



## PLANNING COMMITTEE – 15TH AUGUST 2012

**SUBJECT: APPEAL AGAINST THE REFUSAL OF PERMISSION FOR RESIDENTIAL DEVELOPMENT AT CWMGELLI, BLACKWOOD (09/0744/OUT)**

**REPORT BY: CHIEF EXECUTIVE**

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1. Planning permission was refused in October 2011 for residential development on land to the north of Blackwood town centre at Woodview, Cwmgelli. The reasons for refusal were as follows:
  - 1) The proposed development lies outside the settlement boundary contrary to Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 Policy SP5, which seeks to define areas within which development would normally be allowed and to promote the full and effective use of urban land and to prevent inappropriate development in the countryside.
  - 2) The proposed development lies within a green wedge and would be detrimental to the settlement identity of Blackwood contrary to Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 Policy SI 1, which seeks to maintain the existing open character of the land and prevent settlement coalescence.
  - 3) The proposed junction with the B4251 lies between two roundabouts on a busy route that lacks a central turning reserve where the additional access and egress manoeuvres would be detrimental to the free flow of traffic and highway safety contrary to Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 Policy CW3, which requires that new access to roads should be safe and effective.
  - 4) The submitted details lack sufficient information to enable the proper assessment of the impact of the proposed development upon protected species, and sites of importance for nature conservation as required by Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.
2. Those reasons were drafted by Officers to reflect Members' concerns following their decision to refuse permission contrary to Officer recommendation. The applicants have appealed against the decision, and it is intended to determine the matter by hearing, which is to be held in September. The Council's hearing statement had to be prepared by early July, and it became evident in doing so that it would not be possible to present a case in support of the third and fourth reasons for refusal. The Planning Inspectorate has therefore been advised that the Local Planning Authority will only be defending the first two reasons, which are based on Local Development Plan policy.

3. Reason 3 reflected concerns about the introduction of additional traffic onto a busy highway. The Council's Transport Engineering Manager did not raise any objections to the scheme. The applicants provided information to show that the road serving the site – the B4251 High Street – is at present operating at around half its theoretical capacity. The design of the access into the site was acceptable to the Transport Engineering Manager.
4. The fourth reason was based on concerns about the ecological impact of the development. The applicant submitted a wildlife survey that concluded that there were no major constraints to development provided hedges and a watercourse were protected, and the development included bat and bird boxes and appropriate soft landscaping to enhance biodiversity. An undeveloped area of land was to be provided at the northern end of the site to ensure that bat foraging areas were maintained. The Council's Ecologist generally concurred with those views, and if permission had been granted a number of conditions would have been imposed concerning the protection of the woodland and the stream, the management of the undeveloped area, a reptile mitigation strategy, biodiversity enhancements for bats, birds, and general habitat.
5. In view of there being no technical support for either of those two reasons, the Local Planning Authority would have been exposed to a considerable risk of costs had it sought to defend them. The appeal process has allowed members of the public to bring their highway and ecological concerns to the attention of The Planning Inspectorate.
6. **RECOMMENDATION:** That Members note the action set out above.