

PREFACE ITEM

APPLICATION NO. 15/0567/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of up to 175 units including open space provision, access and parking arrangements

LOCATION: Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

On the 7th April 2016 the above development was refused planning permission for the following reason: -

01. The proposed development is premature in the light of the review of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough, and remove the public's opportunity to comment on the allocation of the application site for housing through that review process.

This application had been reported back to Members for reasons to refuse on 6th April 2016. Three reasons were offered, 2 of which it was explained could not be defended at appeal and accordingly the third reason (above) was selected by Members. At that time the review of the LDP was in progress and a result was likely to have been forthcoming in the not too distant future. Since that date the replacement plan has been withdrawn (11th October 2016), thus opportunities to increase the housing land supply through the development plan process are now a number years away. Also at the time the reason for refusal was issued the housing land supply was down to 1.9 years but it has since fallen to only 1.5 years. Therefore there is no reasonable prospect that the reason for refusal can be defended if an appeal is lodged.

At the time of writing this report an Appeal against the reason for refusal is in the process of being lodged with the Planning Inspectorate.

With regard to the Appeal lodged with the Inspectorate, the Council must explain a material change in circumstances has occurred since the planning decision to refuse consent was taken. At the time the planning decision to refuse was taken the consultation process regarding the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031 period had begun on 11 February 2016 and was proposed to end on the 23 March 2016.

Cont....

Application No. 15/0567/OUT Continued

However the consultation period was extended to run up to the end of the 22 April 2016 when it was noted that one of the Appendices of the Habitat Regulation Assessment was omitted from the documentation that was made available on the LDP web page.

A decision to withdraw the deposit replacement plan has now been taken and previous intentions to reach a conclusion within imminent time lines will not now be met. In making the decision to withdraw the plan Members had regard to the 4654 individual or organisation representations and five notable petitions, mostly objecting to allocations within the plan. Members considered and debated a number of related matters, specifically:

- The rapidly changing regional context and growing momentum for the need for a Strategic Development Plan for the region;
- A formal request from Rhondda Cynon Taff to prepare a Joint Local Development Plan; and
- The need to undertake a second consultation in respect of the evidence underpinning the delivery of the two proposed Strategic Sites in order to address WG concerns.

Members agreed at Council on 19th July 2016 that subject to Ministerial approval, to formally withdraw the Deposit Replacement LDP and seek further discussions with WG and the local authorities within the Cardiff Capital Region regarding the possible development of a strategic development plan. It was confirmed at a meeting with the WG Minister on 28th September 2016 that Ministerial approval for plan withdrawal is not presently a requirement of the LDP regulations and that the decision to withdraw the Replacement LDP is a matter for the Council to determine. This was reported back to Council on 11th October 2016 and the review of the Local development Plan has now been formally withdrawn. Consequently the reason for refusal cannot now carry the weight that it was given at the time the planning decision was taken. The reason was based on the opportunity the LDP review would give the public to comment on new housing allocations. That opportunity does not now exist. As a result of this material change in circumstance the Planning Authority cannot support the reason for refusal.

It would be unreasonable to pursue the reason for refusal and in order to minimise the Council's exposure to costs the Planning Inspectorate and the appellants should be advised as soon as possible that the Local Planning Authority will not be defending this reason for refusal.

Recommendation: That the Planning Inspectorate and appellants be advised that the Council will not be defending the reasons for refusal for the reasons set out above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0567/OUT 19.08.2015	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant Rhondda Cynon Taf CF72 8YP	Erect residential development of up to 175 units including open space provision, access and parking arrangements Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is part of a Golf course that is to the south of the settlement of Oakdale.

Site description: Access to the site is via the existing golf course entrance onto Llwyn On Lane where there is something of a break in the building line. The area identified includes the clubhouse, the golf driving range building, the car park, parts of the course and a small field behind Nos. 2 to 14 Waungoch Road. A public right of way enters the site from the east and joins with the lane that runs through the site from the north to the south. The Nant Philkins runs through the site east to west.

Development: Outline consent is sought for residential development. All matters except access are reserved. At the entrance there is an existing pond that is shown re-sited to accommodate the proposed access.

Dimensions: The site measures approximately 5 hectares and is of an irregular shape. The indicative master plan illustrates a layout of 175 dwellings with an area of public open space comprising approximately 25% of the site situated to the southwest section. The scale parameters of the proposed dwellings are as follows:-

Minimum	Maximum
Width 4.12	8.88
Depth 6.29	10.12
Height 7.30	10.70

Cont....

Application No. 15/0567/OUT Continued

PLANNING HISTORY 2005 TO PRESENT

P/05/0561- Erect one detached house - Refused 06.10.05.

P/05/1682 - Erect two storey dwelling to be used as holiday let - Granted 16.02.06.

P/06/0392 - Erect two dormer bungalows - Granted 01.06.06.

06/0753/FULL - Erect extension to driving range - Granted 25.01.07.

11/0095/FULL - Erect two dormer bungalows with associated groundworks, access and car parking - Granted 31.03.11.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is part of an existing golf course. It lies outside the settlement boundary of Oakdale and is not allocated for residential use, the proposal therefore represents a departure from the plan. Part of the site lies within a sandstone safeguarding area.

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.

Cont....

Application No. 15/0567/OUT Continued

NATIONAL POLICY

- Planning Policy Wales (Edition 7, July 2014);
- Technical Advice Note 1: Joint Housing Land Availability Studies (2015);
- Technical Advice Note 2: Planning & Affordable Housing (2006);
- Technical Advice Note 11: Noise (1997);
- Technical Advice Note 12: Design (2014);
- Technical Advice Note 18: Transport (2007).

Other policy related matters that constitute material considerations are:-

The 5 year Housing Land Supply.
The Annual Monitoring Report.
The Local Development Plan Revision.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? - No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - No.

CONSULTATION

Rights Of Way Officer - It is explained that Footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed.

Head Of Public Protection - No objection subject to conditions that include a scheme of acoustic glazing and construction controls.

CCBC Housing Enabling Officer - 25% affordable housing is required in accordance with a mix based on the predicted 175 residential units.

Senior Engineer (Land Drainage) - No objection is raised. Advice is provided regarding land drainage and water features that may be present on site.

Outdoor Leisure Development Officer - No objection subject to the provision of appropriate leisure facilities.

Cont....

Application No. 15/0567/OUT Continued

Head Of Public Services - No objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - No objection is raised and advice is provided regarding drainage.

Wales & West Utilities - Advice is provided regarding the presence of services within the application site and adjacent to it.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays. It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to Transportation Engineering Manager and could be resolved at the reserved matters stage.

Strategic & Development Plans - The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

Natural Resources Wales - No objection or comments.

Minerals Officer - It is explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need.

Chief Fire Officer - It is advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles.

Countryside And Landscape Services - The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

Cont....

Application No. 15/0567/OUT Continued

Senior Arboricultural Officer (Trees) - No objection subject to tree protection measures.

Glam/Gwent Archaeological Trust - No objection is raised and advice is provided regarding the archaeological history of the site.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 50 neighbouring properties have been consulted.

Response: Six letters been received and a petition with 240 signatures.

Summary of observations:

- It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby matches and other leisure activities. One area that is very difficult for vehicles to pass is Maesygarn Road when the primary school is opening/closing.
- Traffic calming is suggested as a possible safety solution.
- The capacity of local schools will be "overstretched" as will local GP facilities.
- There will be "huge health and safety implications" resulting from the heavy house building traffic.
- All the residents in the locality should have been sent neighbour notification letters regarding the proposed development.
- It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria.
- The application site is "Green Belt".
- One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route.
- An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles.
- It is pointed out that the current exit of the pedestrian route/lane at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development.

Cont....

Application No. 15/0567/OUT Continued

- Surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion.
- Existing sewer capacity is not adequate.
- The submitted travel plan is flawed in that people will generally use their cars rather than public transport.
- One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range."
- There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped.
- There are a number of protected species on site "Barn Owls, Bats, Door Mice and Foxes". The submitted wildlife survey is biased.
- Public rights of way would be extinguished.
- The countryside should be preserved particularly as there is a supply of unsold houses in the locality.
- Near by "waterways" would be in danger of contamination.
- The construction of the dwellings will cause environmental damage and pollution.
- A preferable site for residential development would be Oakdale Colliery.
- The identity of the Oakdale model village will be adversely affected by the volume of properties proposed.

SECTION 17 CRIME AND DISORDER ACT

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

Is this development Community Infrastructure Levy liable? Development proposals are not liable for CIL at the outline planning permission stage. The calculation is made at the reserved matters stage when the amount of residential floorspace is known.

Cont....

Application No. 15/0567/OUT Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No - There is bat activity on site but the application site does not include bat roosts and adequate ecological mitigation can be achieved.

ANALYSIS

Policies: The site comprises the existing site of the golf club car park, driving range, clubhouse and northern part of the golf club. A lane runs north to south through the centre of the application site, separating the driving range from the golf course, clubhouse and car park. It is proposed that this lane will be retained. The indicative master plan identifies an access to the site from east of the drainage pond off Llwyn On Lane.

The site in question is unallocated and lies outside of the settlement boundary. The north-eastern field was submitted as part of the candidate site process for the LDP (site reference E115 Land at Llwyn On Crescent), but the golf club itself was not submitted previously.

Strategy Policies

The site is located within the Northern Connections Corridor (NCC). Policy SP2 Development Strategy - Development in the NCC indicates that development will be focused 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; makes the most efficient use of existing infrastructure; protect the natural heritage from inappropriate forms of development and capitalise on the economic opportunities offered by Oakdale/Penyfan Plateau.

Planning Policy Wales sets out the definition of previously developed land as "that which is or was occupied by a permanent structure and associated fixed surface infrastructure." Excluded from the definition are a number of uses including land in built up areas that has not been developed previously, for example parks, recreation grounds and allotments, even though these areas may contain certain urban features such as paths, pavilions and other buildings. It is considered that the golf course itself would also fall within this category and should be considered greenfield, along with the driving range and field to the north of the golf course. However, the large car park and clubhouse area and driving range buildings would be considered to be brownfield. The development of a greenfield site is acceptable in this strategy area in accordance with the policy and the site is well served by footpaths and bus routes.

Cont....

Application No. 15/0567/OUT Continued

The potential impact of development on the natural heritage of the site is discussed further below.

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. The application is clearly contrary to Policy SP5 of the Adopted LDP.

In this location, the settlement boundary has been drawn to include the properties fronting on to Llwyn On Lane, but the buildings associated with the golf club have been excluded from the settlement boundary. It is considered that the brownfield element of the site (the car park and buildings) would be a logical rounding off given the pattern of the built form in this area, but the key issue is whether the extension to include the greenfield element to the south, which extends further into the countryside, is acceptable.

It is noted that the whole golf course is not included within the application boundary, as this would be an incongruous extension into open countryside. The southern boundary instead is not drawn to a defensible boundary on the ground, as the golf course is clearly open in nature. It is recognised that a new boundary is shown on the master plan will be created by a hedgerow on the southeast and road on the southwest. Notwithstanding the delineation of the existing settlement boundary, it is considered that the boundary as shown in the planning application, whilst extending into the countryside, would relate well to existing development and be a suitable rounding off. Any further extension south into the golf course would, however, be unacceptable.

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 visual appearance of the proposed development, its scale and its relationship to its surroundings and context are material planning considerations. The proposed layout should be assessed against national design guidance contained in TAN 12 Design and against LDP 6: Building Better Places to Live in order to ensure that the requirements of SP6 are fully met.

Cont....

Application No. 15/0567/OUT Continued

It should be noted that the Oakdale Conservation Area lies directly north of Llwyn On Lane and the design will need to be sensitive to this. The Conservation and Design Officer has been consulted regarding the potential impact this scheme may have on the conservation area. No in principle objection is raised, it is pointed out that at the reserved matter stage design issues will receive closer scrutiny with regard to the character of the conservation area, as well as its context in general.

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. The illustrative plan demonstrates that natural features such as the existing pond and hedgerows can be utilised.

The site is not subject to any natural heritage designations, but it does adjoin Sites of Importance of Nature Conservation (SINC) at NH3.97 Nant Philkins Fields to the east of the site and NH 3.89 Coed Cwm Philkins to the south. The Council's Ecologist has been consulted and has not raised objection.

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 considered by Council in 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.

Cont....

Application No. 15/0567/OUT Continued

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 is only 1.9 year supply available.

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 2015 AMR recognises the need to address this ongoing issue and recommendation R2 of the report states: "the 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply." Furthermore, recommendation R3 states "the Council endeavours to prepare the Replacement LDP in a timely manner and in doing so undertake full consultation with residents of the County Borough."

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that are likely to generate a significant number of trips 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. It is noted that the site is in close proximity to bus stops and is in walking distance to Oakdale village centre and local primary school. Furthermore, the potential to connect to the existing lane as a potential cycle and pedestrian link is acknowledged. The Transportation Engineering Manager has been consulted and has not raised objection.

Cont....

Application No. 15/0567/OUT Continued

Policy CW2 Amenity indicates that development proposals must ensure that the proposal would not result in over-development of the site or its surroundings. Furthermore, the policy indicates that the proposed use would need to be compatible with the surrounding land uses. Its location in a residential area would mean that the principle of housing is acceptable. However, it is recognised that Croespenmaen Industrial Estate is just over 200m from the site boundary across open fields and the potential noise conflict is a matter that should be considered. Furthermore, there is a social club in close proximity on Llwyn On Lane, which may be a further source of conflict. Environmental Health has considered the noise aspect and no objection is raised subject to conditions.

Policy CW3 Design Considerations - Highways states that development proposals must meet a number of highways requirements including that the new access roads are designed to an appropriate standard. It is noted that a Traffic Assessment has been submitted with the application and in this respect the Transport Engineering Manager's view has been sought on the proposed access arrangements as they relate to Policy CW3; no objection is raised subject to conditions.

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 a number of trees on the golf course and this would need to be considered by the Arboricultural Officer to determine whether this would be acceptable. The Arboricultural Officer has considered the proposal and raises no objection subject to tree protection measures that may be required by condition.

CW8 Protection of Community and Leisure Facilities indicates that proposals that would result in the loss of a community or leisure facility will not be permitted except where a comparable replacement facility can be provided by the developer either on or off site or it can be demonstrated that the facility is surplus to requirements. The applicant has provided a report that details a pattern of decline in golf club memberships with a number of reported drops of 17 to 20% in membership in the UK in the years since 2004. The applicant has provided figures that suggest the golf course has lost 52% of income from the driving range during the years 2004 to 2014 with operational losses in 6 of the last 10 years. There has been a general decline in turnover of 46% over the same period with the most serious decline in the more recent years.

Cont....

Application No. 15/0567/OUT Continued

The report also suggests that as there are 10 other golf courses within a 12.5km radius of Oakdale, most of which have 18 holes compared to the 9 at the application site, the attraction of other sites and pattern of falling interest in this golf course demonstrate that its closure will not be contrary to CW8.

Policy CW10 on Leisure and Open Space Provision requires sites 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. The proposal does include a large open area within the application boundary in the western part of the site, which is overlooked by housing. However, it does not appear that any formal facilities have been proposed within the master plan. This should be resolved at reserved matters and a condition may be imposed to that effect.

CW11 Affordable Housing Planning Obligation identifies that there will be a requirement to seek to negotiate affordable housing. An indicative target of 25% is identified in this area.

CW22 Locational Constraints - Minerals identifies that development proposals which may impact on minerals safeguarding areas will be considered against a number of criteria, including that the applicant can demonstrate that the mineral is no longer of any value, it can be extracted prior to the development taking place or there is an overriding need for the development. The site lies within a Sandstone Safeguarding Area and the Mineral Officer's views on the value of the sandstone in this area has been provided and no objection is raised. It is also recognised that there is a need for market and affordable housing in the County Borough as a whole that the development of this site could contribute to.

Deposit Replacement Local Development Plan

This site was submitted to the Council as part of the Candidate Sites process for residential use and has been assessed as being in accordance with the proposed growth strategy for the County Borough. This site is still being assessed, but the consultation responses received to date indicate that the site is suitable for further consideration as an allocation in the Deposit Replacement LDP

Cont....

Application No. 15/0567/OUT Continued

Policy Conclusion

The site lies outside the settlement boundary of Oakdale and is contrary to the provisions of Policy SP5. Notwithstanding this, it is well located to the existing settlement and would constitute a logical rounding off to the settlement encompassing an area of brownfield land and part of the greenfield golf course and driving range.

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 2015 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply and granting planning permission for this site would help to achieve this. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

On balance, subject to there being sufficient justification for the loss of the facility, the need to increase the housing land supply outweighs the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

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:

Rights Of Way Officer - It is explained that footpath FP42 crosses the site and must be protected at all times and should the line be affected a legal order must first be confirmed. This advice should be passed to the applicant.

The Head Of Public Protection raises no objection subject to conditions that include a scheme of acoustic glazing and construction controls. This may be required by condition.

The CCBC Housing Enabling Officer explains that 25% affordable housing is required and suggests it should be in accordance with a mix based on the predicted 175 residential units. This may be required through a Section 106 Agreement.

Cont....

Application No. 15/0567/OUT Continued

The Outdoor Leisure Development officer raises no objection subject to the provision of facilities appropriate to the size of development proposed. This should include areas of well designed open space that benefit from good access and surveillance, a suitably scaled equipped play area and a suitably scaled all weather sports court. This may be required by condition.

The Senior Engineer (Land Drainage) raises no objection is raised. Advice is provided regarding land drainage and water features that may be present on site, this should be passed on to the applicant.

The Head Of Public Services raises no objection is raised and it is explained that the Council offer a kerbside only refuse/recycling collection service. This advice should be passed on to the applicant.

The Transportation Engineering Manager has considered the submitted transport assessment and does not raise objection to the increased flows of traffic. It is also to be noted that the submitted Transport Assessment has been assessed by an independent consultants that also conclude the additional traffic flows can be accommodated within the existing highway network. Conditions are recommended to require adequate visibility at the site entrance, adequate parking provision within the site and a 1.8m wide footway along the site boundary fronting Llwyn On Lane, which shall be constructed in permanent materials and be completed prior to beneficial occupation of the development. These details may be required by condition except the parking provision, which is part of the layout to be determined at reserved matters, however the parking requirement may be passed on to the applicant as advice. Traffic calming has been suggested by the Police and local residents. The Transportation Engineering Manager has considered this suggestion and such measures can only be justified on a statistical accident basis, which is not supported in this case.

Dwr Cymru raises no objection and provides advice regarding drainage that should be passed on to the applicant.

Wales & West Utilities provide advice is provided regarding the presence of services within the application site and adjacent to it. This advice should be passed on to the applicant.

Police Architectural Liaison Officer - The Designing Out Crime officer raises no objection. The Traffic Management Advisor notes that there are traffic calming measures that should restrict mean speeds to around 20 mph, but recommends a speed analysis to ensure there is no adverse affect upon visibility splays.

Cont....

Application No. 15/0567/OUT Continued

It is also suggested that traffic calming be considered within the application site. (These suggestions have been passed to the Transportation Engineering Manager as explained above).

Strategic & Development Plans have explained the policy considerations that are reported in detail above. The overall conclusion is that the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.

The Minerals Officer has explained that the site is within a Pennant Sandstone safeguarding area and that the proposed development should be considered premature prior to the current review of the Local Development Plan unless there is an overriding residential need. The Strategic & Development Plans section has considered the overriding need and no objection is raised regarding prematurity.

The Chief Fire Officer has advised that the applicant be mindful of the fire service need for adequate water supplies for fire fighting and adequate access routes for fire fighting appliances. Advice is provided regarding water supply and clearances for vehicles. This advice should be passed on to the applicant.

Countryside and Landscape Services: The Landscape Architect is satisfied that the development should not have significant adverse effects upon the landscape character or visual amenity. It is pointed out that significant trees and hedgerows should where possible be kept outside private gardens and this should be required by condition. The ecologist has considered the submitted ecological information and raises no objection subject to conditions regarding protected species and habitat maintenance.

The Senior Arboricultural Officer (Trees) raises no objection subject to tree protection measures that may be imposed by condition.

No objection has been received from Glamorgan Gwent Archaeological Trust and Natural Resources Wales.

Comments from public:

Six letters been received and a petition with 240 signatures and the objections detailed above are considered in turn below.

Cont....

Application No. 15/0567/OUT Continued

The main objection is the impact of the proposed development in terms of increased traffic through the residential streets. It is pointed out that the traffic to the proposed development will have to pass through residential streets that are already congested/gridlocked, restricted by parked cars particularly during events such as rugby and other leisure activities. One area that is very difficult for vehicles to pass in Maesygarn Road when the primary school is opening/closing. The Transport Engineering Manager has considered the additional traffic flows and they have been assessed by independent consultant, the conclusion is that they are acceptable from a planning point of view.

There will be "huge health and safety implications" resulting from the heavy house building traffic. Traffic calming is suggested as a possible safety solution. This suggestion has been considered by the Transportation Engineering Manager and traffic calming is not considered necessary.

It is suggested that the capacity of local schools will be "overstretched" as will local GP facilities. The introduction of CIL is intended to provide for infrastructure investment such as schools. This is CIL liable development. Doctors' surgeries dentists etc are services that should follow demand.

It is suggested that all the residents in the locality should have been sent neighbour notification letters regarding the proposed development. The development has been advertised in accordance with statutory advertisement procedures.

It is implied that the proposal is the result of the limited amount of LDP residential land and therefore will be the subject of lower planning criteria. It is the case that limited housing land supply is a material planning consideration, it does not follow that planning criteria are necessarily lower and each case should be considered upon its merit.

It is suggested that the application site is "Green Belt." Green belt is a specific planning designation that has not been adopted by this Council.

One letter has been received from a property that has a right of way through the site seeking to ensure that the lane is maintained, even though it is shown only as a pedestrian route. The outline proposal does not show this route curtailed. An assurance is sought that the access and the trees that bound it will be managed to enable the safe passage of heavy goods vehicles. This presumably is a request to assure access for large vehicles to the writer's farm. Again the outline proposal does not indicate the curtailment of the route.

Cont....

Application No. 15/0567/OUT Continued

The trees referred to are probably along a section of the lane that is outside the application site and therefore not a current planning consideration. It is pointed out that the current exist of the route at its junction with Llwyn On Lane has very poor visibility and it is suggested that this could be made worse by the proposed development. The illustrative layout does not show any change to this junction.

It is suggested that surface water from the existing golf course and driving range passes into a culvert and any increase in surface water may exacerbate erosion. This is also a matter that may be determined at reserved matters. At this point in time no material objection has been received from the land drainage officer.

It is suggested that the existing sewer capacity is not adequate. Dwr Cymru/Welsh Water has not raised such an objection.

The submitted travel plan is flawed in that people will generally use their cars rather than public transport. Travel plans are a material planning consideration and this has been taken in account by the Transportation Engineering Manager.

One writer suggests that an assurance has been given that "there would be no dwellings to the north west of the existing driving range." Any such assurance would not be a planning consideration.

There is an urgent need for recreational facilities that would be lost if the golf course is redeveloped. Policy CW8 does require that it be demonstrated that where a leisure facility is to be lost that it be demonstrated that there is a suitable alternative or that the facility is surplus to requirement. This matter has been fully considered above.

There are a number of protected species on sit "Barn Owls, Bats, Door Mice and Foxes". It is suggested the submitted wildlife survey is biased. The Council's Ecologist has considered that submitted details and is satisfied that the proposed development is acceptable subject to conditions.

Public Rights of Way would be extinguished. This is not proposed.

It is suggested that the countryside should be preserved particularly as there is a supply of unsold houses in the locality. The unsold houses in the locality are not sufficient to supply the local housing need. The preservation of existing land use should be considered upon its merit.

Cont....

Application No. 15/0567/OUT Continued

The claims that near by "waterways" would be in danger of contamination, that the construction of the dwellings will cause environmental damage and pollution are not substantiated.

It is suggested that a preferable site for residential development would be Oakdale Colliery. Again it is a fundamental planning principle that each case should be considered upon its merit.

The identity of the Oakdale model village will be adversely affected by the volume of properties proposed. It is the case that Llwyn On Lane is the boundary of the conservation area, but the application site is not within the conservation area, as the illustrative layout indicates the site frontage onto Llwyn on Lane is limited and fronted with a pond. Any visual impact with regard upon the conservation area would be very limited.

Other material considerations: - 25% affordable housing is required in accordance with Policy CW11. The Housing Enabling Officer has recommended a mix based on the predicted 175 residential units of 10 one-two person bed flats, 12 two-bed four person houses, 5 three-bed five person houses and one four-bed seven person house. At this stage the application should therefore be deferred to enable the completion of a Section 106 Agreement that will require 25% affordable housing provision based on the mix set out above. The Agreement would be necessary to make the scheme comply with the adopted planning policy in the LDP that seeks to secure the provision of affordable housing. It is directly related to the development in that affordable housing will be sought on a residential development. At 25% the scale of affordable housing will be reasonably related in scale and kind to the development and the type required is based on that identified by the Council's Housing Officer. Upon completion of the Agreement planning permission should be granted subject to conditions.

RECOMMENDATION that (A) a decision is DEFERRED to allow the applicants to enter into a Section 106 Agreement as set out above. On satisfactory completion of the Agreement (B) Permission be GRANTED subject to the following condition(s)

- 01) Approval of the details of the 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.

Cont....

Application No. 15/0567/OUT Continued

- 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, 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 one year 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.
- 05) 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.
- 06) Prior to the commencement of the development hereby approved, a construction phase noise scheme (to include proposed hours which the developer intends to work) shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented as agreed.
 REASON: To control noise arising from the development.
- 07) Prior to the commencement of the development hereby approved, a construction phase dust mitigation scheme shall be submitted to and agreed, in writing, with the Local Planning Authority. Thereafter, the construction phase shall be carried out in accordance with the agreed.
 REASON: To control any dust arising from the construction phase.

Cont....

Application No. 15/0567/OUT Continued

- 08) Prior to commencement of the development hereby approved details of a scheme of glazing shall be submitted to and agreed in writing by the Local Planning Authority for a glazing system to be fitted to all windows of habitable rooms facing the Croespenmaen Industrial Estate. The glazing system shall be capable of achieving an internal LAeq level of 30 dB(A) measured over an 8 hour period (2300 - 0700) in bedrooms and 35 dB(A) in all other habitable rooms measured over 16hour LAeq (0700 - 2300). The glazing scheme shall be carried out in accordance with the approved details before first use of the dwellings to which it relates.
 REASON: To protect the residential amenity of occupants from noise from the Industrial Estate
- 09) 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.
- 10) No site or vegetation clearance associated with the development hereby approved shall take place until a detailed methodology for the capture and translocation of reptiles on site, including details of any proposed remedial measures and details of the receptor site/s, has been submitted to and agreed in writing with the Local Planning Authority. The measures shall be carried out in accordance with the agreed details.
 REASON: To ensure that reptiles are protected.
- 11) In the event that development commences after April 2016, no site clearance work shall be undertaken unless an updated Badger survey has been undertaken, and the results and any necessary mitigations measures, submitted to and agreed in writing with the Local Planning Authority. The clearance works shall be undertaken in accordance with the agreed details.
 REASON: To ensure that badgers are protected.

Cont....

Application No. 15/0567/OUT Continued

- 12) 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.
- 13) The retained pond shall be protected and managed for amphibians in accordance with a 5 year management plan to be submitted to and agreed in writing by the Local Planning Authority before the commencement of any works on site. That plan shall include the timing of its implementation.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales 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 75% native and local provenance tree, shrub and wildflower species shall be submitted to the Local Planning Authority for approval. The agreed details shall be carried out in the first planting or seeding season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
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).
- 15) The following activities must not be carried out under any circumstances:
- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
 - b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
 - c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.

Cont....

Application No. 15/0567/OUT Continued

d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.

e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

REASON: In the interests of visual amenity.

- 16) 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 within the proposed development shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before any the part of the development to which it relates is first occupied.

REASON: To provide 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.

- 17) Prior to the commencement of any works on site associated with the development hereby approved, details of the provision of nesting sites for bird species (House martin, House sparrow, Starling, Swallow and Swift) in the proposed development shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be implemented before any part of the proposed development to which it relates is first occupied.

REASON: To provide nesting opportunities for birds 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.

- 18) 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.

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).

Cont....

Application no. 15/0567/OUT Continued

- 19) Notwithstanding the submitted master plan details shall be submitted at reserved matters that shall take into account the need to provide appropriate leisure facilities to meet the needs of the residents of the proposed development. Those

facilities shall include areas of well designed open space that benefit from good access and surveillance, a suitably sized equipped play area and a suitably sized all weather sports court.

REASON: To comply with Policy CW10 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

- 20) Prior to the commencement of work on site details of land drainage including full engineering details of the extended pond at Llwyn On Lane shall be submitted to and agreed in writing with the Local Planning Authority and shall be carried out in accordance with the agreed details in accordance with a timetable to be agreed as part of those details.
REASON: In the interests of land drainage.

- 21) Prior to the commencement of work on site a Tree Protection Plan (TPP) shall identify the root protection areas of all trees to be retained on site and shall be shown as a plan overlaying the proposed site layout and be accompanied by an Arboricultural Method Statement (AMS). A suitably qualified arboriculturist shall prepare them both. The TPP shall graphically illustrate where all necessary Construction Exclusion Zones (CEZs) are required in order to protect retained trees from any adverse impact from the proposed development. The TPP and AMS shall detail in full any necessary protection measures required in order to enforce CEZs (i.e. a tree protection barrier), as well as any other measures such as ground protection or special methodologies such as no-dig constructions wherever they may be arboriculturally necessary. The AMS shall also detail all site access details with regard to retained trees' wellbeing, as well as provide all relevant detail of site storage and compound facilities for the duration of the proposed development.
REASON. To ensure the protection of retained trees.

- 22) Prior to beneficial occupation of any part of the development hereby approved a 1.8m wide footway along the site boundary fronting Llwyn On Lane shall be constructed in permanent materials the design of which shall have been agreed in writing with the Local Planning Authority.
REASON: In the interest of highway safety.

Cont....

Application No. 15/0567/OUT Continued

- 23) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 33 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.
- 24) The travel plan hereby approved is that submitted on 6th November 2015
REASON: To encourage the use of a variety of transport options.

Advisory Note(s)

Please find attached the comments of Rights of Way Officer, South Wales Fire and Rescue Service, Wales & West Utilities, Council's Ecologist, Senior Arboricultural Officer, Glamorgan Gwent Archaeological Trust and Head of Public Services that are brought to the applicant's attention.

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: CW6 and LDP4.

At reserved matters the parking provision throughout the development should accord to the requirements of LDP5 Car Parking Standards.

DEFERRED FOR SITE VISIT

PREFACE ITEM**APPENDIX**

APPLICATION NO. 15/0567/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development of up to 175 units including open space provision, access and parking arrangements

LOCATION: Land At Oakdale Golf Course Oakdale Golf Course Lane Oakdale Blackwood

The above application was deferred by Committee on 9th December 2015 for a Members' site visit. That visit took place on 21st December 2015. Members viewed the site and its surroundings. In particular Maes-Y-Garn Road leading to Rhiw Syr Dafydd School was viewed and members discussed the impact of the proposed development upon pedestrian movements related to the school. Officers were requested to provide a summary of the submitted traffic impact assessment and its conclusions. That summary has been delayed because the applicant has requested that the application be deferred to enable revised details of the access to be submitted. The summary is now provided below.

Summary: The Transport Assessment submitted with the application clearly indicates that there is sufficient capacity within the existing road network to accommodate the additional traffic movements created by the development. The traffic generated along Maes-Y-Garn Road would result in an additional 29 vehicles per hour (two way movements) in the peak am (08.00 – 09.00) and 41 vehicles (two way) in the peak pm (17.30 – 18.30). Only the am peak coincides with school opening/closing times. At that am peak the additional traffic amounts to a 6.8% increase, this is not significant. The later pm peak represents an increase of 21.2% but this is outside the school closing time. The Authority has recently commenced works on the 'Oakdale safe routes in communities project', which proposes to implement a 20mph speed limit, a zebra crossing and traffic calming measures in the vicinity of Rhiw Syr Dafydd and Ysgol Cwmraeg Cwm Derwen Primary Schools to improve highway safety for pedestrians. In conclusion, given the relatively low volume of additional traffic movements generated by the development and the pedestrian safety improvements being implemented by the Authority, it is considered that the development will not have a detrimental impact.

The applicant has now advised that the access does not need to be amended and the application may proceed as proposed.

Cont....

Application 15/0567/OUT Continued

The applicant has also requested an additional condition be attached to any planning consent granted. The condition requires:

“The submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement (Date xxx), and in accordance with the Parameters Plans (Drawing nos xxx).

REASON: To make sure that the development takes the form agreed by the authority and thus results in a satisfactory form of development”.

The requested condition is considered acceptable subject to the following variation:

- 25) Subject to the conditions hereby imposed (above) and other appropriate planning criteria, the submission of all reserved matters and the implementation of development shall be carried out in substantial accordance with the principles described and illustrated in the Design and Access Statement received on 13.08.2015 and in accordance with the Master Plans, Drawing No MP01 received on 03.08.2015 and in accord with the detailed reserved matters planning considerations.

REASON: To ensure that the development takes the form agreed by the Local Planning Authority.

It should be noted that the application site is allocated in the Deposit LDP, which is now open to public consultation, as approved by Council on 3rd February 2016 (Ref No H1.35).

With regard to the weight that is to be attached to the Deposit LDP Planning Policy Wales explains:

2.8.1 - The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, Local Planning Authorities will need to consider carefully the underlying evidence and background to the policies.

Cont....

Application 15/0567/OUT Continued

RECOMMENDATION: That planning permission is deferred in accordance with the recommendation in the attached report to allow a Section 106 Agreement to be concluded following which permission be granted subject to the conditions set out in that report and the additional condition in this report.

