/0562/OUT Continued

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..." He was also of the view that the site is in a sustainable location.

In considering the implications of that decision, officers offered three broad conclusions to members at the last Planning Committee.

1. The importance of evidence to support a reason for refusal.
2. The need to take a reasonable approach in determining any applications, and to not base decisions on unrealistic scenarios.
3. The importance of the housing land supply in the decision making process, and the need for the LPA to take steps through granting planning permission for housing development to make up for the deficiency in advance of the adoption of a reviewed LDP.

On the basis of that advice, the two reasons for refusal set out above would be difficult to sustain. There is no evidence of existing highway problems, or that the proposed development will cause such issues.

Only a small part of the green wedge will be lost. The reasoned justification to policy S11 states:

"The need to define and maintain open spaces between and within urban areas and settlements to prevent coalescence is considered important for the County Borough to protect the integrity of both the built and natural environment. Within green wedges, it is intended to resist any development proposal that would not maintain this open character."

As can be seen from the plan at the end of this report, a substantial amount of the green wedge would remain to maintain the gap between the two settlements. There would be a very local impact on the open character of the green wedge, but that has to be balanced against the need to take steps to improve the housing and supply. The inspector at Cwmgelli, where some 115 houses were approved, drew attention to that site's allocation for housing in the deposit LDP, and that is also the case at the current site under consideration, where only approximately 50 houses are proposed.

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Application No. 15/0563/OUT Continued

The Council is seeking to remedy its lack of a five-year housing land supply by reviewing the LDP, but it also has to take other steps in the short-term. Some figures may help to clarify the position:

- In the last year Planning Committee has only consented 12 housing sites, capable of accommodating over 10 units.
- These 11 consents will only provide 253 units once developed.
- The Adopted LDP makes provision for 575 units a year to meet the identified housing requirements over the plan period.
- This under provision in 2015 will further compound the housing land supply position.
- The 2015 JHLAS indicates that we have a 1.9 year land supply; the 2016 study is likely to see this reduce even further when the results of the study undertaken in April 2016 are known.
- The 2015 Local Housing Market Assessment indicates that there is a need to develop 526 dwellings a year to meet the identified housing needs for the county borough.

Against that background the proposed development would make a valuable contribution to rectifying the shortfall.

To conclude, there is no evidence to support a highway reason for refusal; and whilst as a matter of fact the scheme would encroach on the green wedge and have a local impact on its open character, the need to improve the housing land supply weighs heavily against that reason for refusal as well.

Recommendation: That planning permission is granted subject to the conditions on the attached report. However, if members are minded to refuse permission they should limit the reason to the one set out in the report in respect of the loss of the green wedge.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0563/OUT 03.08.2015	Trustees Of Llanover Estate C/o Asbri Planning Ltd Miss L Hughson-Smith Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erect up to 50 dwellings and access with all other matters reserved Land At Ty-Mawr Ty-Mawr Farm Lane Croespenmaen Newport

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application parcel of land is located on the eastern edge of Croespenmaen.

Site description: Grazing land bounded by a mixture of mature trees and hedgerows along its eastern, southern and part of its northern edge. The western and north-western edge is characterised by predominantly timber panelled fencing which demarcate the rear gardens of the existing residential properties along Plynlimon Avenue and Plynlimon Close backing onto the site. The site is roughly rectangular in shape, with varied topography as the land falls from the highest point in the south eastern corner, to the lowest point in the north-west, where the site meets the built edge of Croespenmaen.

The site is bounded to the north and west by existing residential development at Plynlimon Close and Plynlimon Avenue respectively, and to the south by an unclassified lane, which links Croespenmaen with Treowen and Crumlin. To the east of the site is the access track serving Ty Mawr Farm, and beyond that open countryside.

Two public rights of way cross through the site, i.e. along the northern and western periphery. Both of these public rights of way feed into a pedestrian link to Plynlimon Avenue. High voltage, overhead transmission lines run on a north-south axis across the western part of the Site. Overhead power lines also run to the east of the Site. There are two pylons within the confines of the site, located on the western and the south-eastern edges.

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Application No. 15/0563/OUT Continued

Development: Outline planning permission is sought for the residential development of the site with all matters reserved for approval. However, plans have been submitted showing the following details.

50 dwellings are proposed. This includes a mixture of 2-bed houses, 3-bed houses, and 4-bedroom houses.

The proposed dwellings are laid out around a single residential estate road. The vehicular access into the site is located in the south-west corner of the site in a similar position to the existing site access.

Pedestrian footpath access points are also proposed in the north-west and south-west corners of the site.

Dimensions: The site has an area of 2.29 hectares.

Dimensions (upper and lower limits for height, width and length of each building):

2-bedroom house: width 4.5 - 5.5m, depth 6.5 - 9.0m, height 7.5 - 9.0m (to ridge height).

3-bedroom house: width 4.5 - 6.0m, depth 7.5 - 9.0m, height 8.5 - 9.5m (to ridge height).

4-bedroom house: width 5 - 7m, depth 6.5 - 9.0m, height 7.5 - 9.0m (to ridge height).

Materials: To be agreed at reserved matters stage.

Ancillary development, e.g. parking: A locally equipped area of play located in the south-west area of the site to allow and encourage use by residents of Croespenmaen.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The proposed development is located outside the settlement boundary and within Green Wedge allocation SI1.10 (Croespenmaen and Treowen).

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Application No.15/0563/OUT Continued

Policies:

Policy SP2 (Development Strategy - Development in the Northern Connections Corridor), Policy SP5 (Settlement Boundaries), Policy SP7 (Planning Obligations), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation), CW22 (Minerals), Supplementary Planning Guidance LDP6: Building Better Places to Live (November 2010), Supplementary Planning Guidance LDP7: Householder Development (November 2010).

NATIONAL POLICY Planning Policy Wales, TAN1 [Joint Housing Land Availability Studies (2006)] and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. A Coal Mining Risk Assessment was submitted with the application that was reported to the Coal Authority. In their consultation response, the Coal Authority agreed with the recommendations contained in the report, i.e. that an intrusive site investigation be undertaken in the form of rotary boreholes to confirm coal mining conditions to identify and necessary mitigation measures prior to the commencement of the development. Such a requirement will be controlled by way of condition.

CONSULTATION

Head Of Public Protection - No objection subject to requested conditions relating to noise and dust mitigation, soil/hardcore importation, and noise mitigation for future residents.

CCBC Housing Enabling Officer - Requests provision of 25% affordable units be provided. Such provision will be secured by way of Section 106 Agreement.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding land drainage.

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Application No. 15/0563/OUT Continued

Outdoor Leisure Development Officer - No objection subject to provision of a suitably sized equipped play facility. Such an area is shown on the submitted plan and will be secured by way of condition.

Head Of Public Services - No objection subject to advice.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - No objection subject to advice.

Police Architectural Liaison Officer - No objection subject to advice.

Western Power Distribution - Provide advice to the developer.

Countryside And Landscape Services - No objection subject to requested conditions. Several of these conditions relate to biodiversity enhancement works.

Natural Resources Wales - No objection subject to requested conditions.

Rights Of Way Officer - No objection providing public rights of way are not obstructed at any time.

Senior Arboricultural Officer (Trees) - No comments although existing boundary treatments unaffected by layout as proposed.

Principal Valuer - No comments.

The Coal Authority - No objection based on submitted Coal Mining Risk Assessment. Request condition requiring site investigation.

ADVERTISEMENT

Extent of advertisement: 42 neighbouring properties were consulted and a site notice was displayed near the application site.

Response: 15 objections were received.

Summary of observations:

- Development in countryside.
- Development in green wedge/encroachment into green wedge.
- Surface water flooding.

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Application No. 15/0563/OUT Continued

- Impact on sewer capacity.
- Prematurity in relation to deposit LDP.
- Impact on bats and other wildlife.
- Loss of privacy/overlooking.
- Overshadowing impact on neighbouring houses.
- Impact on highway safety as result of additional vehicles using the highway network.
- Impact on local service capacity, i.e. doctors and dentists.
- Risk of explosion from carbon dioxide/methane in ground as ex mining area.
- Inadequate access to site.
- Impact on access to neighbouring farm.
- Dust, noise and odour impact during construction.

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?

Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The submitted preliminary ecological appraisal outlines that with the exception of the boundary hedgerows and mature trees, the habitats associated with the site were generally considered to be of little or no ecological value. Conditions in relation to the protection and/or enhancement of the mature trees and hedgerows surrounding the site are more appropriate at reserved matters stage, when the exact layout of the site would be agreed.

Is this development Community Infrastructure Levy liable? Yes. New residential development at a rate of £25 per sq. metre of internal floor space. This will be calculated accurately at the reserved matters stage.

ANALYSIS

Policies: This is an outline application with all matters reserved for the erection of 50 houses on the eastern edge of Croespenmaen. The application has been considered in accordance with local plan policies and national planning guidance as referred to above. The main issues considered to be relevant to the determination of this planning application are the relationship of the application site to the existing settlement boundary, its green wedge allocation, its compatibility with surrounding land uses, and highway safety.

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Application No. 15/0563/OUT Continued

The application site is located outside of the defined settlement boundary, that bounds the site along its western and part of its northern boundary. Therefore the site is currently classed as open countryside, and therefore the development is contrary to Policy SP5 of the Local Development Plan (LDP).

Policy SP5 (Settlement Boundaries) states:-

"The Plan defines settlement boundaries in order to:

- A Define the area within which development would normally be allowed, taking into account material planning considerations;
- B Promote the full and effective use of urban land and thus concentrate development within settlements;
- C Prevent the coalescence of settlements, ribbon development and fragmented development;
- D Prevent inappropriate development in the countryside."

Technical Advice Note (TAN) 1 relates to Joint Land Availability Studies which are required in order to monitor the provision of market and affordable housing. Under TAN 1 Local Planning Authorities have a duty to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing.

Paragraph 5.1 of TAN1 states:

"The results of the Joint Housing Land Availabilities Studies should be treated as a material consideration in determining planning applications for housing. 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. In addition, local planning authorities must take steps to increase the supply of housing land."

The Council's housing land supply, as agreed in the latest Joint Housing Land Availability Schedule is only 1.9 years, compared with the requirement in Planning Policy Wales and TAN 1 to maintain a 5 year supply. The housing land supply is a material consideration in planning applications and the deficit in Caerphilly County Borough Council's housing land supply and remedying this shortfall should be considered a high priority in the determining suitable planning application, such as this one. For these reasons, although the 50 proposed dwellings are located outside of the defined settlement boundary, the lack of a 5 year housing land supply is a material planning consideration, and adds considerable weight in support of the proposed development.

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Application No. 15/0563/OUT Continued

In reference to the criteria contained in Policy SP5, given the location of the application site, and it being bounded on two sides by the existing settlement boundary, it is not considered to represent ribbon development or fragmented development, and would not lead to the coalescence of settlements. Whilst it would inevitably encroach into the green wedge, it extends no further east than the eastern extent of the Plynlimon Close development to the north.

Policy SP2 (Development Strategy - Development in the Northern Connections Corridor) states:-

"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 application site is served by existing infrastructure in terms of its relationship to the highway network and the employment opportunities afforded at the Croespenmaen Industrial Estate and Oakdale/Pen-y-Fan Industrial Plateaus. Furthermore, a footpath link in the south-west corner of the site will encourage non-car borne trips to local shops and facilities.

Policy SP7 (Planning Obligations) states:-

"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."

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Application No. 15/0563/OUT Continued

A Section 106 Agreement will form part of any planning permission to secure the required element of affordable housing, 25% in this instance (13 dwellings based on the proposed 50 units). The development site is also CIL liable at a rate of £25 per sq. metre of internal floor area. Such monies will contribute to the above local needs and will be calculated at reserved matters stage.

SP15 (Affordable Housing Target). The Council will seek to deliver through the planning system at least 964 affordable dwellings between 2006 and 2021 in order to contribute to balanced and sustainable communities. The proposed development will contribute 13 dwellings) depending on the reserved matters) towards this target.

Policy CW1 (Sustainable Transport, Accessibility and Social Inclusion) states:

"Development proposals that are likely to generate a significant number of trips will only be permitted provided:

A Walking and cycling are modes of travel which have been actively encouraged for short trips to and within the development and to nearby services and facilities, including public transport nodes, through the provision of appropriate infrastructure."

The applicant has included a pedestrian access points in the south-west of the site to allow access to Croespenmaen and Oakdale, as well as public transport.

Policy CW2 (Amenity) states that:-

"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 over-development 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 development is bounded to the west and north by existing residential development, and the development of the site will not have an unacceptable impact on the amenity of these surrounding residential developments, particularly given the distance the proposed dwellings are set off the boundary. Furthermore, the site benefits from established hedgerows/tree lines of high quality along its southern and eastern boundaries, as well as along part of the northern boundary.

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Application No. 15/0563/OUT Continued

The retention of such boundary treatments will soften the impact of the proposed development in the landscape. The proposed development is of a reasonable low density which is appropriate given its edge of settlement location, and therefore it is not considered that the development represents an over-development of the site. It should also be noted that the development is set 60 metres off the north-east corner of the site, which is also the highest part of the land. Such careful urban design will ensure the development sits sympathetically within the landscape when viewed from afar.

To the south, the site is bounded by an existing industrial use (Schulmans). Based on the noise survey submitted by the applicant, the Head of Public Protection is satisfied that the amenity of future residents can be protected by way of condition, i.e. acoustic glazing measures. However, as the layout may change at reserved matters stage, it is deemed more appropriate to revisit a noise attenuation condition at reserved matters stage when the exact layout of the site will be determined. It should also be noted that the properties at Nos. 20-26 Cae Celyn, Cwmroly House and Cwmroly Bungalow are sited closer to this industrial use than any of the proposed dwellings, Cwmroly Bungalow having been approved in 2007.

CW3 (Design Considerations - Highways) states:-

- "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."

The Transportation Engineering Manager is satisfied with the proposed access to the development site, and road network within the development, and raises no objection subject to conditions. Of particular note, a condition is requested requiring lane improvement works between the site at Treowen to the east. Such works primarily involve lane widening at two points along the lane to improve forward visibility in the interests of highway safety.

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Application No. 15/0563/OUT Continued

The applicant has confirmed that they are agreeable to such a condition. Furthermore, the provision of several pedestrian access points will encourage modes of transport other than that of private car to accord with this policy.

CW10 (Leisure and Open Space Provision) states:-

"All new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3ha in gross site area will be required to make adequate provision for:

- A Well-designed useable open space as an integral part of the development; and
- B Appropriate formal children's play facilities either on or off site and
- C Adequate outdoor sport provision either on or off site,
- D To meet the needs of the residents of the proposed development."

As part of the development, a local equipped area of play (LEAP) is proposed in the south-west corner of the site. This area measures approximately 25m x 12m, and given its proposed location will be accessible to users from the surrounding area. Such a facility will provide an equipped amenity area for future occupiers of the development, as well as residents of the surrounding area, on land that is currently privately owned and therefore not accessible to the public.

CW11 (Affordable Housing Planning Obligation) states:-

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

- A Accommodate 5 or more dwellings or
- B Exceed 0.15ha in gross area."

The application site is located within the area defined as the Northern Connections Corridor which has an affordable housing target of 25%.

A Section 106 Agreement will be required to secure the requirement of the Housing Enabling Officer, i.e. the provision of 25% affordable housing onsite, which equates to 13 dwellings on the basis of the submitted plans, and must meet the following tests:

- (a) It is necessary to make the development acceptable in planning terms.

Policy CW11 requires the provision of affordable housing and that can only be secured through a S106 Agreement.

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Application No. 15/0563/OUT Continued

(b) It is directly related to the development.

The affordable housing can only be secured as part of a housing development.

(c) It is fairly and reasonably related in scale and kind to the development.

The amount of affordable housing is based on the requirements set out in the LDP which has been through an examination and been adopted.

Comments from consultees: No objection is raised by those consulted, although several conditions are requested in order to satisfy the various Consultees. With regard to the comments from Head of Public Protection as the application is for Outline planning permission it is not considered necessary at this stage to attach such conditions. The comments of the Head of Public Protection will be forwarded to the applicant as an advisory note to inform a subsequent reserved matters application.

In respect of the comments of the Countryside and Landscape Manager whilst the provision of bird boxes and bat roosts may be desirable, they are not necessary to enable the development to proceed and therefore are not attached. Furthermore, the requested condition relating to the bird nesting season can be controlled via the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.

The requested conditions relating to Light Mitigation Strategy for bats, bat habitat survey and biodiversity landscaping scheme are not considered necessary at outline stage and will be revisited at reserved matters stage. Given that the site is considered to have low potential for reptiles with the exception of the hedgerows along the boundaries of the site, it is not considered necessary to require a reptile survey condition at this stage.

Conditions will be attached to the permission requiring a hedgerow management scheme, bat survey work in relation to any mature trees that may be impacted by the development, and the removal of the invasive plant species Monbretia.

Comments from public:

1. Development in countryside - This matter has been addressed in the analysis section above.
2. Development in green wedge/encroachment into green wedge - This matter has been addressed in the analysis section above.

Application No. 15/0563/OUT Continued

3. Surface water flooding - No objection is raised by Natural Resources Wales and the Councils Senior Engineer (Land Drainage). A condition will be attached to the permission in relation to surface water management.
4. Impact on sewer capacity - Welsh Water do not raise objection to the proposal.
5. Prematurity in relation to deposit LDP - This matter has been addressed in the analysis section above.
6. Impact on bats and other wildlife - This matter has been addressed in the analysis section above.
7. Loss of privacy/overlooking - Based on the indicative layout plan submitted with the application, the nearest residential dwelling to any proposed dwelling on the site is 38 metres away. Such a distance is considered to be acceptable in terms of residential privacy.
8. Overshadowing impact on neighbouring houses - The nearest residential dwelling to any proposed dwelling on the site is 38 metres. Therefore, the proposal will not have such an impact on nearby dwellings.
9. Impact on highway safety as result of additional vehicles using the highway network - The Transportation Engineering Manager raises no objection to the proposed development subject to conditions.
10. Impact on local service capacity, i.e. doctors and dentists - It is for the Health Board to increase services in line with population growth.
11. Risk of explosion from carbon dioxide/methane in ground as ex mining area - The Coal Authority raise no objection based on the submitted Coal Mining Risk Assessment subject to a condition requiring a ground investigation.
12. Inadequate access to site - The Transportation Engineering Manager raises no objection to the proposed development.
13. Impact on access to neighbouring farm - The proposed development does not alter access arrangements to the neighbouring farm.
14. Dust, noise and odour impact during construction - As the application is for outline planning permission it is not considered necessary at this stage to attach conditions relating to noise and dust mitigation. Such conditions would be attached to a reserved matters permission if deemed necessary.

Other material considerations: In the recently allowed (May 2016) appeal decision of Land at Cwmgelli, Blackwood (Appeal Ref: APP/K6920/A/15/3137884), a site considered to be very similar to the application site, i.e. located at the edge of settlement, within a green wedge, and identified as a Candidate site for housing in the Deposit LDP, the Inspector made the following comments:

"The proposed development conflicts with national and local policies relating to the protection of the countryside and Green Wedges. Planning Policy Wales states that substantial weight should be given to any harmful impact that a development would have on a Green Wedge and inappropriate development should not be allowed except in very exceptional circumstances.

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Application No. 15/0563/OUT Continued

It is necessary, therefore, to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge."

"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."

"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 above appeal decision is particularly significant to the application site given the similarity in terms of its allocation, as well as the Inspector referring to the Councils 1.9 year housing land supply as representing very exceptional circumstances. It is accepted that the development will encroach on the green wedge, however, given the extent of the Plynlimon development to the north, coupled with the access track leading to Ty Mawr farm forming a natural boundary to the east, it is not considered that the change to the green wedge outweighs the need to provide additional housing in accordance with Technical Advice Note (TAN) 1.

RECOMMENDATION that (A) The application is Deferred to allow the completion of a Section 106 Agreement as set out in the report. On completion of the Agreement (B) that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. 15/0563/OUT Continued

- 02) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of the permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) The development hereby permitted shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 05) No development shall take place until an intrusive site investigation has been carried out. The results of the site investigation and methodology used shall be submitted to the Local Planning Authority before any development begins. If any land instability issues are found during the investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development shall be submitted to and approved in writing by the Local Planning Authority. Remedial measures shall be carried out prior to the first beneficial use of the development in accordance with the approved details and retained in perpetuity.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 06) If during the course of development, any unexpected land instability issues are found which were not identified in the site investigation referred to in Condition 05), additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall thereafter be carried out in accordance with the agreed scheme.
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.

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Application No. 15/0563/OUT Continued

- 07) Prior to the commencement of any site/vegetation clearance associated with the development hereby approved that affect any of the mature boundary trees, a bat roost survey together with an assessment of the impact of the development on this species and if necessary details of any proposed remedial measures shall be carried out and submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species, in the interests of biodiversity.
- 08) Prior to the commencement of works associated with the development hereby approved, a 5 year hedgerow management plan, which shall include details of the timing of its implementation shall be submitted to the Local Planning Authority for approval. The plan shall include the timing of its implementation.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2014) TAN 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Monbretia on site. The treatment of Monbretia shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to introduce, plant or cause to grow in the wild any plant listed in Schedule 9 Part 2 of the Act. Monbretia is included within this schedule.
- 10) The details submitted in respect to Condition 01) shall provide for open spaces and play areas to include the provision of a Locally Equipped Area of Play (LEAP). These details shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play equipment.
REASON: To ensure that the site is provided for in respect to formal play provision.
- 11) The existing lane serving Croespenmaen to Crumlin/Treowen located on the southern boundary of the site shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence on the development hereby approved. The improvements shall be in the form of constructing two passing bays along the lane at locations to be firstly agreed in writing and be completed in materials as approved in writing by the Local Planning Authority before the development is brought into beneficial use.
REASON: In the interests of highway safety

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Application No. 15/0563/OUT Continued

- 12) A suitable width footway shall be provided from the proposed site entrance along Melin Place to tie into the existing footway network which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to beneficial occupation of the development hereby approved.
REASON: In the interests of highway safety.

- 13) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 45 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.

Advisory Note(s)

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

DEFERRED FOR REASONS FOR REFUSAL

