

PREFACE ITEM

APPLICATION NO. 15/0442/OUT

APPLICANT(S) NAME: Hallventure Ltd

PROPOSAL: Erect residential development comprising approximately 18-20 houses and 8 flats

LOCATION: Land At Abertridwr Road Penyrheol Caerphilly

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

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

- 1 The local highway network is inadequate to accommodate the traffic generated by the proposed development, particularly with regard to the volume of traffic currently using the highway. The proposal would therefore be contrary to policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

A Transportation Assessment was submitted with the application which concluded that the development would have a negligible impact on local traffic levels, amounting to a potential trip generation of 20 two-way movements in the AM peak hour and 21 two-way movements for the PM peak hour.

The Transportation Engineering Manager generally agreed with those conclusions, subject to the need for an adequate access to the site and the creation of a crossing point for Abertridwr Road and the creation of bus stops on the northbound and southbound carriageways.

When questioned at Committee about the adequacy of the existing highway to accommodate the development, the highway engineer was satisfied that the scheme would not cause any problems in that respect.

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

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

The impact of the development on the green wedge was discussed at committee and it was established that approximately 3% of that allocation would be taken up by the development. The impact is further illustrated by the plan attached to the end of this report which shows that the eastern edge of the proposed development aligns with the existing development to the north, and there would remain a substantial area of green wedge separating the two settlements.

The site is outside the settlement boundary as defined in the adopted LDP and within a green wedge. However, as evidenced by the aforementioned attached plan which shows that the development could be regarded as rounding off of the existing settlement in accordance with national planning guidance in Planning Policy Wales.

Planning permission was recently allowed on appeal for residential development of some 115 houses at Cwmgelli at the northern end of Blackwood. That site was also outside the settlement and in a green wedge. In that case the inspector stated: "The latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met. As stated above that is not the case here but, in my view, the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings." He went on to conclude that green wedges should be subject of review as advised by Planning Policy Wales; the LDP review shows the site as allocated for housing; questions of prematurity did not weigh against the scheme because it did not go to the heart of the plan; and housing was required now whereas the LDP review would not be adopted unit 2017.

Overall, the inspector came to the following conclusion, "The Council can only demonstrate a 1.9 year housing land supply. This is well short of what should be provided and the proposed development would provide much needed housing and affordable housing.....

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It is acknowledged that the site lies in a sustainable location and I consider that the development can proceed without causing unacceptable harm to its surroundings. In my view, there is an overriding need for this development and these factors combine to constitute the very exceptional circumstances to outweigh the conflict with national and local policies..." He was also of the view that the site is in a sustainable location.

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

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

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

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

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

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0442/OUT 22.07.2015	Hallventure Ltd C/o RPS Park House Greyfriars Road Cardiff CF10 3AF	Erect residential development comprising approximately 18-20 houses and 8 flats Land At Abertridwr Road Penyrheol Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is situated on the north east side of Abertridwr Road and to the south west of Heol Caradog.

Site description: The application site is a steeply sloping parcel of land situated adjacent to the main Penyrheol to Abertridwr Road. It is overgrown with scrub planting and ferns with a mature hedgerow to the road frontage. There is a lay by to the front that forms part of the public highway and there is an existing gated access to the highway. The site is bordered to the south east and north east by existing dwellings with the road to the south west boundary and open countryside to the north west.

Development: The application seeks outline planning consent for residential development. Whilst all matters other than access are reserved for future consideration the submitted plans show the provision of 20 dwellings and 8 flats. The dwellings would be detached whilst the flats would be in two separate blocks of four at the south west end of the site. Given the topography of the site only the lower part is proposed to be developed with a landscape buffer being created on the upper part and adjacent to Heol Caradog. A new access would be created off Abertridwr Road and this would necessitate the removal of the existing lay by. A pedestrian crossing of the B4263 together with a refuge in the centre of the carriageway and road widening is proposed in order to improve pedestrian facilities in the area. A bus stop is also proposed on the south bound carriageway.

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Dimensions: The site measures 250m long by 60m wide and occupies an area of 1.5hectares. There would be two dwelling types with House Type 1 having upper scale parameters of 6.1m by 9.6m by between 8.53m and 11.155m high with House Type 2 having upper scale parameters of 8.652m by 9.44m by between 9.806m and 12.431m high. The flats will have upper scale parameters of 14.9m by 7.6m by 7.713m high.

Materials: Not applicable.

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

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development Strategy - Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target), CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), 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), SI1.20 (Green Wedge - Penyrheol, Hendredenny and Abertridwr), NH1.3 (Special Landscape Area - Mynydd Eglwysilan), NH3.158 (Sites of Importance for Nature Conservation - Craigfedw, Abertridwr).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

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National Policy: Planning Policy Wales (2014).

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.

4.8.10 Local designations such as green wedges may be justified where land is required to serve the same purpose to a Green Belt (see 4.8.3), but these designations do not convey the permanence of a Green Belt.

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.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

5.2.8 The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable. Local planning authorities must address biodiversity issues, insofar as they relate to land use planning, in both development plans and development management decisions. Local planning authorities should consider how they might accommodate a response to climate change as part of their overall approach towards meeting biodiversity objectives.

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Ways in which the adaptation needs of biodiversity could be considered include identifying the scope for minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors. Local planning authorities should ensure that development minimises impact within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.

5.5.2 When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

5.5.3 In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the environment clearly outweighs other material considerations the development should be refused.

9.2.3 Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. 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. The Welsh Government will monitor development plans and their implementation to ensure that sufficient housing land is brought forward for development in each local planning authority and that economic development and related job opportunities are not unreasonably constrained.

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

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9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

National Planning Guidance contained in: -

- Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
- Technical Advice Note 2: Planning & Affordable Housing (2006);
- Technical Advice Note 11: Noise (1997);
- Technical Advice Note 12: Design (2014);
- Technical Advice Note 18: Transport (2007).

CONSULTATION

Penyrheol Trecenydd & Energlyn Community Council - Raises objection to the application on the grounds of highway safety/traffic management, lack of additional infrastructure, nature conservation, loss of amenity space, dangerous access and overbearing impact of the flats.

Countryside And Landscape Services - No objection in principle.

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Minerals Officer - Raises no objection provided that the need for housing overrides the need to protect the mineral resources in the area.

Strategic & Development Plans - No objection as the need to provide additional housing to meet the 5 year land supply outweighs the location of the proposal outside the defined settlement limits.

Head Of Public Protection - No objection subject to conditions relating to noise and dust control.

CCBC Housing Enabling Officer - The developer shall be required to provide 30% of the scheme as affordable housing.

Senior Engineer (Land Drainage) - No objection subject to a condition requiring a drainage scheme.

Outdoor Leisure Development Officer - No objection subject to the provision of adequate open space.

Transportation Engineering Manager - No objection subject to conditions regarding vision splays and road improvement. Advice is provided.

Dwr Cymru - No objection subject to a condition requiring a drainage scheme.

Wales & West Utilities - Provides advice to be conveyed to the developer.

Aber Valley Community Council - Raises objection to the application on highways grounds as there are existing congestion problems in the Aber Valley.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a press notice, a site notice and neighbour letters.

Response: 63 letters of objection were received in respect of the original submission. A further 43 letters were received in respect of the amended scheme. Another 14 letters were received in respect of the latest round of consultations.

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Summary of observations:

1. The extra vehicles from this development will have a significant impact on the already congested highway in the area.
2. The proposed access to the site is on a dangerous bend and on a dangerous road with traffic travelling above the speed limit.
3. There is insufficient infrastructure in the area (i.e. doctors surgeries, hospitals schools etc) to accommodate the additional people.
4. Water supplies, sewerage facilities and land drainage are also at capacity and unable to deal with this development.
5. The development would have a harmful impact on the green aspect of the area.
6. The proposed dwellings would have an overbearing impact on the adjacent dwellings.
7. The proposal would cause a loss of privacy to neighbouring dwellings.
8. The proposed flats would lead to a loss of light to the properties in Ty Isaf. This would be a contravention of the Human Rights Act.
9. The proposals would lead to noise impacts on the neighbouring dwellings.
10. The proposed dwellings are out of scale and character with the neighbouring dwellings.
11. There is concern with regard to the stability of the ground in the area.
12. The layout of the development is unacceptable.
13. The proposal represents an unacceptable form of development in the green belt.
14. The development would increase pollution in the area.
15. Loss of view.
16. Loss of property value.
17. The development will have a detrimental impact on the ecology of the area.
18. New houses should be built on brownfield land and not on existing green spaces.
19. There is no need for new houses in the area.
20. Insufficient time has been given to comment on the application.
21. Not all residents within the Estates of Energlyn, Cae Caradog, Caledfryn, Penyrheol and Ty Isaf have been consulted on the application.
22. The development represents inappropriate ribbon development.

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?

None.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Outline applications are not liable for CIL payments as these are calculated at the reserved matters or full application stage if an application is approved.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is unallocated and lies outside of the settlement boundary as defined in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP). The application is considered against the relevant policies contained within the LDP:-

The application site is a greenfield site located in the Southern Connections Corridor (SCC) located on the outskirts of the Principal Town of Caerphilly. Policy SP3 Development Strategy (SCC) 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.

In terms of the role and function of the area, the Strategy defines Caerphilly as a Principal Town within the SCC, based on its role as a provider of retail and other services and as an area that provides significant employment opportunities. The Principal Towns 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 Caerphilly to a number of brownfield sites throughout the Caerphilly Basin area. A significant number of these have since been developed and the plan has successfully regenerated these areas as a consequence. Five brownfield allocations remain undeveloped, however two of these are no longer available and one site is likely to be developed in the short term. The development of additional housing to serve Caerphilly would have regard to the social and economic function of the area in line with the provisions of Criterion D of Policy SP3.

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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.

Therefore the application is contrary to the provisions of Criterion A of Policy SP3 in that the application site is not on previously developed land. However the proposal would be acceptable in terms of the remaining Criteria B to E in that efforts have been made to promote more sustainable modes of travel by providing a pedestrian crossing and a bus stop as part of the development. It should also be noted that the site is adjacent to an existing built up area and as such the development is well related to the existing pattern of settlement and the infrastructure provided therein.

The site lies outside of the settlement boundary, as defined by Policy SP5 Settlement Boundaries of the LDP. The settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. The settlement boundary serves to promote the full and effective use of land and thus concentrate development within settlements; prevent the coalescence of settlements and fragmented development and prevent inappropriate development in the countryside.

Notwithstanding the existing delineation of the settlement boundary the application site could constitute a logical rounding off of the existing settlement limit at this location, as it would follow the existing pattern of development along Abertridwr Road and Penyrheol. Whilst there is currently a view of an open green space in close up views of this site when travelling along Abertridwr Road, when viewed from further afield the site is seen against the backdrop of the existing housing to the east and as such it is considered that the development would not represent inappropriate ribbon development or create the coalescence of the settlements of Penyrheol and Abertridwr.

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 26-28 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.

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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. Suitable conditions can be attached to any consent granted requiring adequate mitigation for disturbance to protected species as part of the development. It should also be noted that the application proposes the retention of the trees and hedgerow at the road frontage and it is considered that this would help to screen the development from close up views from Abertridwr Road and help to retain some of the existing character.

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 four reports to date, the most recent of which was passed by Council on 28th October 2015. It is evident from the AMR 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 8,625 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 4th AMR indicated that 4,052 units had been delivered (49% of the total housing requirement) up to March 2015. Therefore there is a need for a further 4,573 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 2015 JHLAS indicated that there was only 1.9 year supply available.

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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 (agreed by Council in October 2014) recognises the need to address this ongoing issue and recommendation R2 of the report states: The 2015 AMR has indicated that there is a continuing need to address the lack of a 5 year housing land supply. As this development would make a positive contribution to the housing land supply it is considered that this is a factor that weighs strongly in its favour. Consequently any consideration that is considered to be finely balanced in the normal course of events would need to also be weighed against the need to provide the housing and in that regard it is considered that this outweighs the location of the development outside of the defined settlement limits.

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 26-28 dwellings in an area of acute housing pressure and in an area with considerable housing need. Within the SCC, Policy CW11 of the plan seeks to secure 40% affordable housing to meet the identified needs in the area, although these targets should be seen as indicative. In that regard the application proposes the provision of 30% affordable housing in the form of the flat units in the south western part of the site. They have provided information in relation to the viability of providing the affordable housing on the site and this has been checked by the Council's Housing Enabling Officer. It is clear that 40% of affordable housing would not be viable in this particular instance due to a number of factors such as the topography of the site and additional build costs associated with this. In that regard it is considered that it would be acceptable in planning terms for 30% of the proposed dwellings to be affordable units in the form of 8 'walk up flats' to be sold to the council's nominated Social Housing Provider at an acceptable rate. This will need to be secured via a legal agreement under Section 106 of the Town and Country Planning Act 1990.

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Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site and/or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses. Its location adjacent to a residential area means that the principle of housing is acceptable. As the application is in outline only with all matters other than access being reserved for future consideration issues such as privacy and amenity are difficult to assess here. However, the indicative site layout and scale parameter plans submitted with the application indicate that 28 units can be accommodated within the site without having a detrimental impact on the surrounding properties. The applicant has also submitted sections through the site showing the relationship of the proposed dwellings and the topography of the site with the neighbouring dwellings and these indicate that the proposed dwellings would be acceptable in planning terms.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that new access roads are designed to an appropriate standard. Full details of the access have been provided for this application and these have been assessed by the Transportation Engineering Services Manager. He has raised no objection to the application subject to the imposition of conditions and as such it is considered that the proposal is acceptable in terms of access. The Transportation Engineering Services Manager also considered that a pedestrian crossing and a bus stop would be required in order to ensure that the development had regard for more sustainable forms of travel and amended plans have been submitted that reflect this requirement. The amended plans have also been assessed and are considered to be acceptable subject to the imposition of conditions.

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 the Mynydd Eglwysilian Special Landscape Area as defined by Policy NH1.3 of the LDP. The Council's Landscape Architect has been consulted on the application and has offered the following comments:-

"The site is immediately adjacent to the B4236, and occupies rising ground on the lower slopes on the south west facing side of the valley. The development is likely to be visible from the B4236 in the immediately vicinity of the site and from the mid and upper valley slopes on the opposite side of the valley, along an arc extending from north west, west to south west. In all these views the proposed development is likely to be seen in context of the urban form of Ty Isaf Housing estate, which sits adjacent to the northern and eastern boundaries of the site.

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The release of this site for development would mean the loss of a very small finger of land at the edge of the large Special Landscape Area. Special Landscape Areas within Caerphilly County Borough are primarily based upon an evaluation of all five LANDMAP topic layer datasets. The site is generally a small part of the much larger aspect areas of the five LANDMAP topic layers. The overall evaluations for the Geological, Cultural aspect areas within which the site is located is 'moderate', the Historic aspect area overall evaluation was 'unassessed', the Visual and Sensory aspect area overall evaluation was 'low' and the Landscape Habitat overall evaluation was 'High'. This suggests that on the basis of the LANDMAP evaluation alone, the prime reason for including this area within the SLA was its Landscape Habitat value.

The site is covered by the Penyrheol, Hendredenny, and Abertridwr Green wedge designation which seeks to retain the individual character of each of these settlements and prevent coalescence between these settlements. The existing north western boundary of Cae Cadarog within the Penyrheol estate, which forms the north eastern boundary of this site, already extends to the north western limit of the proposed development site. Therefore whilst there would be a loss of a relatively small area of the Green Wedge if this site were developed the separation distance between the settlements would not change. Consequently there is no objection on Landscape grounds to the principle of this area being developed for residential use and as such the proposal complies with local plan policies in this regard.

CW6 Trees, Woodland and Hedgerow Protection identifies criteria against which developments containing trees will be permitted, and states that development will only be permitted where development proposals have made all reasonable efforts to retain, protect and integrate trees within the development. The proposed layout will result in the loss of some trees as well as part of the hedgerow alongside Abertridwr Road. However, as discussed above it is not considered that the loss of this small amount would be unacceptable in planning terms. It is noted that a number of trees were removed from the site prior to the submission of the planning application. This issue has been investigated and no action can be taken in this regard.

Policy CW10 on Leisure and Open Space Provision requires a site of 10 or more dwellings to make provision for well-designed useable space as an integral part of the development and appropriate children's play and outdoor sports provision either on or off site. It is noted that the proposal does include a landscape buffer between the proposed dwellings and the existing houses on Cae Caradog but due to the topography it is not clear how useable this open space will be. Exact details of the open space provision will need to be assessed in detail at the reserved matters stage, a legal agreement would also be needed to secure its provision as part of that application.

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The Affordable Housing Planning Obligation required by Policy CW11 has been discussed above and the provision of 30% affordable housing is considered to be acceptable in this instance.

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. However, as discussed above the need to provide housing to meet the 5 year land supply outweighs this consideration provided the application is acceptable in all other respects.

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 whole of the site is within a safeguarded sandstone area. The views of the Council's Minerals Officer have been sought and it is clear that development of the site would sterilise an area of the minerals resource on the south west side of the B4236 because of the need to provide a 300m buffer around any new mineral working. Therefore the proposal does not satisfy criterion i, ii and iv set out in Policy CW22 and the decision in terms of mineral safeguarding will rest on whether there is an overriding need for the development (criterion iii).

In conclusion the site lies outside the settlement boundary of Caerphilly and is contrary to the provisions of Policy SP5. Notwithstanding this, it is well related to the existing settlement and would constitute a logical rounding off, given the existing pattern of development along Abertridwr Road and directly east.

The SINC and SLA designations on the site have received detailed consideration from Countryside and Landscape Officers but in principle do not preclude development, subject to appropriate mitigation. There is concern, however, that this development will affect the openness of the green wedge designation between Penyrheol and Hendredenny as there will be an impact on the open character of this part of Abertridwr Road. However, this would only be a small intrusion into the green wedge and would be seen in both short term and medium term views against the backdrop of the existing housing to the north and east.

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. The Council in its consideration of the 2014 Annual Monitoring Report accepted the need to continue to consider this issue 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.

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Application No. 15/0442/OUT Continued

On balance the need to deliver new housing including affordable housing in this area and the need to increase the housing land supply is considered to outweigh the fact that this site lies outside the settlement boundary as this would be a suitable rounding off. Therefore subject to the imposition of conditions as suggested by statutory consultees in respect of appropriate mitigation to reduce the impact of the development on the Green Wedge, SLA and SINC, and subject to the provision of safe highway access there is no objection raised to the development.

Comments from consultees: No objections raised.

Comments from public: The objections raised are considered in turn below:-

1. It is noted that the highway network surrounding the application site currently experiences high levels of traffic during peak periods. However, the application was supported by a Transport Statement which suggests that the proposed development will increase traffic flows during peak periods by 2.4% (am) and 2.2% (pm). It is not considered that this increase in traffic flows would place an unacceptable burden on the highway network in the area. Moreover such an increase would not be sufficient to warrant refusal of the application.
2. The access to the site has been assessed by the Transportation Engineering Manager who has raised no objection to the application. The proposed access complies with design guidance in terms of layout, alignment and visibility and as such it is not considered that it would be unacceptable in highway safety terms.
3. The provision of infrastructure within the area is currently being assessed as part of the review of the Local Development Plan. Service providers and stakeholders are consulted and have an input into this process and are able to identify where facilities need to be provided in the future. In that regard, the provision of such facilities is not for consideration as part of this application. However, the information held by the Council indicates that such facilities are not required in the area. Indeed in terms of spaces within the schools within the catchment it is clear that even if all of the dwellings proposed as part of the LDP review were to be built there would still be capacity within the local Primary School and the local Secondary School would be deficient by two spaces. Clearly this indicates that there is not an issue of under provision in the area. Moreover, it is not felt that a development for 28 units would place any undue burden on the services in the area.

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Application No. 15/0442/OUT Continued

4. No objections have been received from statutory consultees in respect of the provision of services such as drainage and water to the site. If there was insufficient capacity on the area then the service providers would have a duty to provide improved facilities but no such issue has been identified in this instance.
5. The effect of the proposal on the green aspect of the area has been assessed above.
6. Any potential overbearing impact has been addressed above.
7. Loss of privacy has been addressed above.
8. Loss of light has been addressed above.
9. Whilst there would inevitably be noise impacts as part of the construction of any dwellings on this site, this activity would be a small and transient part of the development. The resultant development of the dwellings on the site is unlikely to have any more affect on the noise impacts in the area than the existing houses and as such it is not felt that the development would cause any noise issues which would warrant refusal of the application.
10. The design of the dwellings is reserved for future consideration. However, the scale parameters submitted are not considered to be out of keeping with the character of the area and are similar to a number of dwellings in the locality. With regard to the proposed flats, the scale of these has been reduced in response to the first round of consultations and that scale is considered to be acceptable in terms of both design and affect on the amenity of neighbouring dwellings. Whilst it may be argued that there are no flats on the housing sites immediately adjacent to the application, there are some in the wider area and in any event the design of the flats can be such that the character is in keeping with the surrounding area.
11. The Coal Authority has been consulted on the application and has raised no objection. In that regard it is accepted that there are no mining legacies that would affect the development. Any developer of the land would have a responsibility to develop the site in a proper manner in order to ensure that no damage is caused to adjacent land, but this is a private matter that has no bearing on the determination of this application.

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Application No. 15/0442/OUT Continued

12. Whilst the indicative layout submitted presents a very linear development that is not in keeping with current design guidance, it is strongly constrained by the topography of the site. Moreover, this is in keeping with the linear nature of the existing development in the area and as such it is not considered to be unacceptable in planning terms.
13. The location of the site within the green belt is addressed above.
14. The application has been considered by the Council's Head of Public Health and Protection and no objection has been raised. In any event, the application site is not in an area that is currently affected by high levels of pollution and as such this development is unlikely to increase pollution to an unacceptable degree.
15. Loss of view is not a material planning consideration.
16. Loss of property value is not a material planning consideration.
17. The affect of the development on ecology is addressed above.
18. Whilst Policy SP5 promotes the use of brownfield land in preference to greenfield sites, it does not preclude the use of greenfield sites that are considered to be acceptable in all other regards.
19. The need for housing in the area is addressed above.
20. This application was made valid on the 22nd July 2015 and three rounds of public consultation have been carried out since that date. Objection letters have been accepted throughout that period and the high volume of objections received is an indication that adequate opportunity has been given to comment on the application.
21. It is accepted that not all of the residents within the surrounding housing estates were consulted on this application. However, the consultation was carried out in accordance with the Council's protocol and letters were sent to all of those people who live within 4m of the application site or have a common boundary with it together with a site notice and a press notice.
22. The proposed development would better represent rounding off of the existing settlement and as discussed above it is considered that this is acceptable in planning terms.

Other material considerations: None.

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Application No. 15/0442/OUT Continued

RECOMMENDATION that (A) The application is Deferred to allow the completion of a Section 106 Agreement for the provision of 30% Affordable Housing and Open Space Provision as set out in the report. On completion of the Agreement (B) that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of 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 appearance, landscaping, layout and scale of the development, 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 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 development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: Design and Access Statement, Transport Statement, Extended Phase 1 Ecological Survey and Plans T2171-PA-01, T2171-PA-02, T2171-PA-03D, T2171-PA-04, T2171-PA-05, T2171-PA-06, T2171-PA-07A, T2171-PA-08, T2171-PA-09, T2171-PA-10, T2171-PA-11, T2171-PA-12 and T2171-PA-14 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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Application No. 15/0442/OUT Continued

- 06) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 07) The proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 120m. No obstruction or planting when mature exceeding 900mm in height shall be placed or allowed to grow in the required splay.
REASON: In the interests of highway safety.
- 08) The B4263 Abertridwr Road shall be improved in a manner to be agreed in writing by the Local Planning Authority before any other works commence. The highway improvements shall consist of a carriageway widening, provision of a pedestrian refuge island, provision of a bus stop facility and the alteration to the existing layby, as indicated on drawing number T2171-PA-03D.
REASON: In the interests of highway safety.
- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 10) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 11) 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. 15/0442/OUT Continued

- 12) Prior to the commencement of works associated with the development hereby approved, a 5-year hedgerow management plan, which shall include details of the timing of its implementation, shall be submitted to the Local Planning Authority for approval and the approved management plans shall be carried out as agreed.
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 (2010) TAN 5 Nature Conservation and Planning (2009).
- 13) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of 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 (2010) TAN 5 Nature Conservation and Planning (2009).
- 14) Prior to the commencement of works associated with the development hereby approved, a landscaping scheme including at least 25% 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 occupation 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.
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 (2010) TAN 5 Nature Conservation and Planning (2009).

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Application No. 15/0442/OUT Continued

- 15) Prior to the commencement of the development hereby approved a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. Those details shall include:
- (a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and
 - (b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and
 - (c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- REASON: In the interests of the visual amenity of the area.
- 16) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
- REASON: To retain effective control in the interest of the visual amenity and character of the area.
- 17) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
- REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

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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: CW2, CW3 and CW4.

Please find attached comments from Dwr Cymru/Welsh Water, Transportation Engineering Manager and Wales and West Utilities.

DEFERRED FOR REASONS FOR REFUSAL

