

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0038/OUT 19.01.2015	Land Matters Limited C/O Savills Mrs M Lewis 12 Windsor Place Cardiff CF10 3BY	Erect residential development with associated public open space, landscaping and highways infrastructure including a new highway access from Pandy Road and footpaths and requiring the installation of new services and infrastructure and other ancillary works and activities Land North Of Pandy Road Bedwas Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The site is an irregularly shaped area of land located on the north-western boundary of the village of Bedwas. It lies approximately three-quarters of a mile from the centre of the village and around a mile and a half from Caerphilly Town centre.

Site description: The site falls outside the settlement limit identified in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The land is currently undeveloped and appears to be primarily agricultural in nature. Whilst it is locally referred to as land at Glan Rhymney Farm the applicant indicates that the three parcels of land involved are not currently used for farming or grazing purposes. The three fields are separated by hedgerows, with trees being located mainly around the boundaries.

The fields, as a result of their earlier agricultural use, are comprised of improved grassland with marginal areas of dense bramble scrub and bracken. The site is bound to the south by Pandy Road, beyond which is Bedwas House Industrial Estate. To the east of the site runs Pandymawr Road beyond which are the existing residential properties off Dol-y-Pandy Road and Dan-y-Deri Road.

The site rises from Pandy Road, which runs along its southern boundary, and continues upwards as it climbs the mountainside to the north.

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Development: The proposal is an outline application which seeks to reserve all detailed matters for subsequent approval, although indicative proposals for the site access have been submitted with the application (included in the Transport Assessment) to establish basic principles at this outline stage.

The application proposes a housing scheme with capacity to accommodate up to 300 new homes. The DAS prepared in support of the application sets out the evolution of Indicative Masterplan, considering the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. Whilst the application is for "up" to 300 dwellings the applicant has indicated that site constraints will probably yield around 270 units. However the consideration of the proposal will be in respect to the higher number.

The applicant indicates that the "proposed housing will reflect a wide range of size, types and tenures in order to cater for the needs and demands of the local population and market place. The final mix of housing (in terms of type and tenure) is to be determined through reserved matters applications and in consultation with the Council".

The description of the development also includes reference to associated open space, landscaping, and highways and service infrastructure.

Indicative layout: The DAS submitted with the application seeks to set out the evolution of the Indicative Masterplan which forms part of that document. It attempts to show how it has considered the opportunities and constraints that the site presents to deliver a scheme and density that is appropriate and reflects its surroundings. It also indicates the provision of public areas of open space.

Indicative access points: The development is accompanied by a preliminary design showing a priority junction from Pandy Road into the south-eastern area of the site. Whilst this is indicative it would appear to be the logical point bearing in mind the alternatives.

In respect to footpath provision there are two Public Rights of Way in the immediate vicinity of the site; FP26 runs east-west towards the northern boundary of the site and FP24 runs opposite on the southern side of Pandy Road through to the Industrial Estate onto Greenway.

Dimensions: The site measures 8.3 hectares in area (i.e. 20.5 acres). The indicative housing layout shows 300 properties which gives an overall density of development of 35.3 dwellings per hectare (i.e. 14.6 dwellings per acre).

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Materials: Not Applicable.

Ancillary development, e.g. parking: Not Applicable.

PLANNING HISTORY

5/5/92/0040 - Reorganise 11kv lines - Granted 10.06.92.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located in the open countryside adjacent to, but outside the settlement limit contained in the Adopted Caerphilly County Borough Council Local Development Plan (i.e. the LDP). The site lies in a Special Landscape Area (NH1.4, North Caerphilly) and also in a Minerals Safeguarding Area (MN2.9, The Southern Outcrop, Caerphilly/Lower Islwyn,- Coal).

Policies: There are a wide range of policies of relevance to the consideration of this application contained in the Local Development Plan. These are as follows;

Strategy Policies.

1. Policy SP3 Development Strategy.
2. Policy SP4 Settlement Strategy.
3. Policy SP5 Settlement Boundaries.
4. SP6 Place Making.
5. Policy SP7 Planning Obligations.
6. Policy SP10 Conservation of Natural Heritage.
7. Policy SP14 Total Housing Requirements.
8. Policy SP15 Affordable Housing Target.

Countywide policies.

- A. Policy CW1 Sustainable Transport, Accessibility and Social Inclusion.
- B. Policy CW2 Amenity.
- C. Policy CW3 Design Considerations Highways.
- D. Policy CW4 Natural Heritage Protection.
- E. Policy CW6 Trees, Woodland and Hedgerow Protection/LDP 4:Trees and Development.
- F. Policy CW10 Leisure and Open Space Provision
- G. Policy CW11 Affordable Housing Provision.
- H. Policy CW15 General Locational Constraints.
- I. Policy CW22 Locational Constraints Minerals.

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NATIONAL POLICY The Proposal should be considered in line with National Planning Policy and Guidance and in particular 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 15: Development and Flood Risk.

Technical Advice Note 18: Transport (2007).

There are also other policy related matters which require to be considered in respect to this submission. Such matters could constitute material considerations in respect to the determination of this proposal. They are;

The 5 year Housing Land Supply,
The Annual Monitoring Report,
The Local Development Plan Revision,
The Community Infrastructure Levy (i.e. CIL).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes. The proposal exceeded the threshold of 0.5 hectares for such developments.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The comments of the Coal Authority were requested on this application.

CONSULTATION

Outdoor Leisure Development Officer - comments that as the application is in outline there are a limited number of comments that could be made. However it is considered that some formal play equipment in the form of a NEAP, a LEAP and possibly a Multi Utility Games Area (i.e. a MUGA) as well as open space should be considered for inclusion in the layout.

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Bedwas, Trethomas & Machen Community Council - "strongly object" to this application on the basis of traffic congestion and the loss of "green-belt" land.

Glam/Gwent Archaeological Trust - made no comment on this application.

Gwent Wildlife Trust - issued a holding objection relating to the need for additional information regarding wildlife habitats. This information was received and considered by the NRW and the County Ecologist and was found to be acceptable.

The Coal Authority - raises no objection to this application on the basis of the information submitted.

Countryside And Landscape Services - the Landscape Architect objects to the application on the basis of its visual impact and the effect on the Special landscape Area.

The Council's Ecologist is satisfied with the information submitted however she requires a range of conditions to be imposed which protect various species.

Senior Arboricultural Officer (Trees) - raises no objection to this application subject to conditions being imposed relating to tree protection measures and an arboricultural method statement.

CCBC - 21st Century Schools - whilst no formal comment has been received the provision of schools is a matter being addressed by way of the Local Development Plan review. Also the financial contribution towards such education provision will come through the Community Infrastructure Levy (i.e. CIL) monies when the detailed application is determined.

Head Of Public Protection – No objection subject to conditions.

CCBC Housing Enabling Officer - has been party to a number of discussions with the developer on the level of affordable housing at the site. Agreement between the parties was subsequently reached and the application, if approved, will be subject to a S106 agreement designed to secure the affordable element of the scheme.

Senior Engineer (Land Drainage) - raises no objection but requests a condition be imposed which requires a comprehensive drainage scheme to be submitted. as part of the detailed scheme.

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Head Of Public Services - does not oppose the application but wishes the applicant to be advised of the need to provide on-site refuse storage facilities.

Transportation Engineering Manager – No objection subject to conditions and a Section 106 Agreement in respect of off-site highway improvements.

Dwr Cymru - raises no objection to the application but request conditions and advice to be included on any permission granted.

Police Architectural Liaison Officer - comments that the Designing Out Crime Unit has no objections to make however the Traffic Management Advisor comments on the need to restrict vehicle parking to only one side of the road to ensure the safe movement of vehicles along this highway.

Wales & West Utilities - comments that a gas main crosses the site and they must be contacted with regard to its apparatus prior to any work commencing on site.

Natural Resources Wales - originally objected to the proposal on the basis of the lack of information relating to the potential bat usage at the site. Additional information in this regard was subsequently submitted and the objection was removed. There were no objections received in respect to flooding or surface water issues.

Rights Of Way Officer - Footpath 26 in the Community of Bedwas crosses the site and must be protected at all times, or alternatively the applicant may seek to temporarily close the path during the works (contact this office to discuss if necessary). Should any part of the proposed development conflict with the footpath a suitable Diversion or Stopping up Order must be in place prior to works affecting the Public Right of Way.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site, press and direct neighbour consultation letters with 99 properties.

Response: The response to this public consultation exercise is as follows:-

80 individual letters of objection have been received including one from the Local Assembly Member.

3 petitions objecting to the application totalling 607 signatures.

1 letter of support.

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It should be noted that a number of the letters were submitted in respect to the Local Development Plan review process which was undertaken at the start of this year and ran for a time in parallel with the submission of this application. Officers have included both sets of letters in the processing of this application as they both refer to the principle of the site's development and consequently deal with similar concerns.

Summary of observations: The basis of the objections received are as follows;

1. The development would result in serious road traffic congestion, which would exacerbate the already poor situation in the road system that serves this area and thereby impact on road safety. Pandy Road is currently a "rat-run" used to avoid the main roads during peak times.
2. It would cause pollution/noise.
3. It would result in the loss of agricultural land.
4. The implementation of such a scheme would put pressure on local services such as education and health.
5. The drainage arrangements in the area will be overloaded.
6. The land should be retained for farming, which would maintain the pastoral view and assist wildlife.
7. The application is outside the current settlement limits.
8. There are enough "brown-field sites" within settlement limits to develop without looking to use up "green-field" sites in the countryside.
9. It would adversely affect existing water supply/pressure.
10. It would result in the additional use of Pandy Mawr Rd, which is a single track road and not meant for such additional use.
11. The proposed link between the site and the existing playground on the Manor Park estate will result in danger to children crossing the lane and damage to boundary fences.
12. The increased use of Pandy Lane, to the north of the site will be hazardous.
13. The current level of traffic using Pandy Road has increased over recent times and merging into the lane is dangerous due to the capacity and speed of vehicles driving along it.
14. The character of Bedwas has changed over recent times, from a village to a "dormitory" of Caerphilly.
15. On street parking along Pandy Rd. is already an issue.
16. There is "very little space left in the village" as the open countryside is disappearing.
17. Other options should be explored (e.g. loans/grants/compulsory purchase of properties/redevelopment of derelict sites) before agricultural fields are built upon.
18. This proposal will result in further applications in this area for housing.
19. The impact of Manor Park has already "robbed" the area of countryside.

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20. The adverse effect on the farming industry in the area, especially at harvest time, will be considerable, especially in respect to transport and relocate produce.
21. Pandy Lane is subject to flooding, this will worsen the situation.
22. There needs to be a new access road to serve this site or it should be refused.
23. Pandy Rd. is not suitable for wheelchair users and this development will make it worse.
24. It will result in the loss of wildlife habitats, along with trees and hedgerows.
25. Disruption will be caused to existing dwellings during the construction phase. Who will bear the cost of this disruption?
26. Such a development will demonstrate that it is a "bad policy" to build such a large site.
27. Inadequate notice has been given to the publication of this application.
28. Loss of view.
29. The litter nuisance in Pandy Lane will increase.
30. The development is a speculative operation which will benefit only a few (i.e developer, estate agents and the landowners).
31. Contrary to the applicant's contention the land is used for agricultural purposes.
32. The site should have its own play area and not rely on the one located within Manor Park.
33. The site has poor public transport links.
34. The Council is charged with protecting and enhancing the countryside.
35. An Environmental Impact Assessment under the relevant Regulations should have been submitted.
36. Inadequate ecological information has been submitted.
37. Vandalism is currently being experienced by industrial uses on the estate to the south. This may worsen as a result of more people using Pandy Lane.
38. A site of this size will be to the detriment of the remainder of the village due to its impact on existing facilities.
39. Loss of walkways and amenity/countryside land.
40. Cycling in this area is too dangerous at present. To suggest additional cycling activity with more vehicles on the road would be reckless.
41. Loss of light, privacy and residential amenity to existing dwellings.
42. There are no local facilities or community buildings shown within the site layout.
43. Householders are being given £250 in an attempt to "buy-off" opposition.

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SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? It is not considered that the determination of this application will impact adversely on the issues of crime and disorder in this area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The application was accompanied by an extended phase 1 survey, which considered the site's suitability for protected species. This was supplemented with additional surveys for reptiles and bats between April and June 2015. These were assessed by the county Ecologist and Natural Resources Wales. Their comments are considered later in this report.

Is this development Community Infrastructure Levy liable? No. The application is in outline only. If it is granted it will be at the approval of reserved matters stage, that the amount of CIL contribution will be calculated. This will be assessed on the floor area created. In the south of the County this is payable at a rate of £40 per square metre. This amount will exclude the affordable housing element contained in the scheme.

ANALYSIS

Policies: Development Strategy - As can be seen from the policy section above there are a range of policy considerations applicable to this site. In view of the location of the site, being outside the settlement limit, it is evident that there are policies which the application is clearly contrary to. However in a plan led system the legislation states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" (Planning and Compulsory Purchase Act 2004, Section 38 (6)). As such this section will give an overview of the policy considerations and seek to provide a conclusion based on all the relevant considerations.

Strategy Policies, these are designed to deliver wider aims and objectives of the plan's Development Strategy.

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The first of these policies is SP3 which addresses the development strategy in the Southern Connections Corridor (i.e. SCC). This policy requires development proposals within the SCC to promote sustainable development. Specifically proposals in this area should: be targeted to previously developed land within settlement limits in the first instance; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; have regard to the social and economic function of the area; and protect the natural heritage from inappropriate forms of development.

The application is for the development of a greenfield site outside of the identified settlement limit, which is clearly contrary to the provisions of Criterion A of Policy SP3. Notwithstanding this, the site is located in an area that is well served by public rights of ways, by bus and is located relatively close to a number of railway stations and it therefore has the potential to be serviced by sustainable modes of transport in line with Criterion B.

In terms of the role and function of the area, the Strategy defines Bedwas as a Local Centre within the SCC, based on its role as a provider of local services and as an area that provides significant employment opportunities. The Local Centres are also the areas that are targeted for new residential development given their position in the settlement hierarchy as defined by Policy SP4 "Settlement Strategy". The LDP targets new residential development in Bedwas to the Bedwas Colliery Site. To date this site has not been developed and consequently Bedwas has experienced very little housing growth over the plan period. The development of housing to serve the Bedwas area would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3.

Policy SP3 also requires development in the SCC to protect the natural heritage from inappropriate forms of development. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Criterion E of Policy SP3. The majority of such mitigation will be in the form of conditions requiring landscaping and tree protection schemes. These are however issues for the reserved matters application as landscaping is a detailed matter.

Whilst the application is contrary to the provisions of Criterion A, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation.

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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, in the SCC it also promotes the full and effective use of urban land and concentrates development on previously used land within existing settlements. The site is greenfield and falls outside but immediately adjacent to the settlement boundary of Bedwas. Therefore the application is clearly contrary to Policy SP5 of the Adopted LDP.

Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a westerly direction, which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

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.

The application proposes the development of 300 dwellings in an area of acute housing pressure and in an area of considerable housing need. The proposal would increase the mix of housing available within the area to meet the needs of residents, and critically it would provide much needed affordable housing to meet local housing need.

The location of the development on the edge of Bedwas and close to the Principal Town of Caerphilly will serve to minimise the demand for travel. The site is in a location that can be served by sustainable modes of transport, albeit that it is inevitable that some residents will still rely on the private car. The indicative master plan indicates that good permeability can be achieved to integrate the site with the existing development in the area providing safe pedestrian access into and from the site.

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 Suds. It is unclear from the DAS what consideration, if any, has been given to the need to ensure that the proposed layout of the site maximises the opportunities for passive solar gain.

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Given the location of this site on the edge of settlement, it is suggested that the introduction of a comprehensive landscaping scheme which protects existing trees and natural features and which introduces new natural features into the scheme will serve to enhance the scheme and will integrate the development into the wider landscape in the long term.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposed 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.

Proposals in the SCC are also required to incorporate mitigation measures that serve to improve and maintain air quality. It is worth noting that no comments in respect to air quality are raised in the response of the Head of Public Protection. The site itself is in open countryside and is unlikely to be one where air quality will be an issue.

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, it is considered that the main issues requiring to be secured within such an agreement are those relating to the deliverability of the correct level/tenure/type of affordable housing and also highway improvements that require financial contributions towards off-site traffic light improvements and a number of other highway requirements.

Policy SP10 "Conservation of Natural Heritage" recognises the natural heritage as a positive asset that enriches people's quality of life. In this context Policy SP10 indicates that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be needed to make any development at this location acceptable in terms of Policy SP10.

In this regard the comments of the Council's Landscape Architect and Tree Specialist have been sought. The former was concerned about the impact on the Special Landscape Area and the coalescence of communities which may result from the approval of this development. He concludes with the following comment, " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed". It is this phrase which encapsulates the issue relating to this proposal and is discussed further in this report.

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The Tree Officer raises no objections in principle to this application subject to the imposition of a condition attached to any consent granted.

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 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.

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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. The most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

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).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period. The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term." Council approved the 2014 AMR for submission to Welsh Government in October 2014.

The final strategic policy of relevance is Policy SP15 "Affordable Housing Target". This 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 application proposes 300 dwellings in an area of acute housing pressure and in an area with considerable housing need.

Within the SCC the plan seeks to secure a maximum of 40% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 120 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. In this regard a number of meetings have been undertaken with the developer and officers of the Planning and Housing Departments to achieve a sustainable and justifiable level of affordable housing at this site. In assessing this level due regard has to be paid to the sites viability. As such an exercise was undertaken which was designed to achieve a deliverable element of affordable housing, which was acceptable to both the applicant and the Authority and could be secured by way of a Section 106 Agreement.

The following Local Development Plan policies are area wide ones which set out general criteria against which planning applications are assessed.

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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. The design process contained in the DAS, has made good provision for pedestrians, however it should also ensure that adequate provision has been made for ease of cycling. In this regard the former railway line to the north of the application site is safeguarded in the LDP for the development of a cycle route as part of the Rhymney Valley Linear Cycle Route, whilst the Caerphilly Basin Radial Routes Project (Policy TR1.13 and TR1.14 refers) lies to the south of the site. If granted a condition could be imposed which provides links to these routes.

Policy CW2 "Amenity" recognises that proposals for development have the potential to constrain the development of neighbouring sites for their identified use. Careful consideration has therefore been given to the relationship of the proposed housing site with the existing employment to the south of the application site. This consideration has been given by the Head of Public Protection who has also given further consideration to the likely impact of any potential nuisance that could arise from the existing Bedwas House Industrial Estate and how that might impact on the residential amenity of properties on the application site. This consideration has resulted in the Head of Public Protection raising no objection to the application subject to conditions being imposed on any consent granted.

Policy CW3 "Design Considerations Highways" requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Traffic Impact Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager. A subsequent series of meetings have resulted in a highways position that the Council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

Policy CW4 Natural Heritage Protection specifies that proposals that affect locally designated natural heritage features will only be permitted where they conserve and where appropriate enhance the distinctive features of the Special Landscape Area. The application site lies within a Special Landscape Area (Policy NH1.4 refers) and as such the policy test needs to be applied to the proposal.

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The site can be divided into two portions as indicated in the DAS. The southern portion is relatively flat and could constitute a logical rounding off of the existing settlement limit. The northern portion is considerably steeper and will extend the settlement northward into the countryside. Whilst development on the steeper part of the site will afford properties with an excellent outlook, it will also inevitably have a greater landscape impact than the southern portion of the site. The applicant has advised that there are constraints in respect to the development of the upper northernmost land on the site. These are the presence of a gas main and more particularly the steeply sloping nature of the site and the presence of rock close to the surface there. With the required cut and fill exercise and the sloping road alignments, they contend, it is highly likely that there would be a loss in net developable land on these higher slopes.

As indicated in the consideration of Policy SP10 above the Council's Landscape Architect objects to the proposal but concedes that if the need for the residential development outweighs the need to protect the heritage features then the proposal could proceed.

It should also be borne in mind that the Special Landscape Area concerned covers the North Caerphilly area and as such is extensive in size. Whilst the development of the application site would inevitably erode part of the Special Landscape Area, it is none the less a small incursion into the SLA on the edge of the Settlement of Bedwas, and on balance would be acceptable in view of the current housing shortfall.

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 "Trees, Woodland and Hedgerow Protection" therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. This policy is supplemented by LDP 4: Trees and Development. It is noted that a tree survey has been undertaken for the site, which indicates those trees that should be retained and those that would be adversely impacted by the development of the site. In this context the Council's Arboricultural Officer has considered the information submitted and responded to the effect that the development is acceptable subject to conditions relating to the submission of a Tree Protection Plan and a related Arboricultural Method Statement.

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All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 "Leisure and Open Space Provision".

There are four main areas of public open space shown on the Indicative Masterplan. Whilst these are necessary for the proposal's open space provision they do not in themselves provide any formal leisure facilities, such as a Local Equipped Area of Play (i.e a LEAP) or a Neighbourhood Equipped area of Play (i.e. NEAP). It is acknowledged that there is a play area within the adjacent estate, however a site of this size would usually be expected to make provision for a NEAP. Leisure Services have commented that additional formal play equipment is required to satisfy this policy.

The application is currently in outline, with all matters reserved. It is considered that it could be condition to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

Policy CW11" Affordable Housing Provision" indicates that where there is evidence of need the Council will seek to negotiate 40% affordable housing within the Caerphilly Basin. This target is indicative and regard should be had for the up to date Local Housing Market Assessment, the information from the Housing Division in terms of the affordable housing waiting list and critically the viability of the development.

This policy dovetails with Strategic SP15 (Affordable Housing Target) which also addresses the provision of affordable dwellings. The consideration applied in respect to policy SP15 is also applicable to this countrywide policy. As indicated above the Chief Housing Officer raise no objection to the application subject the completion of a S106 Agreement designed to secure the number and form of the affordable element.

Policy CW15 "General Locational Constraints" specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. This mirrors the position relating to Strategic policy SP3, criterion A, discussed above. This policy requirement must therefore be considered against other material considerations. These are discussed below under the heading of "Other Matters."

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Application No. 15/0038/OUT Continued

Policy CW22 Locational Constraints Minerals requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The south-eastern corner of the site is a coal safeguarding area (Policy MN2.9 refers) and the whole site is also within a safeguarded sandstone area. The Minerals Officer has verbally commented on the potential sterilisation of the minerals resource by the proposed permanent development of the application site, by confirming that whilst the proposal is generally contrary to the policy, there is a criterion which provides for an exemption should there be an overriding need for the development. Again this is a matter to be assessed against the other material considerations relevant to this matter.

Other Matters.

(A). 5 year Housing Land Supply: TAN 1 (January 2015) seeks to ensure that there is a genuine 5 year land supply available. 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. As indicated above the most recent figures, which are due to be published shortly, confirm that the figure is now 1.9 years of available supply.

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).

The lack of 5-year housing land supply is a matter of concern that needs to be addressed if the overall housing requirement is to be met within the plan period.

(B). Annual Monitoring Report: The 2014 AMR recognises the need to address this issue and recommendation R2 of the report states: "that limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a 5- year supply in the short term.". Council approved the 2014 AMR for submission to Welsh Government in October 2014.

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Application No. 15/0038/OUT Continued

(C). LDP Revision: The First Revision of the Adopted LDP is underway. The six-week Preferred Strategy public consultation period has been completed and the Department is now in the process of preparing the Deposit Plan which itself will be the subject of a six-week public consultation period commencing in February 2016. As part of the revision of the plan, there is recognition that there is a need to release greenfield sites in the Caerphilly Basin area to allow for housing development in an area of acute housing pressure.

Community Infrastructure Levy

The application is for residential development and whilst this Outline proposal is not CIL liable at the reserved matters stage it would be liable to pay the Community Infrastructure Levy. Bedwas lies within the High Viability Area and as such general market housing is liable to pay £40 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.

Overall Conclusions in respect to the Local Development Plan Policies.

Whilst the application is contrary to the provisions of Criterion A of Strategy Policy 3, the proposal would be acceptable in terms of the remaining Criteria B to E subject to detailed consideration and appropriate mitigation.

The site lies outside the settlement boundary of Bedwas and is clearly contrary to the provisions of Policy SP5. Notwithstanding the existing delineation of the settlement boundary the southern portion of the application site is relatively flat and would constitute a logical rounding off, of the existing settlement limit at this location, extending the built form in a westerly direction which would be partly in line with the development at Bedwas House Industrial Estate, which currently projects further west than the houses on the northern side of Pandy Road.

The development of the application site would inevitably erode part of the Special Landscape Area (i.e. the SLA). The Landscape Architect's professional view was sought to determine if this small incursion into the SLA on the edge of the Settlement of Bedwas, would have an unacceptable impact on the wider SLA. His response was " I am therefore of the opinion that unless there is an overwhelming need for residential development in this part of the borough the site should not be developed".

The Council is required to ensure that there is a genuine 5 year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application.

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Application No. 15/0038/OUT Continued

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 of 8,625 dwellings identified in the Adopted LDP.

The Council in its consideration of the 2014 Annual Monitoring Report accepted the need to release greenfield sites that are acceptable in planning terms in order to address the lack of a five year land supply in the short term.

The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

On balance the need to deliver new housing in this area and the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary. The Council in its consideration of the 2014 AMR accepted the need for limited greenfield release to address the land supply shortfall.

The development of this site would therefore be acceptable in planning terms subject to: detailed design assessment; appropriate conditions and mitigation; and the appropriate use of S106 Obligations to deliver the overarching aims and objectives of the LDP.

Having regard to the above therefore a policy objection is not raised to the development of the site for housing, subject to all other policy and material development control considerations being met.

With regard to the applicable National Policies the response are as follows;

Planning Policy Wales (PPW) forms the overarching national planning policy document within Wales, providing guidance to Local Planning Authorities (LPAs) for the preparation of development plans and the determination of planning applications through their development management functions.

National policy requires LPAs to demonstrate a 5-year housing land supply. PPW contains advice in Chapter 9 on the requirement to provide a 5-year supply of land for housing. Paragraph 9.2.3 states that LPAs must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. TAN 1 (June 2006) provides guidance on the preparation of Joint Housing Land Availability Studies (JHLAS) which identify the level of housing land supply. It states that the purpose of these studies is to:

- (i) Monitor the provision of market and affordable housing;
- (ii) Provide agreed Statements of Residential Land Availability for development planning and control purposes; and

Cont....

Application No. 15/0038/OUT Continued

(iii) Set out the need for action in situations where an insufficient supply is identified.

Paragraph 2.2 states that LPAs must ensure that sufficient land is genuinely available to provide a 5-year supply of land for housing. This land supply must inform the strategy contained in the LDP. It goes on to state that LPAs should have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and LDP Annual Monitoring Reports (AMR).

As indicated above in respect to the LDP policies, the Authority currently has less than 2 years housing land supply. This therefore represents a material consideration in respect to this application.

This point is further reinforced by Technical Advice Note 1: Joint Housing Land Availability Studies (2015), which considers the demand for housing at a national level across Wales and sets out issues relating to land availability and action that should be taken by Local Planning Authorities where insufficient land is identified. Importantly, Paragraph 2.2 identifies the need for such Authorities to provide for a 5-year supply of genuinely available land for housing.

Paragraph 5.1 continues and states that:

"The results of the Joint Housing Land Availability 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."

This Authority is currently seeking to address the land supply through the local development plan review.

Technical Advice Note 2: Planning & Affordable Housing (2006) provides guidance to Local Planning Authorities on matters relating to the provision of affordable housing.

During the processing of this application much consideration has been given by your officers, to the level, tenure and type of affordable dwellings required at this site. The Chief Housing Officer has required the completion of a S106 Agreement to secure the requirement at this site.

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Application No. 15/0038/OUT Continued

Technical Advice Note 11: Noise (1997). The application was accompanied by a Noise Survey, which was considered by the Head of Public Protection. The assessment determines any potential impact concerns that may exist from the existing industrial and commercial units and other existing and future noise sources, including road traffic, on the proposed development.

The Head of Public Protection's response in respect to the information received was positive. As a result no objection was raised on the basis that conditions were imposed which related to double glazing on certain properties and fencing details on all gardens facing Pandy Rd.

Technical Advice Note 12: Design (2014) has been addressed by way of the preparation of a detailed Design and Access Statement (i.e. a DAS). This worked through the relevant elements applicable to this outline submission, in order to demonstrate that the site could be designed in accordance with the advice contained in TAN 12.

Technical Advice Note 15: Development and Flood Risk. The application falls within an area defined in the TAN as having little or no risk from fluvial flooding (i.e. its in Zone A). The proposal was accompanied by a Flood Consequences Assessment which was found to be acceptable by Natural Resources Wales. They requested that the recommendations of the report be incorporated into the detailed design of the scheme. This can be done by the use of a suitably worded condition.

Technical Advice Note 18: Transport (2007), this document is one that links into the Council's own policies on highway access and safety which were discussed above (namely CW1 and CW3). As indicated there a Traffic Impact Statement has been submitted with the application which has been assessed by the Head of Engineering Services. A subsequent series of meetings have resulted in a highways position that the council's highway engineers find acceptable, subject to the imposition of conditions and the completion of a Section 106 Agreement which secures financial contributions to improvements and arrangements on and off site.

In respect to national guidance it is considered that this proposal raises no issues which overturn the conclusion reached in the assessment of the Local Development Plan policies presented above.

Therefore there are no policy objections being raised to this development.

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Application No. 15/0038/OUT Continued

Comments from Consultees: As can be seen from the consultation responses the majority received do not object to the proposal but do require conditions/agreements to be entered into which will control the proposal to an acceptable level. The Council's Landscape Architect did oppose the application as being contrary to policy, however it is felt that there are material planning considerations in existence which, on this occasion, out-weigh the policy position.

Comments from public: The response to the points raised by the general public are as follows;

1. The Transportation Engineering Manager considers that this proposal can be acceptable subject to conditions and the S106 Agreement provisions contained in the report.
2. The Head of Public Protection raises no objection in this regard.
3. The agricultural nature of the land is not a material consideration which could preclude this development.
4. The infrastructure provision in Bedwas is a matter that will be assessed via the Local Development Plan review. If considered to be necessary sites for schools and health facilities will be identified. The Education Department and the area health board contribute to this process.
5. A condition has been imposed in respect to the provision of a comprehensive drainage scheme to serve the development.
6. The applicant is entitled to apply for residential consent on this green-field land. The proposal is thereafter assessed against policies and all relevant material considerations. If it is successful permission will be forthcoming.
7. There is no dispute that the application is outside settlement limits. However as the report discusses land-use circumstances are changing and have impacted on the situation relating to the adequacy of the supply of housing land.
8. There are indeed "brown-field" site within settlement limits however many of these sites (such as Bedwas Colliery) have complex land use issues involved in their delivery. and cannot readily be brought to the housing market.
9. This would be a matter to be addressed by Dwr Cymru/Welsh Water.
10. See point 1 above.
11. The "Masterplan" submitted with the application is indicative only. The detailed Reserved Matters application will provided the actual linkages between the site and its surroundings. It should be noted however that pedestrian connections between existing settlements is an acceptable arrangement.
- 12, 13 and 15. See point 1 above.
14. This is an opinion expressed by the objector which requires no response
16. This site is private land and is on the extreme western edge of the village. Bedwas will remain bounded to the north by open countryside.

Cont....

Application No. 15/0038/OUT Continued

17. The planning committee is being asked to assess this application on this site. As indicated above the proposal is considered against policies and all relevant material considerations. If it is successful permission will be forthcoming.

18. Any future submissions will be assessed as this one has been. However it must be acknowledged that the Local Development Plan review, when completed, will provide an up-to-date plan better placed to make decisions in respect to prevailing land-use pressures.

19. This is an opinion expressed by the objector which requires no response.

20. This point is not sufficient to justify a refusal of planning permission.

21. Natural Resources Wales do not consider flooding an issue in respect to this development.

22. The application is being considered on the details provided. There is a new access into the site, however it will be from Pandy Road. The Transportation Engineering Manager finds this acceptable subject to the imposition of conditions and the relevant terms of a S106 Agreement.

23. Pandy Road is similar to the majority of roads and streets in this Borough. If however there are particular problems for wheelchair users along this stretch of highway the matter should be taken up independently with the Council as the Highway Authority.

24. It will result in the loss of open fields however the Council's Ecologist and those of Natural Resources Wales consider that conditions can be imposed which would protect wildlife interests to an acceptable level.

25. There will be a level of disturbance/disruption during the construction phase. This is common with all such developments. However conditions can be imposed at the detailed stage which would be designed to control matters such as noise, dust, odour, wheel-washing, working hours etc to acceptable limits during that phase. The issue of any compensation payable is one that must be taken up as a private matter.

26. This is a personal opinion expressed by the objector which requires no response.

27. The application was advertised in the press, on site and by way of 99 letters sent to surrounding properties. In view of the response, in terms of letters and petitions, it is considered that the advertisement process provided members of the public adequate notice to comment on this proposal.

28. Loss of view is not a planning consideration.

29. The issue of litter control is dealt with under different legislation and therefore should be pursued separately to this matter.

30. This is a personal opinion which can form no part of the determination of this application.

Cont....

Application No. 15/0038/OUT Continued

31. The current use of the land is not the over-riding factor in respect to this proposal. It is evident that the fields are comprised of improved grassland, however it is their development for future use which is being considered at this time. All built development would have been undertaken on countryside at some point in the past.

32. A condition will be imposed in respect to the provision of on-site play facilities to serve the development.

33. There are 4 bus stops within 500m distance of the site, two of which are located within 300m of the site on Greenway and the other two stops are located on Pandy Road itself to the east of the site. The Highway Department along with Bus Operators look at new sites with a view to providing additional services. This could lead to improvements in the public transportation position once the development is occupied.

There is no train service in Bedwas itself, although there are stations approximately 2.5km and 2.7km respectively from the application site.

34. The Council is charged with undertaking a range of land-use functions which invariably involve competing pressures. As such it must make a balanced decision in respect to the merits of the competing uses. In this instance the land supply deficiency is considered to out-weigh the potential loss of this limited area of countryside.

35. The threshold for screening for the need of an Environmental Statement (i.e. and ES) under the Environmental Impact Regulations has been exceeded in this instance. However this does not mean that an ES is automatically required. The proposal was "screened" to assess the need for an ES but it was found that the development did not require such this process to be followed. It should be noted however that the majority of the information required for an ES has been submitted with the current proposal.

36. This is incorrect. Both NRW and the Council's Ecologist are satisfied with the ecological reports provided.

37. This is a current matter for the Police but would not have much weight as a material consideration in respect to the determination of this proposal. There is no evidence that the current proposal would aggravate vandalism.

38. The impact of this development on the village will be taken into account in the Local Development Plan review. This will assess the need for additional allocations to be identified to serve the village.

39. The footpaths near and across the site will remain usable by the public. There will however be a loss of countryside should the site be developed.

40. The aim of the promotion of cycling is to link the development with the cycle routes that exist around the site. This will allow cyclists to have their own defined routes. A condition is proposed to this effect.

Cont....

Application No. 15/0038/OUT Continued

41. It is impossible to say when considering an outline application what the impact will be on privacy and residential amenity. However it is evident that there is scope to develop this site without causing significant harm in those respects from a planning point of view. It is at the Reserved matters stage that these detailed considerations can be closely looked at and mitigation measures provided.

42. As indicated above there is a condition attached which will seek to ensure that formal play provision is included at the reserved matters stage. The development does not however propose any community buildings. It should be noted however that if the site is developed then the Community Infrastructure Levy will be payable on the majority of dwellings at a rate of £40 per square metre. This money is used to provide leisure, education and highway improvements in the County. As such it will contribute to infrastructure facilities general. With regard to facilities such as a public house or a post office, these are matters for the market to decide.

43. The reference to "£250 per dwelling" is one that has been agreed between the Highway Department and the developer to provide this amount in travel vouchers for each new dwelling to be used towards the cost of bus fares, bicycle purchase or cycling/walking equipment/clothing. This will be secured by way of a requirement in a Section 106 Agreement.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect to Affordable Housing provision and Highway Improvements/Arrangements. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows;

- (a) the financial contribution, arrangements and works contained in the obligation are required.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy. The contributions relating to highways matters are necessary to allow the application to proceed to an approval.

Cont....

Application No. 15/0038/OUT Continued

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Bedwas area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents.

The access highway safety improvements are related to this site and are not being requested to resolve/improve matters unrelated to the development.

The third point relates to fairness of scale and kind. In this regard discussions with regard to site viability have resulted in an affordable provision of 25%, up to 270 houses and 30 % up to 300 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

Likewise with the highway contributions to traffic light provision and Travel Plan initiatives are set at levels which the applicant has accepted as reasonable

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement. This will relate to two elements, firstly Affordable Housing provision, the general headings of which are as follows;

1. 25% affordable housing plus an overage on 270 units
2. 30% affordable housing provision on any units above 270 up to 300 units.
3. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.
4. The social rented units will be delivered to DQR and the low cost home ownership delivered to the developer's standard specification.
5. The affordable units will be transferred to the Council's nominated Housing Association, United Welsh Housing Association.
6. The affordable units will be delivered in an agreed arrangement of units.

Secondly the Highways element. The financial contributions will be as follows;

£30k for traffic signal improvements to A468/B4600 Bedwas Road junction payable upon the 150th occupation of a dwelling.

£50k towards Travel Plan initiatives in the locality.

A sum as necessary to fund the alteration to the speed limit traffic and parking regulation order on Pandy Road.

The Travel Plan includes financial incentives such as:-

£5k Travel Plan reserve fund.

£75K towards sustainable travel vouchers for new residents.

£5k per annum to fund a Travel Plan Coordinator for 3 years.

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

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Application No. 15/0038/OUT Continued

RECOMMENDATION (A) that the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED

This permission is subject to the following condition(s)

- 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 three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun 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 the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The details submitted in respect to Condition 01 above shall allow for a suitable connection to the proposed cycleway TR1.13 Rhymney Valley Linear Cycle Route.
REASON: To allow cycle access to a prescribed route.

Cont....

Application No. 15/0038/OUT Continued

- 06) 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 4 metres x 5 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.
- 07) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.
REASON: To encourage the use of a variety of transport options.
- 08) Pandy Road shall be improved, in a manner to be agreed in writing with the Local Planning Authority before any works commence and be completed in materials as approved by the Local Planning Authority before the development is brought into beneficial use.
REASON: In the interests of Highway safety.
- 09) Off street parking must be provided in accordance with the standards contained in the Local Planning Authority's Adopted Supplementary Planning Guidance contained in LDP5 Car Parking Standards.
REASON: In the interests of highway safety.
- 10) The details required in Condition 1 above shall include a Tree Protection Plan (TPP) that details in full all measures necessary to protect the canopy spreads above ground and root systems below ground of those trees highlighted for retention, shall be submitted and agreed in writing with the Local Planning Authority. The TPP shall include an illustrated plan showing clearly the positioning of the tree protection barrier (as previously detailed within the Survey doc - 15_0038_OUT-TREE_SURVEY-4288968), and any other measures necessary to avoid damage to the retained trees (e.g. ground protection measures). Thereafter the development shall be undertaken in accordance with these agreed details.
REASON: To ensure that the trees on site are protected during construction.

Cont....

Application No. 15/0038/OUT Continued

- 11) The details required in Condition 01 above shall include an Arboricultural Method Statement (AMS) which shall detail fully the implementation of the Tree Protection Plan and include all site instructions or prohibitions necessary to the success of the Tree Protection Plan, and shall include a programme for arboricultural supervision and monitoring, and a programme for any pre-development access facilitation works and the requirements for any contractors engaged to provide such services. This plan shall be agreed in writing with the Local Planning Authority and thereafter all works shall be undertaken in accordance with these agreed details.
REASON: To protect the trees on site during construction works.
- 12) 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.
- 13) All properties located below (south of) the blue line shown on the map in Appendix C of the Environmental Noise Survey submitted with the application subject of this consent shall be fitted with double glazed windows and acoustic trickle vents on windows facing Pandy Road prior to the occupation of those properties.
REASON: To protect residential amenity.
- 14) The details required in Condition 01 above shall include the means of enclosure of all gardens backing onto Pandy Road. They shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented concurrently with the development.
REASON: In the interests of residential amenity.
- 15) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.

Cont....

Application No. 15/0038/OUT Continued

- 16) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme including at least 75% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or 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. The management proposals should also be included, along with timing of management, management requirements, who is responsible for management, etc.
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 Government's Planning policy Wales TAN 5 Nature Conservation and Planning.
- 17) No development or site/vegetation clearance shall take place until a detailed methodology for the capture and translocation of reptiles on site including details of any proposed remedial measures including details of the receptor site, has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected.
- 18) In the event that development commences after September 2015, no site clearance work shall be undertaken unless an updated Badger survey has been undertaken, and the results and any necessary mitigations measures, submitted to and agreed in writing with the Local Planning Authority. The clearance works shall be undertaken in accordance with the agreed details.
REASON: To ensure that badgers are protected.
- 19) 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.

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Application No. 15/0038/OUT Continued

- 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 in the new development at land north of Pandy Road, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.
REASON: To provide additional roosting for bats 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.
- 21) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new development at land north of Pandy Road, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 22) The details required in Condition 01 shall include a scheme for the drainage of foul, land and surface water at the site. These details 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.
- 23) The details submitted in compliance with condition 01 shall incorporate into the design the recommendations contained in the Flood Consequences Assessment prepared by Marsden Associates, Dec. 2014, which was submitted with this application subject of this consent.
REASON: To protect the development from flooding.

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Application No. 15/0038/OUT Continued

- 24) Tree B, identified on the Bat and Reptile Survey Report dated 16th June 2015, should be retained and an updated survey undertaken if felling/pruning is required at a date more than 12 months from the current report. If felling or removal of Tree B is undertaken in 2015, the following precautionary approach should be followed, based on the Bat Mitigation Guidelines (2004):
- The felling contractors briefed on the limited possibility that bats could be present and if a bat were encountered, all work would cease immediately and Natural Resources Wales (NRW) be contacted for advice;
 - Section felling of tree limbs, and lowering of felled limbs to ground and left for 48hrs to allow any bats to escape;
 - Timing of demolition works to avoid the period when likelihood of use by bats (or nesting birds) was greatest. Felling works in Sept/October or March/April would be recommended if practicable.
- REASON: To ensure there will be no detriment to the maintenance of the Favourable Conservation Status of bats, European Protected Species, as a result of the proposals.
- 25) The details submitted in respect to Condition 01 shall include the provision of formal play equipment within the site area. This shall be submitted and agreed 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.
- 26) Prior to the development commencing the intrusive site investigation works should be undertaken in accordance with the recommendations of the Desk Study and Preliminary Geotechnical Report submitted with the application. In the event of the site investigation confirming the need for remedial works to treat areas of shallow mine workings to ensure the safety and stability of the proposed development these works shall be undertaken prior to the commencement of the residential elements of the scheme hereby approved.
- REASON: To protect the dwellings from effects of previous mine workings.

Advisory Note(s)

Please find attached the comments of Western Power Distribution, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Natural Resources Wales, Council's Ecologist, Gwent Police Traffic Management and The Coal Authority that are brought to the applicant's attention.

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Application No. 15/0038/OUT Continued

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP3, Sp7, SP14, SP15, CW3, CW6, CW10 and CW11.

