

Appendix

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
|----------------------------|---|---|
| 15/0252/OUT 16.04.2015 | Gwent Investments Ltd C/o Maes Manor Hotel Maesruddud Lane Blackwood NP12 0AG | Erect residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access Land At Cwmgelli Blackwood NP12 1BZ |

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: Land at Cwmgelli, Blackwood, NP12 1BZ

Site description: This application site is located to the north of the A4048, immediately adjacent to the settlement boundary of Blackwood. The site is Greenfield and is approximately 5.89 ha comprising a number of agricultural fields and two residential properties, both of which are Grade II listed buildings.

The site is bounded to the south/south east by the A4048 and residential properties that front onto the A4048, to the south west by boundary hedgerows and trees and residential properties in Cwm Gelli Villas, with more residential properties in Cwmgelli further beyond, including a more recent housing development within Coed Gelli Parc. To the north the site is bounded by open fields, the northern extent of which lie within the setting of the Grade II listed Maes Manor Hotel and its Historic Park and Garden.

Development: Outline planning permission is sought in respect of the residential development, public open space, landscaping, highway improvements and associated engineering works with all matters reserved except for access.

The application is supported by a Planning Statement, Design and Access Statement (DAS), Landscape and Visual Appraisal, Cultural Heritage Assessment, Transport Statement (Transport Planning Associates), Extended Phase 1 Habitat Survey and Ecological Update Letter (Soltys Brewster), Tree Survey, Categorisation and Constraints Report (Soltys Brewster), Proposed Drainage Strategy (Mayer Brown) and proposed Drainage Strategy Addendum (Transport Planning Associates), Archaeological Assessment (EDP Partnership).

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Application No. 15/0252/OUT Continued

Use: The application proposes a housing scheme with capacity to accommodate up to 115 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.

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.

The amount of development proposed for each use: up to 115 houses.

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 Blackwood Road at the eastern boundary of the site.

Dimensions: The site amounts to 5.89 hectares. The indicative housing layout shows 115 properties which gives an overall density of development of 30 dwellings per hectare (30 dph).

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

The proposed development will be a maximum of 2.5 storeys and will be a mix of detached, semi-detached and short rows of terraced houses at a density of 30dph.

Type 1 - 4m - 7m x 7.5m - 10.5m x 8m - 11m.

Type 2 - 8m - 11m x 6m - 9m x 8m x 10m.

Type 3 - 9m - 12m x 8.5m x 11.5m x 8m x 10m.

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Materials: Reserved for subsequent approval but the following external materials are proposed.

Walls - render, natural stone and some brick.

Roofs - plain tile, slate, either smooth man made thin profile slate or natural stone.

Boundary walls - render and buff brick. Natural stone walls to natural stone properties.

Windows - white upvc or white composite aluminium.

Doors - grey and soft heritage coloured front doors.

Ancillary development, e.g. parking: the indicative site layout plan submitted with the application indicates on-plot parking provision in respect of each dwelling.

PLANNING HISTORY

2/12718 - Erection of replacement farm house and garage - Granted 29.11.96.

P/05/1287 - Convert redundant agricultural building for residential use - Granted 08.12.05.

P/05/1155 - Convert redundant agricultural building for residential use - Granted 09.05.06.

P/04/1447 - Erect portal framed fodder and implement store - Prior Approval Required - 12.10.07.

09/0170/FULL - Erect garage - Granted 30.04.09.

07/1569/LBC - Carry out general refurbishment and front extension - Granted 30.07.08.

14/0312/FULL - Erect stable extension to existing garage - Granted 07.07.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Outside of any settlement boundary and within the Blackwood, Oakdale and Penmaen Green Wedge as identified by Policy SI1.9 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010. The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre.

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Application No. 15/0252/OUT Continued

The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

Policies:

Strategic Policies

SP2 - Development Strategy in the Northern Connections Corridor, SP4 - Settlement Strategy , SP5 - settlement boundaries, SP6 - Place making, SP7 - Planning Obligations, SP8 - Minerals Safeguarding, SP10 - Conservation of Natural Heritage, SP14 - Total Housing Requirements, SP15 - Affordable Housing Target, SP21 - Parking Standards,

Countywide Policies

CW1 - Sustainable Transport, Accessibility and Social Inclusion, CW2 - Amenity, CW3 - Design considerations - Highways, CW4 - Natural Heritage Protection, CW5 - Protection of Water Environment, CW6 - Trees, Woodland and Hedgerow protection, CW10 - Leisure and Open space provision, CW11 - Affordable Housing Planning obligation, CW15 - General locational constraints, CW22 - Locational constraints - Minerals, supplementary planning guidance contained in LDP1 - Affordable Housing Obligations, LDP4 - Trees and Development, LDP 5 - Parking standards, LDP6 - Building Better Places to Live,

NATIONAL POLICY

Planning Policy Wales, 7th Edition, July 2014.

PPPW at paragraph 3.1.2

3.1.2 In line with the presumption in favour of sustainable development (see 4.2) applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies (see 2.7 and 4.2).

3.1.3 Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2).

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3.1.5 The local planning authority should have good reasons if it approves a development which is a departure from the approved or adopted development plan, or is contrary to the Welsh Government's stated planning policies, the advice of a statutory consultee or the written advice of its officers, and those reasons should be recorded in the Committee's minutes. Where planning permission is refused, the local planning authority must state clearly the reasons for the refusal.

3.7.2 The Community Infrastructure Levy Regulations 2010 (CIL) came into force in April 2010 and are non-devolved. The regulations allow local authorities in England and Wales to raise funds from developers undertaking new building projects in their area. The money raised from the levy (CIL) must be used to fund infrastructure to support the development of the local authority's area. "Infrastructure" includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities and open spaces.

3.7.3 The CIL is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site specific impact mitigation requirements without which a development should not be granted planning permission. Some of these needs may be provided for through the CIL but others may not, particularly if they are very local in their impact. There is therefore still a legitimate role for development-specific planning obligations to enable a local planning authority to be confident that the specific consequences of development can be mitigated.

4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.

4.8.1 Around towns and cities there is often the need to protect open land. Local planning authorities need to consider establishing Green Belts and making local designations, such as green wedges. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms.

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The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

Inappropriate development

4.8.14 When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply.

Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge.

4.8.15 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

4.8.16 The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- justified rural enterprise needs;
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- limited extension, alteration or replacement of existing dwellings;
- limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- small scale diversification within farm complexes where this is run as part of the farm business.

9.2.10 In determining the order in which sites identified in accordance with paragraph 9.2.8 above should be allocated, the presumption will be that previously developed sites or buildings for re-use or conversion should be allocated before greenfield sites. The exception to this principle will be where previously developed sites perform so poorly in relation to the criteria listed in paragraph 9.2.9 as to preclude their use for housing (within the relevant plan period or phase) before a particular greenfield site.

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TAN 1: Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 11 - Noise (1997) TAN 12 - Design (2014), TAN 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 (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? The development falls within the Development High Risk Area and as such the Coal Authority request appropriate conditions are attached to any consent requiring site investigations and appropriate remedial measures where necessary.

CONSULTATION

Principal Valuer - Is satisfied that the revised site boundary now excludes land in Council ownership and therefore has no adverse comments.

Transportation Engineering Manager - Has no objection to the development subject to conditions being attached to any consent requiring the proposed development to be served by a ghost island road junction, visibility splay of 2.4m x 120m and off-street parking provision to be provided in accordance with supplementary planning guidance contained in LDP5 - Parking Standards.

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Head Of Public Protection - No objections subject to conditions being attached to any consent requiring secondary glazing systems in all habitable rooms facing the main road to be capable of achieving an internal Lmax level of 45 dB(A) together with a standard contamination conditions regarding the importation of any soils or materials.

Rights Of Way Officer - Footpath 109 in the community of Bedwellty crosses the site and must not be obstructed. An application to divert the path to an alternative location, which lies outside the application site has been made to the council and is pending determination. However, until such time as approval for any diversion is granted Footpath 109 must not be obstructed.

Head Of Public Services - No objections but provides advice to be conveyed to the developer regarding the need to provide adequate on-site kerbside collections.

CCBC - 21st Century Schools - 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 (CIL) monies when the detailed application is determined.

Natural Resources Wales - No objection but provides advice to be conveyed to the developer in respect of ecology and pollution.

The Coal Authority - Concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to the development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends appropriate conditions are attached to any planning permission granted.

Senior Engineer (Land Drainage) - Has no objection to the development subject to a condition being attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. He provides advice to be conveyed to the developer in respect of drainage matters.

Wales & West Utilities - Confirms the existence of their apparatus within the vicinity of the site and provide advice to be conveyed to the developer in respect of the same.

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Glam/Gwent Archaeological Trust - The Archaeological Assessment, prepared by EDP Ltd. (report no EDP2976-01a, dated September 2015), meets current professional standards and has been considered. The Historic Environment Record curated by this Trust shows that the application area surrounds the listed farmstead at Cwm Gelli (Cadw record no's 18425 and 18426, farm house and agricultural range respectively, both Grade II) and lies within 500m of the range listed buildings at Maes Manor Hotel which is surrounded by a Registered Historic Park and Garden (Cadw ref GT54, Maes Manor Hotel) and its Essential Setting, and significant view. They have no objection to the positive determination of this application.

Senior Arboricultural Officer (Trees) - Has no objection to the development commenting that the overall layout appears reasonable in terms of the potential impact on the surrounding trees. In accordance with the recommendations of BS5837:2012, and the LDP, a Tree Protection Plan (TPP) should be submitted on the basis of the tree survey (already undertaken) and an Arboricultural Method Statement (AMS) included that will detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the retained trees. Should the TPP highlight the need for any special measures - such as no-dig construction within the Root Protection Areas (RPAs) of retained trees, or ground protection measures should the RPAs need to be encroached upon for any phase of the development - then they must also be included in the AMS. The AMS will also fully detail those provisions on site for access - pedestrian and vehicular; storage of materials, plant and equipment; site prohibitions. A schedule of monitoring visits by the developer's appointed arboriculturist, to allow for tool-box briefings of all site staff, and arboricultural supervision on site at the most appropriate moments of the development should be incorporated within the AMS. This aspect of the development may be addressed by attaching a pre-commencement condition to any consent. The hedgerow trees and shrubs at the western boundary of the site should be impacted upon as minimally as possible, and if it is agreed that a turning head is required, then the landscaping scheme for this development would need to incorporate any tree or hedgerow loss mitigation planting to an appropriate extent.

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CCBC Housing Enabling Officer - Based on a 115 unit scheme would require 29 Affordable housing units. These should be made of the following tenures and house types:-

Social rented

The units would need to be delivered in clusters of 6, be built to DQR and transferred to the Seren Group.

9 x 1 bed 2 person apartments £48,723 (separate walk up).

7 x 2 bed 4 person houses £67,391.

3 x 3 bed 5 person houses £67,722.

Assisted Home Ownership

The following units would need to be delivered to the developer's standard house types in clusters of no more than 6 units.

5 x 2 bed 4 person houses (£61,449.27).

5 x 3 bed 5 person houses (£65,513.93).

Outdoor Leisure Development Officer - The open spaces and play areas should be well designed, quality useable public spaces. It follows that these areas should benefit from good drainage and have open views. The indicative site layout submitted has incorporated adequately for leisure and recreation in that it provides for a suitably scaled equipped play facility; kick about area and local area of play (LAP). He provides advice to be conveyed to the developer.

Minerals Officer - The site is a parcel of land on the edge of the settlement within the mineral safeguarding area for sandstone. There are no existing quarries in close proximity to the site and no interest has been shown in exploiting the reserve in the area to date.

The Pennant Sandstone of the Coal Measures is highly valued as a mineral resource because it is one of a very limited number of geological formations in the UK that can supply high specification aggregate, suitable for motorway surfacing and other applications where a high degree of skid resistance is required.

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Although such material is limited nationally, the Pennant Sandstone is extensive in the south Wales coalfield and the safeguarding area covers the majority of the County Borough north of Caerphilly and south of the Heads of the Valleys Road.

There are currently two quarries in the County Borough capable of producing HSA, Bryn Quarry, Gelligaer and Hafod Fach Quarry, Abercarn (currently mothballed).

Minerals are a finite resource that can only be worked where they occur and Mineral Planning Policy Wales and Mineral Technical Advice Note 1: Aggregates state that policies should protect potential mineral resources from other forms of permanent development that would sterilise them or hinder future extraction and state that the potential for future extraction should be considered.

Policy CW22 in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 translates this into the development plan. The proposed development would constrain the future extraction of the mineral by introducing permanent sensitive development in the safeguarding area. In terms of the criteria for permanent development, the proposal does not meet criterion iv and it is unlikely that the mineral could be extracted satisfactorily prior to the development taking place (criterion ii) due to the timescales involved, the availability of markets and proximity to existing sensitive development.

For the reasons set out above, it is also unlikely that the applicant could demonstrate that the mineral was no longer of any value, even taking into account that the quality of the mineral varies from location to location.

The application, therefore, needs to demonstrate that there is an overriding need for the development in this location, which outweighs the need to safeguard the sandstone resource, and that suitable sites cannot be found outside the safeguarding area.

ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press on site and 32 neighbouring properties have been consulted.

Response: 13 letters and Petition - 27 signatories.

Summary of observations:

1. Adequacy of infrastructure of the area.
2. Not in accordance with policy - Green wedge.

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3. Adverse impact upon the environment in terms of context and the scale of development.
4. Loss of valuable green space in terms of landscape.
5. Impact upon ecology.
6. Uncontrolled dust, noise and mud on road.
7. Impact upon trees.
8. Light pollution during and after development.
9. Increase in traffic.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development.
12. Loss of light.
13. Stability of the ground it is believed that a fault runs across the site.
14. Concern regarding the impact of the development upon an existing culvert.
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor.
17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area.
18. Risk of coalescence to the north.
19. Loss of view.

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?

There are no specific crime and disorder implications material to the determination of this outline planning application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

The proposed site consists mostly of improved, grazed grassland with a stream and small flush on the northern boundary. An area of species-poor marshy grassland in the north east with boundary tree lines and hedgerows and an off-site pond on the northern boundary. The pond that was previously present within the proposed application site was recently filled in.

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There are residential properties to the west and south and east of the site and farmland to the north and east.

The Extended Phase 1 Habitat Survey was undertaken by a competent ecologist (Soltys Brewster) and the methodology and findings of the survey report are considered satisfactory. During the site survey, no evidence of protected species, with the exception of birds, were recorded although the boundary trees/hedgerows are likely to be used by birds and foraging/commuting bats. None of the trees within the site had the potential to support bats. The marshy grassland could potentially be utilised by ground nesting birds such as skylark, although no evidence of this species was noted during the survey or from the desk study. Similarly, the off-site pond and recently filled in pond could be utilised by breeding amphibians. The usage of the site by bats needs to be confirmed through activity surveys and an amphibian survey of the pond should also be undertaken. The hedgerows around the boundary and within the site are to be protected and retained as part of the development, therefore a Hedgerow Regulations Assessment has not been carried out. The submitted site layout plan shows areas of green between the rear of the gardens and the retained hedgerows, as well as areas of amenity grassland. These areas will need to be managed to ensure that these areas are maintained as areas of grassland. Consequently, it is considered appropriate to attach conditions to any consent to prevent site/vegetation clearance during the bird breeding season, the submission of a light mitigation strategy, including measures to ensure that street lighting reduces light spillage into foraging bats, the carrying out and submission of an Amphibian survey, a pond habitat creation for Amphibians, a biodiversity, landscaping and management scheme, and bat roost provision and nesting bird provision as biodiversity enhancements. Such details to be submitted and agreed with the Local Planning Authority,

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

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

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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.

The first of these policies is SP2 which addresses the development strategy in the Northern Connections Corridor (NCC). This policy requires development proposals within the NCC to focus significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area; reduce car borne trips by promoting more sustainable modes of travel; make the most efficient use of existing infrastructure; protects the natural heritage from inappropriate forms of development and capitalises on the economic opportunities offered by Oakdale/Penyfan Plateau.

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge. The development of the site for residential use would therefore constitute a departure from the plan.

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

Within the NCC development can be permitted on both brownfield and greenfield sites, where it has regard to the social and economic function of the area. Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serves the NCC.

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The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the areas major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development. As a consequence there are very few residential land allocations identified in the LDP within Blackwood or the Greater Blackwood area.

Only one allocated housing site remains available for residential development within the town, namely HG1.26 Blackwood Ambulance Station and this remains in active use as an ambulance station. The other allocated site within the town is HG1.29 South of Thorncombe Road and this is currently under construction.

Within the Greater Blackwood Area a number of allocated housing sites remain available for development, most notably HG1.30 Land at Hawtin Park, Pontllanfraith, which has planning consent for 80 dwellings and Land at Gellideg Heights, Maesycwmmmer which can accommodate 95 dwellings subject to the signing of a S106 Agreement. When developed these will contribute toward the social and economic functioning of the town.

Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. The site lies approximately 500m from the edge of the Principal Town Centre of Blackwood and has a bus stop immediately adjacent to it on the A4048. Whilst Blackwood is not on the main rail network, there is a regular bus service that runs cross-valley to Ystrad Mynach and a regular service to Newbridge, both of which are on the main rail network providing access to the wider region. The site is located in a highly sustainable location in close proximity to a wide range of services and facilities and would be capable of utilising existing infrastructure.

The site is greenfield and as such policy SP2 requires new proposals within the NCC to protect natural heritage features 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 D of Policy SP2. 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.

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Consequently, the proposal would be acceptable in terms of Criteria A to E of Policy SP2 subject to detailed consideration and appropriate mitigation.

Policy SP5 Settlement Boundaries is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it also promotes the full and effective use of urban land and concentrates development to within existing settlements. The whole of the application site is located outside the settlement boundary for Blackwood and is in the countryside. Criterion C of Policy SP5 also seeks to prevent the coalescence of settlements and in the context of this application SP5 is supplemented by Policy SI1.8 which defines a Green Wedges to the north of Blackwood to reinforce the Settlement Boundary and maintain the open space between Blackwood, Cwm Gelli and Cefn Fforest.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location. The extension of Blackwood in a north easterly direction into the green wedge is therefore clearly contrary to Policy CW15. The development of the site for residential use is therefore also contrary to Policy SP5.

Notwithstanding the existing delineation of the settlement boundary the development of the site would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in an easterly direction. It sits on the main road to Tredegar, very close to the newly constructed Chartist Bridge that has opened up the valley. It adjoins the settlement along the southern edge with Cwmgelli Villas. It is well related through this road, through cycle and pedestrian links to Blackwood. The development of the site provides the opportunity to provide a distinctive, high quality scheme that maximises the concept of sustainable, healthy living and providing a strong sense of place, drawing upon the context of Blackwood and its surroundings in terms of context and culture. Notwithstanding the masterplan submitted with the application is indicative only, with matters of layout, appearance, scale, and landscaping reserved for subsequent approval, it is considered the indicative layout provides a robust settlement boundary from Cwmgelli, creating an appropriate transition from the edge of residential development to the open countryside whilst respecting the character and setting of the listed buildings and historic gardens.

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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 115 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 Blackwood and close to the Principal Town of Blackwood 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 but this is an outline application with such matters reserved for subsequent approval.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. This is particularly significant where a development proposal affects a listed building or its setting. The primary material consideration in such cases is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Further the potential effect of the proposed development on a park or garden contained in the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, or on the setting of such a park or garden, may also be a material consideration in the determination of the planning application. In this respect this Council's Conservation Officer has considered the Heritage Assessment submitted with the proposal and has raised no objection to the development.

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Application No. 15/0252/OUT Continued

The proposed layout should be rigorously 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. This is particularly important in terms of the potential effect of the development on the setting of the listed buildings in this area and on Maes Manor and its registered historic landscape which also has its own essential setting (Grade II). It is noted that this is an outline application with matters in respect of appearance, landscaping, layout and scale reserved for subsequent approval.

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.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effect of that development. In the context of this application, the Council will seek to secure (as a minimum) the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling and the provision of 25% affordable housing amounting to 29 units comprising both assisted home ownership and social rented housing.

The site lies within a minerals safeguarding area as identified by Policy SP8 Minerals Safeguarding. The view of the Minerals Officer in respect of the proposed development is raised above.

In line with the overarching Strategy requirements contained in Policy SP2, Policy SP10 Conservation of Natural Heritage seeks to protect, conserve, enhance and manage the natural heritage of the county borough in the consideration of all development proposals. Due to its scale and open nature, the site forms an integral part of the countryside fringe in North Blackwood; there is, in terms of their character and appearance, a clear contrast between this and the adjoining segment of the established built-up settlement and the division on the ground is accurately reflected in the Plan's delineation of the settlement boundary in the immediate vicinity. 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 Countryside and Landscape Section referred to above may be addressed by attaching appropriate conditions to any consent.

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Application No. 15/0252/OUT Continued

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

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

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

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

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

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

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Application No. 15/0252/OUT Continued

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 6.2 TAN 1).

The development of the site is contrary to the provisions of the LDP in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 115 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 29 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (June 2014) provides supplementary planning guidance on the delivery of affordable housing through the planning system.

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. There is evidence to suggest that the requirements of Policy CW1 in terms of cycle provision have been taken into account. The Transport Engineering Manager has assessed the application and has raised no objection to the development subject to conditions being attached to any consent as discussed above.

Policy CW2 Amenity requires proposals to have regard for all relevant material planning considerations. Of specific relevance to this application is Criterion B, which seeks to ensure that the proposal would not result in the over-development of the site and its surroundings.

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Application No. 15/0252/OUT Continued

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant in terms of this application as it has the potential to affect the setting of the listed buildings on site the Maes Manor complex to the north.

Notwithstanding the proposed site layout is indicative only; it has been rigorously 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 CW2 are fully met. In this respect and following negotiations with the developer an amended indicative site layout plan has been submitted, which is considered to be acceptable in principle when assessed against criteria A - D of Policy CW2. However, the details of scale, appearance, site layout and landscaping are reserved for subsequent approval.

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network and in particular to observe the requirements of Criterion D in respect of restrictions on new development as it relates to County Roads (A4048). In particular, there should be no provision for on-street parking or direct frontage access along the County Road. The car parking standards that are required to be met are set out in supplementary planning guidance LDP5 Car Parking Standards. A Transport Statement has been submitted with the application which has been assessed by the Transportation Engineering Manager who has raised no objection to the development subject to conditions.

Policy CW6 Trees, Woodland and Hedgerow Protection requires development proposals on sites containing trees and hedgerows to take effective measures to protect those features and to sensitively integrate them into the development to enhance the quality of the development scheme and also safeguard as far as practical the biodiversity and heritage resource. In this respect, the development should be designed in line with the guidance in LDP4 Trees and Development in order to ensure that trees on site are retained where possible and space safeguarded to allow both existing and newly planted trees to flourish and mature to their full potential to ensure long-term retention, while avoiding undue future pressure for felling or excessive pruning. All design elements should be arranged to ensure a good spatial relationship is achieved between new development and trees that are to be retained and planted as part of a landscape scheme. 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.

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Application No. 15/0252/OUT Continued

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.

Policy CW10 Leisure and Open Space Provision requires all new housing sites capable of accommodating 10 or more dwellings to make provision of adequate well designed open space and children's' play facilities either on or off site. The site has made provision for an adequate provision of open space, which includes a Locally Equipped Area of Play (LEAP) and a Local Area of Play (LAP). The application is currently in outline, with all matters reserved. It is considered that this aspect of the development could be conditioned to ensure that formal play provision is required to be provided in the detailed application, thereby satisfying the policy.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. In this respect the provision of 29 affordable homes is required as discussed above and will be subject to the applicant entering into a Section 106 Agreement designed to secure the same.

Policy CW15 General Locational Constraints indicates that proposals outside of defined settlement boundaries will only be permitted for specified uses that meet the provisions of the policy; housing is not such a use. The development of housing in these circumstances is only usually permitted where affordable housing is proposed in line with Policy CW12 Affordable Housing Exceptions Sites.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and is therefore clearly contrary to Policy CW15. 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 policy requirement must therefore be considered against other material considerations. These are discussed below.

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Application No. 15/0252/OUT Continued

Site Specific Considerations

The application site is a greenfield parcel of land in the Northern Connections Corridor (NCC) located to the north of Blackwood Town Centre. The site lies beyond the existing settlement boundary for the town and forms a part of the wider designated green wedge (SI1.8). The development of the site for residential use would therefore constitute a departure from the Adopted LDP.

Other Material Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan in question is the Caerphilly County Borough Local Development Plan Up to 2021 – Adopted November 2010. Material considerations include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government.

The proposal for housing is clearly contrary to certain provisions of the LDP (specifically the designation of the site as a Green Wedge beyond the Settlement Boundary). This needs to be balanced against other material planning considerations, in order to determine whether the proposal to develop the site for residential use would be acceptable given current circumstances.

5 year Land supply

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

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

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Application No. 15/0252/OUT Continued

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

LDP Revision: The First Revision of the LDP is underway. As part of the preparation of the replacement plan, there is recognition that there is a need to identify new housing sites within the Greater Blackwood area. It should be noted that the settlement boundary and the green wedge designation at this location will also be subject to re-consideration through the revision process.

The Preferred Strategy has been subject of a public six-week consultation exercise and as part of this process north Blackwood was highlighted as an area for housing expansion. It is important to note however that the weight to be attached to the emerging replacement plan is limited, as it does not simply increase as the plan progresses towards adoption. Certainty regarding the content of the replacement plan will only be achieved when the Inspector publishes the binding report further to the examination stage. Consequently whilst the Preferred Strategy provides an indication that north Blackwood is a preferred area for growth this should not be used as a basis for approving this application at this stage.

Conclusions

The development of the site for residential use is clearly contrary to the development plan and if permitted would be a departure from the LDP.

The development of the application site would amount to a significant extension of the urban settlement into a prominent stretch of countryside alongside the main northern approach into Blackwood and this would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location contrary to the provisions of the LDP.

The visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning consideration. This is particularly significant where a development proposal has the potential to affect a listed building or the setting, as in this application. The primary material consideration is the statutory requirement to have special regard to the desirability of preserving the buildings and their setting and also the setting of the Historic Garden at Maes Manor.

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Application No. 15/0252/OUT Continued

The proposed layout should therefore be rigorously assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that this statutory requirement can be met. Whilst the extension of Blackwood's urban area on to the site might be acceptable in principle, the urban design analysis that needs to be undertaken should examine whether the urban form of the development proposed is appropriate to the sensitive context of the application site.

Given its proximity to the Principal Town of Blackwood, the development of the land at Cwm Gelli for residential development could represent a sustainable extension to the town, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government.

The housing land supply figure is a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement as in the case presently in Caerphilly i.e. 2.5 years (2014) 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.

The development of the site is contrary to the provisions of the LDP, in so far as the site lies outside of the settlement boundary for Blackwood Town and within a Green Wedge. However this needs to be balanced against the need to increase the housing land supply in both Blackwood and the County Borough as a whole.

If members are minded to permit development on the site, then in order to ensure that the site can genuinely contribute toward the 5 year housing land supply, it would be appropriate to specify that development should commence within three years from the date that outline consent is granted (as opposed to the usual five years), with reserved matters submission within one year instead of three.

Comments from Consultees: There have been no objections from consultees subject to appropriate conditions being attached to any consent/agreement to be entered into which will control the proposal to an acceptable level.

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Application No. 15/0252/OUT Continued

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

1. Adequacy of infrastructure of the area. The infrastructure provision in Blackwood 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.
2. Not in accordance with policy - Green wedge. The policy implication regarding this development has been discussed at length above and the need for the provision of much needed housing, including affordable housing is a material planning consideration in the determination of this application.
3. Adverse impact upon the environment in terms of context and the scale of development. It is accepted that the development of this land for residential use will have an impact upon the rural character of the area. However, an indicative site layout masterplan submitted with the application has demonstrated that regard has been given to the rural character of the surrounding area and context in terms of the setting of the listed buildings and Historic landscape. However it should be noted that matters of layout, scale, and appearance are reserved for subsequent approval.
4. Loss of valuable green space in terms of landscape. This is private land and the applicant is entitled to apply for residential consent on this greenfield land. The application has been supported by a Landscape and Visual Assessment together with a Tree Survey, which has been considered by this Authority. The proposal is therefore assessed against policies and all relevant material considerations as discussed above.
5. Impact upon ecology. The application is supported by an Ecological survey, and the findings of the report are considered acceptable by this Authority. The proposed development 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 including conditions to enhance biodiversity.
6. Uncontrolled dust, noise and mud on road. 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.

Application No. 15/0252/OUT Continued

7. Trees. The application is supported by a Tree Survey, which has been considered by this Authority and considered acceptable. It is noted that the indicative masterplan submitted with this application identifies the retention of the majority of trees and hedgerows along the boundary of the site. Any reserved matters application would however require the submission of a Tree protection Plan (TPP) together with an Arboricultural Method Statement (AMS) to detail in full the successful implementation of the TPP and account for all working methods necessary on site with regard to the protection of retained trees.
8. Light pollution during and after development. This is an outline application and specific details of lighting would be submitted as part of a reserved matters application.
9. Increase in traffic. The Transportation Engineering Manager has raised no objection to the development subject to conditions.
10. Highway safety considerations particularly in terms of the access. As above.
11. Rainwater run-off pollution during and after completion of the development. No objections have been received from this Council's Senior Engineer (Land Drainage) regarding the proposed development subject to appropriate drainage conditions being attached to any consent.
12. Loss of light. At this outline stage and based upon the indicative masterplan submitted, it is not considered the proposed development would have an adverse impact in terms of loss of light but it is evident that there is scope to develop the site without causing significant harm in this respect. It is at reserved matters stage that these detailed considerations can be considered in full.
13. Stability of the ground it is believed that a fault runs across the site. Appropriate conditions will be attached to any consent to ensure the stability of the ground through site investigation works and mitigation measures where necessary.
14. Concern regarding the impact of the development upon an existing culvert. The Council's Senior Engineer (Land Drainage) has raised no objection to the development subject to a condition being attached to any consent requiring details of land drainage to be submitted and agreed with the Local Planning Authority. .
15. Will there be suitable surface water and land drainage or will the development exacerbate existing flooding problems. The developer will be required to adhere to any planning conditions regarding land drainage matters as well as other legislation, rules and regulations in respect of the same.
16. Will harm the setting of the listed buildings in the area and historic gardens at the Maes Manor. The planning application has been supported by a cultural Heritage Assessment and an Archaeological Assessment which have been considered by this Council's Conservation Officer and GGAT. They have raised no objection to the development.

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Application No. 15/0252/OUT Continued

17. Does not constitute ribbon development and its suburban appearance and siting will be detrimental to both the character and amenity of the Cwmgelli settlement, creating a built up appearance from the road and adversely affecting the visual amenity of the area. The impact of the development in terms of visual amenity has been discussed above.
18. Risk of coalescence to the north. The application results in only a part of the Green Wedge being developed with the remaining area of Green Wedge considered sufficient to prevent coalescence between Blackwood, Cwm Gelli and Cefn Fforest.
19. Loss of view. This is not a planning matter.

Other material considerations: The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision. 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.

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

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 115 houses. In view of the projected financial position for this site these levels were considered to be reasonable.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 25% affordable housing comprising social rented housing. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015.

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Application No. 15/0252/OUT Continued

The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Seren Group. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing.

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

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 appearance, landscaping, layout and scale(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 appearance, landscaping, layout and scale, of the site, 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 three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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Application No. 15/0252/OUT Continued

- 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 (5), 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 incorporate the approved additional measures which shall be retained (for the period agreed in the remediation scheme/inperpetuity).
REASON: To ensure the stability of the site and to protect the dwellings from the effects of previous mine workings.
- 07) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) 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. 15/0252/OUT Continued

- 09) 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.
- 10) Prior to the commencement of any vegetation clearance, site clearance or development a detailed amphibian survey shall be carried out and the results of the survey, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.
REASON: To ensure adequate protection for protected species.
- 11) Prior to the commencement of the development hereby approved, a wetland (pond, bog or marshy grassland) habitat creation scheme within the development site shall be submitted to the Local Planning Authority for approval. That scheme shall be accompanied by a 5-year management plan for the wetland which shall include the timing of its implementation.
REASON: To provide habitat for amphibians in the interests of biodiversity.
- 12) Prior to the commencement of works associated with the development hereby approved, a landscaping and management scheme shall be submitted and approved in writing by the Local Planning Authority. Areas identified for native hedgerows, woodland or wild flower planting shall include a mix of approved species of which at least 75% shall be of local provenance. 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.

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Application No. 15/0252/OUT Continued

- 13) 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 Cwmgelli Farm, Blackwood shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats 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.
- 14) 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 Cwmgelli Farm, Blackwood, 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.
- 15) 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) and Local Area of Play (LAP). 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.
- 16) 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.

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Application No. 15/0252/OUT Continued

- 17) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to all habitable rooms facing the main road shall be capable of achieving an internal L_{max} level of 45 dB(A). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.
REASON: In the interests of residential amenity.
- 18) 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.
- 19) Prior to the commencement of any works, a survey shall be carried out to establish the use of the site by commuting and feeding bats and the details of the survey together with any measures to minimise impact from lighting or from tree/hedge management works, shall be submitted to the Local Planning Authority for agreement. The development shall be carried out in accordance with the agreed details.
REASON: To ensure adequate protection to protected species.
- 20) As part of the development the retained hedgerows around the perimeter of the site should be excluded from the garden boundaries by a tall wooden fence and a small buffer strip so they are not included within the garden boundaries.
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 and TAN 5 Nature Conservation and Planning.
- 21) The proposed development shall be served by a ghost island road junction.
REASON: In the interests of highway safety.

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Application No. 15/0252/OUT Continued

22) 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 2.4m metres x 120m 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.

23) Off street parking provision must be provided in accordance with LDP5 Car Parking Standards.

REASON: In the interests of highway safety.

Advisory Note(s)

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: SP2, SP6, SP7, SP14, SP10, SP14, SP15, CW2, CW3, CW4, and CW5.

The applicant is advised of the comments of Wales and West Utilities, Senior Engineer (Land Drainage), Outdoor Leisure Development Officer, The Coal Authority, Rights of Way Officer, Natural Resources Wales, Head of Public Services, Council's Ecologist, Transportation Engineering Manager and Senior Arboricultural Officer (Trees).
