

PREFACE ITEM

APPLICATION NO. 15/0782/FULL

APPLICANT(S) NAME: Rectory Homes (Wales) Ltd

PROPOSAL: Erect residential development for 45 No. dwellings, associated highway infrastructure and open space

LOCATION: Land At Woodfield Park Lane Penmaen Oakdale Blackwood

A copy of the planning report (attached) was considered at the Planning Committee held on the 8th February 2017, members resolved not to accept the recommendation to grant conditional planning permission, subject to the completion of a Section 106 Agreement relating to the provision of affordable housing and grassland compensation but that a further report should be presented with reasons for refusal.

Members carried out a site visit on 6th February 2017 and concerns regarding highway safety, the proposed grassland compensation measures and ecology matters were discussed.

These matters were further discussed at the planning committee and the basis of the Member's decision to refuse the application is that the proposed development is outside settlement limits, within both a Site of Importance for Nature Conservation (NH3.71 Blackwood Riverside Woodlands, North East of Blackwood) and a Green Wedge (S11.09 Blackwood, Oakdale & Penmaen) and as such the proposal would be in conflict with local plan policies SP5 (Settlement Boundaries), policy SP10 (Conservation and Natural Heritage), policy CW4 (Natural Heritage Protection) and CW15 (General locational constraints).

However, the following is provided for consideration against the possible prospect of an appeal that will require an evidential basis for the defence of any reason for refusal put forward.

Notwithstanding the site is outside of the settlement boundary within a green wedge, the site is in a sustainable location, well related to the existing settlement, and would result in the loss of only 2.56% of the green wedge. The encroachment into the green wedge is not considered significant enough to undermine its role and function in this location.

Also, the development would not be wholly contrary to the strategy set out in that plan for the Northern Connections Corridor. Policy SP2 states amongst other things that development proposals in that area will promote sustainable development that focuses

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on both brownfield and greenfield sites that have regard for the social and economic functions of the area.

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.

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."

Another more recent planning permission was recently allowed on appeal for residential development of some 300 houses is that of Pandy Road, Bedwas where the Inspector concluded "The council cannot demonstrate a five year land supply. The need to increase supply should be given considerable weight where the proposal would otherwise comply with development plan and national plan policies.

The proposal fails to accord with the adopted development plan as the proposal would constitute a housing development outside the defined settlement boundaries (LDP policy SP5). Nonetheless I have found that the proposal would not have an unacceptable impact on the specific distinctive features and qualities of the SLA or on its overall integrity and would not conflict with development plan policies that seek to protect, conserve, enhance and manage the valuable features of the natural and built environment (LDP policies SP10, NH1 and CW4).

The proposal would also constitute sustainable development being located in close proximity to the settlement boundary with its range of services and facilities and would be in close proximity to public transport. The proposal also includes a number of sustainable travel measures. In the particular circumstances of this case I find the contribution to the supply of housing, including affordable housing, in a sustainable location to be material considerations that outweigh the conflict with the development plan."

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Whilst the development is contrary to the above policies, reasons for refusal have to be balanced against any other material considerations and in this respect the lack of a 5 year land supply and the need for affordable housing are material considerations, and reasons for refusal based upon the above would be challenging to defend at an appeal.

The loss of the grassland to accommodate the development has to be considered on balance with the need for development in line with Policy CW4, where “the need for the development outweighs the ecological importance of the site”. This aspect of the development has been considered and will require the developer to enter into a Section 106 Agreement, in order to provide sufficient compensation for the loss of the grassland on land under the control and maintenance of the Council for a period of 25 years. Again, the need for housing is balanced against the ecological importance of the site and the compensation measures proposed are considered sufficient. In addition, the Council does not have any control over the land, other than in respect of the protected trees and established hedgerow along the northern boundary as an important hedgerow and should the landowner wish to plough this field then he could.

In addition Members considered that the construction and subsequent use of a new junction onto an existing busy road, by additional traffic generated by the development, would have an adverse impact upon highway safety. However, this Council’s Transportation Engineering Manager has confirmed that the proposed new junction offered more than adequate visibility splays, (2.4m x 120m in each direction) and in this respect there is no highway objection to the development subject to conditions. The speed of traffic along Oakdale Terrace was also raised and the Highway Officer confirmed that the available visibility at the new road junction surpassed the national design standards and was acceptable based on the speed of traffic. There is no evidence to support a highway reason for refusal and in this respect Members are advised that a highway reason for refusal could not be sustained at appeal.

If Members are minded to refuse the application the following reasons are presented for consideration: -

1. The proposed development is outside the settlement boundary and within the Blackwood, Oakdale & Penmaen green wedge as defined by the Caerphilly County Borough Council Local Development Plan, up to 2021, adopted November 2010 and is thus contrary to Policy SP5 criterion B of that plan, which seeks to promote the full and effective use of urban land and thus concentrate development within settlements. The development is also contrary to Policy CW15 criterion C of that plan because it is not one of the developments specified as being acceptable outside the settlement boundaries.

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2. The proposal is contrary to criterion B of Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the development of the site would result in the unacceptable erosion of the Blackwood Riverside Woodlands, North East of Blackwood Site of Importance of Nature conservation as identified by Policy NH3.71 of the plan.

3. The additional traffic generated by the proposed development would result in an adverse impact upon highway safety along Oakdale Terrace contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan, up to 2021.

Recommendation: That (A) The application be deferred to allow the applicant to enter into a Section 106 Agreement in respect of the provision of affordable housing and grassland compensation. On completion of the Agreement that permission is granted subject to conditions as set out in the reports. However, if Members are minded to refuse permission, they are advised to limit their reasons for refusal to reasons 1 and 2 discussed above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0782/FULL 05.01.2017	Rectory Homes (Wales) Ltd Mr M Miller C/o C2J Architects & Town Planners Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Erect residential development for 45 No. dwellings, associated highway infrastructure and open space Land At Woodfield Park Lane Penmaen Oakdale Blackwood NP12 0EU

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land at Woodfieldside Park Lane, Penmaen, Oakdale. The site is located to the north of Woodfield Park Lane, Penmaen, just off Oakdale Terrace, approximately 1km to the east of Blackwood Town Centre and on the southern and eastern periphery of the settlement of Oakdale. Woodfield Park Lane forms the site's southern boundary. Woodfieldside Funeral Home is located to the southern boundary, a public right of way runs along the western boundary of the site beyond which is an equipped children's playground and allotment gardens.

Site description: The site proposed for development comprises an open field, with a small copse on its eastern edge, adjacent to Oakdale Terrace and which is the subject of a group Tree Preservation Order (TPO) No: 119/81. There are no water courses or ponds on the site. The site comprises managed semi-improved grassland, semi-natural broadleaved woodland, species rich hedgerow, trees and scrub.

In terms of topography, the site falls gently from the north east corner to the south west.

Development: Full planning permission is sought in respect of the residential development of the site for 45 dwellings, associated infrastructure and open space. The proposed scheme is amended following discussions with officers of this Local Planning Authority in terms of design, and layout.

A new dedicated access linking to Oakdale Terrace will be located at the southern end of the eastern boundary.

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The application includes a Tree Survey, Tree Protection Plan, Soft Landscape Plan, Street Lighting Analysis, Arboricultural Report, Design and Access Statement, Drainage Strategy, Ecological Assessment, Transport Statement.

Dimensions: The site amounts to 1.80 hectares.

House type 1 _ two bedroom detached has maximum dimensions of 6.1m (width) 8.8m (depth) 8.5m (height)

House type 2 _ 3 bedroom detached has maximum dimensions of 6.1m (width) 9.4m (depth) 8.7m (height)

House type 6 _ one bed flats, the block has maximum dimensions of 17.6m (width) 7.5m (depth) 8.5m (height)

House type 04a _ detached 4 bedroom dwelling has maximum dimensions of 6.7m (width) 9.8m (depth) 9.2m (height)

House type 04b _ detached three bedroom dwelling has maximum dimensions of 6.7m (width) 9.7m (depth) 9.3m (height)

House type 04c _ semi-detached three bedroom dwelling has maximum dimensions of 6.6m (width) 9.2m (depth) 8.5m (height)

House type 04d _ detached three bedroom has maximum dimensions of 6.6m (width) 9.7m (depth) 8.5m (height)

House type 05 _ detached four bedroom dwelling has maximum dimensions of 10.1m (width) 8.2m (depth) 7.6m (height)

House type 06a _ detached four bedroom dwelling has maximum dimensions of 9.6m (width) 10m (depth) 8.2m (height)

House type 06b _ detached four bedroom dwelling has maximum dimensions of 9.6m (width) 10m (depth) 8.2m (height)

Double garage _ 8.8m (width) 6.8m (depth) 4.9m (height)

Single garage _ 3.4m (width) 6.3m (depth) 3.6m (height).

Materials: External materials comprise render or red facing brick to walls, tiled grey slate or red brown pitched roofs, coloured upvc windows and doors, coloured upvc rainwater goods, coloured upvc/metal garage doors.

All perimeter boundaries will be defined by existing or new hedgerows interspersed with new and existing trees, augmented as necessary by post and wire stock proof fencing. Rear perimeter and party line fencing will be 1.8m stained wood fencing and front boundaries to access roads will be defined by dwarf facing brick walls or low level painted wrought iron fencing.

Ancillary development, e.g. parking: Off-street parking provision in respect of each dwelling unit.

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PLANNING HISTORY 2005 TO PRESENT

P/05/0823 - Erect two storey extension and carry out internal alterations - Granted 06.10.2005.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site in question is unallocated and lies outside of the settlement boundary of Penmaen, and is within both a Site of Importance for Nature Conservation (NH3.71 Blackwood Riverside Woodlands, North East of Blackwood) and a Green Wedge (SI1.09 Blackwood, Oakdale & Penmaen).

Policies:

Strategic Policies

SP2 (Development Strategy in the Northern Connections corridor), SP5 (Settlement Boundaries), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP6 (Place making), SP21 (Parking Standards), SP14 (Total Housing Requirements).

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, Woodlands and Hedgerow Protection), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Obligation), CW15 (General locational constraints) and supplementary planning guidance contained in LDP1 - Affordable Housing Obligations, LDP4 - Trees and Development, LDP 5 - Parking standards, LDP6 - Building Better Places to Live.

NATIONAL POLICY

Planning Policy Wales, 9th Edition, November 2016.

PPPW at paragraph 3.1.3

3.1.2 In line with the presumption in favour of sustainable development (see 4.2) applications for planning permission, or for the renewal of planning permission, should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan, and planning policies of the Welsh Government and the UK Government. All applications should be considered in relation to up to date policies (see 2.14 and 4.2).

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

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

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

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

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

4.8.1 Around towns and cities there is often the need to protect open land. Local planning authorities need to consider establishing Green Belts and making local designations, such as green wedges. Both Green Belts and green wedges must be soundly based on a formal assessment of their contribution to urban form and the location of new development and can take on a variety of spatial forms. The essential difference between them is the issue of permanence. Land within a Green Belt should be protected for a longer period than the current development plan period, whereas green wedge policies should be reviewed as part of the development plan review process.

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Inappropriate development

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

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

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

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

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

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

TAN 1: Joint Housing Land Availability Studies (2015), TAN 2 - Planning and Affordable Housing (2006), TAN 5 - Nature Conservation and Planning (2009), TAN 11 - Noise (1997) TAN 12 - Design (2014), TAN 18 - Transport (2007).

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

The 5 year Housing Land Supply.
The Annual Monitoring Report.

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The Community Infrastructure Levy (i.e. CIL). Yes the site falls within the mid-range viability charging zone, which is set at £25 per square metre in respect of residential development.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not an issue in respect of this current planning application.

CONSULTATION

Head Of Public Protection - No objection subject to a standard condition regarding the importation of soils or materials.

Senior Engineer (Land Drainage) - Requests a condition is attached to any consent requiring comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with. Advice is provided to be conveyed to the developer.

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

Police Architectural Liaison Officer - Provides advice to be conveyed to the developer.

Head Of Public Services - The Authority provides a kerbside refuse and recycling service with the onus on the developer to ensure there is sufficient off road storage for one refuse wheeled bin, one recycling wheeled bin plus a food caddy per property. Confirms that there appears to be suitable off road storage for the various refuse/recycling containers other than for the affordable housing units. Provision needs to be made for these properties. In addition their vehicles will not travel over any un-adopted sections of highway in which case suitable collection points may need to be agreed.

Dwr Cymru - Provides advice to be conveyed to the developer.

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Countryside And Landscape Services - Have no objection to the development subject to conditions being attached to any consent requiring both hard and soft landscaping details, specification of the stone fill to be used within the proposed gabion baskets and a method statement in respect of the construction of the proposed footpath access routes from the development to the public right of way. Details are also required in respect of the management of public areas outside of the boundary of individual plots. In terms of ecology there is no objection to the development as discussed in this report subject to conditions being attached to any consent in respect of grassland compensation, landscaping management, and protection and biodiversity enhancement conditions relating to reptiles, bats and birds as appropriate.

CCBC Housing Enabling Officer - Would seek to accommodate: -

6 x 1 bed 2 person apartments (separate walk-up) £48,723
2 x 3 bed 5 person houses £67,722
2 x 2 bed 4 person houses £67,391

All homes will need to meet DQR and be transferred to the POBL Group at the values contained within the current SPG on affordable housing.

Outdoor Leisure Development Officer - Notes the development is adjacent to an existing playground to the rear of Oakdale Terrace and that pedestrian connections are provided from the development site to the playground and allotments and as such has no further comments.

Gwent Wildlife Trust - Objects to the development because the site has high value as a SINC and do not believe the compensation measures proposed are adequate or complete.

ADVERTISEMENT

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

Response: A petition signed by 74 people; and 11 letters in response to the original planning application submitted.

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Summary of observations:

- the land is green wedge in the Local Development Plan;
- the land is outside of the settlement boundary;
- the land is a designated SINC (Policy NH3.71) and there will be loss of wildlife;
- highway considerations in particular the access to the site will be onto a road that is regularly monitored for speeding traffic and has a history of serious and fatal accidents;
- increased traffic on main road during funeral services held at Woodfieldside Funeral Home;
- position of the flats on boundary fence will result in loss of privacy;
- lack of infrastructure - Doctors surgery, Schools;
- there are adequate Brownfield sites to fulfil the growing demand for housing needs.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

There are no significant effects that would prejudice the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species?

An initial ecological assessment was undertaken in October 2015, but additional surveys to be undertaken at an appropriate time of year were requested and have subsequently been undertaken and submitted in two documents comprising A Botanical Assessment of Grassland undertaken by Vegetation Survey and Assessment Ltd dated June 2016, and an Ecological Assessment of Land Off Woodfield Park Lane undertaken by Ethos Environmental Planning and dated December 2016. In addition, the applicant has submitted a grassland compensation plan prepared by Ethos Environmental Planning dated December 2016.

The assessment identifies that the site forms part of Blackwood Riverside Woodlands Site of Importance for Nature Conservation and species-rich neutral grassland that lies within the application site will be lost as a result of the planning application. Woodland habitat which also forms part of the SINC feature will be retained as part of the proposal.

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A botanical vegetation survey undertaken in June 2016 confirmed that the majority of the site supported a grassland that has very high nature conservation value classified as MG5c in the National Vegetation Classification. This is a rare grassland community and is characteristic of hay meadows, which is a UK Biodiversity Action Plan Priority Habitat and is listed within Section 7 of the Environment Wales Act (formerly Section 42 of the NERC Act 2006) as a habitat of key significance to support and improve biodiversity in Wales.

Policy CW4 of the LDP states that development proposals that affect locally designated natural heritage features, will only be permitted:

Within or in close proximity to Sites of Importance for Nature Conservation (SINC).where proposals either:

- i) Conserve and where appropriate enhance the ecological or geological importance of the designation, or
- ii) Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.

It is not possible to conserve the majority of the grassland and the little that remains cannot be enhanced sufficiently to mitigate the area that will be lost. The determination of this application therefore needs to consider if the need for the development outweighs the ecological importance of the site. If the need for the development is concluded to outweigh the ecological interests, the applicant has put forward compensation proposals that includes translocation of grassland to an alternative site together with the provision of funding to enable the long term management (over 25 years) of a grassland owned by Caerphilly County Borough Council. This grassland formerly supported a species rich hay meadow community, but has declined due to lack of management. The enabling works and introduction of long term management secured through a Section 106 Agreement, would provide sufficient compensation for the loss of this grassland. The detail of the submitted Grassland Compensation Plan is limited and further details will be required including timing of works and further details of translocation methodology that can be provided by condition.

There are three hedgerows present on site, one of which was identified as being an important hedgerow under the Hedgerow Regulations criteria. This hedgerow will be retained as part of the development, although a small part of the hedgerow will need to be removed to make provision for a footpath. A second hedgerow bordering Oakdale Terrace was identified as being not important under the hedgerow regulations, and this hedgerow will be removed. The applicant is proposing to mitigate for the loss of these hedgerows through the creation of new hedgerows where fencelines currently occur. This would be acceptable, and would form part of the landscaping scheme that can be conditioned.

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European Protected Species

The site was assessed for the suitability of the site for bats, and was followed up with bat activity surveys and static bat recordings. The surveys concluded that the woodland copse on the east of the site was suitable for roosting bats and 1 common pipistrelle was seen emerging from the woodland. All hedgerows were of value for foraging and commuting bats, particularly the hedgerow on the north of the site that recorded the highest bat activity. 7 species of bat were recorded with the highest numbers being common pipistrelle. Although no bat roosts were confirmed it is likely that a bat roost is present within the woodland copse. However as this copse is to be retained and a bat licence is unlikely to be required to enable the development to proceed, the three European tests do not need to be applied to this application. However measures to enable bats to continue to use the site such as control of lighting close for foraging and commuting routes will need to be controlled by condition, and due to the current level of bat use, bat roost provision within the new properties adjacent to the hedgerow and woodland on site should also be provided.

The site was also surveyed for the presence of Dormice through the erection of nest tubes and boxes and searches for dormouse opened hazel nuts and nests. No evidence was found.

UK Protected Species

Surveys were also undertaken for badgers and suitability assessments undertaken for reptiles, breeding birds, amphibians, invertebrates and hedgehogs. The site was considered suitable for breeding birds, which could be affected by the removal of hedgerows, they have proposed to mitigate for the loss of breeding habitat through the planting of new hedgerows and provision of additional bird boxes in the remaining hedgerows and trees, which is acceptable. The margin of the site adjacent to the northern hedgerow was considered suitable for reptiles, and although the likely use was considered to be low there is the potential for reptiles to be killed during site clearance works. A reptile clearance method statement would minimise the risk of killing or injury to reptiles, should therefore be conditioned.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes and the total payable would be £115,650.

ANALYSIS

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

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

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

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

The site lies outside the settlement boundary of Penmaen and is contrary to the provisions of Policy SP5. The site is also within a Green Wedge and a SINC. The encroachment into the Green Wedge is not considered to be significant enough to undermine its role and function in this location, providing that the impact of development can be acceptably managed in relation to the SINC.

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 2016 Annual Monitoring Report accepted the only way that the Council can improve the land availability situation directly is to approve new housing sites over and above the allocations in the Adopted Plan. It is highly likely that such sites will be windfall sites or sites located on the edge of settlements, often outside settlement boundaries and which are, therefore, contrary to the Adopted Plan policies. In this instance, the Council will need to carefully consider proposals for such development balancing the sustainability and benefits and disbenefits of development proposals on a case-by-case and that the need to release greenfield land is acceptable in planning terms, in order to address the lack of a five year land supply in the short term. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of housing need.

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On balance the need to deliver new housing in this area and the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary 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 consent is granted.

The site is within a sustainable location, within walking distance of the services and facilities of Oakdale and close enough to Blackwood town centre to support its role and function. The site is considered to provide a suitable rounding off for Penmaen, between the existing development and the funeral home.

Policy CW3 of the LDP considers highway implications and in this respect the applicant has submitted a Transport Statement. This Council's Group Manager Transportation and Highways has raised no objection to the development subject to conditions being attached to any consent in respect of the access to the development and parking provision.

Policy CW4 of the LDP considers Natural Heritage Protection. The Phase 1 Habitat Survey and Ecological Assessment of the site was undertaken in November 2015. Section 9 of the report sets out a series of recommended mitigation measures to offset any potential impact associated with the development.

The assessment identified the importance of the broadleaved woodland, hedgerows and grassland on site. Whilst the development proposals have been developed to retain both the majority of the woodland and hedgerows it will require removal of the majority of the grassland with moderate biodiversity, one species-poor hedgerow and part of a species-rich hedgerow. A new hedgerow is proposed along the western boundary of the site, where a fence is currently located to mitigate for the loss of hedgerow. As the majority of the grassland will be lost through the proposed development, there is little opportunity to compensate for the loss of the grassland within the development footprint. Therefore the loss of the grassland has to be considered on balance with the need for development in line with policy CW4, where "the need for the development outweighs the ecological importance of the site". This aspect of the development has been considered above and will require the development to enter into a Section 106 agreement, in order to provide sufficient compensation for the loss of this grassland.

CW5 of the LDP considers protection of the water environment. In this respect the site is not located within a flood zone. The application is supported by a preliminary drainage strategy, which is informed by consultations with statutory undertakers, known site constraints, mindful of existing infrastructure and current best practice and industry standards. This council's Land Drainage Officer has raised no objection to the development subject to a condition being attached to any consent requiring details of surface water and land drainage.

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Policy CW6 of the LDP considers trees, woodland and hedgerow protection as a result of development. The arboricultural report submitted with the application identifies all trees on site, their condition, quality and benefit within the context of the proposed development. The report identifies the trees (No.4) to be removed and pruned as a result of the development and incorporates an Arboricultural Method Statement providing guidelines for the protection for remaining trees during construction work. conditions may be attached to any consent ensuring the protection of the trees and woodland.

Policy CW11 of the LDP considers affordable housing. The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision. The applicant has agreed to enter into such an agreement on the terms outlined. However there are tests for S106s which have to be met.

These are as follows:-

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

With regard to the first of these the arrangements required in respect to affordable housing are to comply with Local and National policy.

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

The third point relates to fairness of scale and kind. In this regard the provision of 10 housing units, comprising a mix of 6 x one bedroom flat, 2 x 3 bedroom house and 1 x 2 bedroom house is considered to be reasonable.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of the affordable housing as stated. The affordable units will need to be transferred at the values contained within the Council's current SPG dated July 2015. The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Pobl Group. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing.

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

Comments from Consultees: The concerns of the statutory consultees referred to above may be addressed by attaching appropriate conditions to any consent.

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Application No.15/0782/FULL Continued

Comments from public:

- the land is green wedge in the Local Development Plan;
It is considered, as reasoned above that on balance the need to deliver new housing in this area and the need to increase the housing land supply over-rides the fact that this site lies outside the settlement boundary and therefore there is no objection to the development in principle.
- the land is outside of the settlement boundary;
Discussed above.
- the land is a designated SINC (Policy NH3.71) and there will be loss of wildlife;
The applicant has submitted the necessary ecological surveys and this Council's Ecologist has considered the same as discussed above.
- highway considerations in particular the access to the site will be onto a road that is regularly monitored for speeding traffic and has a history of serious and fatal accidents; This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions requiring highway improvements.
- increased traffic on main road during funeral services held at Woodfieldside Funeral Home;
The funeral Home has its own associated parking and whilst it may be that on occasion there will be increased traffic on the highway during large funerals, it is not considered that the potential for this to occur justifies a reason for the refusing the development.
- position of the flats on boundary fence will result in loss of privacy;
The developer has addressed this aspect of the development by amending the block of flats to 6 walk up flats, no more than two-storey high and set back from the site boundary. In this respect the development will achieve the 21m between habitable room windows generally sought in a back to back situation. Therefore it is not considered that the revised scheme would result in the amenity of existing neighbouring properties situated opposite the site along Oakdale Terrace being adversely affected.
- lack of infrastructure - Doctors surgery, Schools,
It is not considered that the proposed development would impact significantly in terms of infrastructure provision.

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- there are adequate Brownfield sites to fulfil the growing demand for housing needs;
That may be the case where those brownfield sites are being developed but as reasoned above the lack of housing is considered to be a material consideration in the determination of this planning application.

Other material considerations: None.

RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report in respect of the provision of affordable housing and grassland compensation. On completion of the Agreement (B) that Permission be GRANTED.

This permission is subject to the following condition(s)

- 01) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
 - (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 02) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 03) The development shall be carried out in accordance with the following approved plans and documents:
Site location plan drawing no: AL(90) A;
Proposed site plan Drawing no: AL(90)10 Rev L;
Proposed affordable housing types: dwg no: AL(O)10 Rev D
Proposed House type 4A, 4B AC drawing no: AL(O)11A
Proposed House type 5 and detached garage drawing no: AL(O)12A
Proposed House type 6A and 6B drawing no: AL(O)13A.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

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- 04) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 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 the visual amenity of the area.
- 05) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining on site full engineering details and structural calculations for the proposed retaining, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety.
- 06) The proposed gabion structure approved as part of this development shall be filled with sandstone, and local building stone but not limestone.
REASON: This is the naturally occurring bedrock of the area.
- 07) A Landscape Management Plan, including
(a) long term design objectives,
(b) management responsibilities, and
(c) maintenance schedules for all landscape areas, other than domestic gardens, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use.
The Landscape Management Plan shall be carried out as agreed.
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.
- 08) A Method Statement for the construction of the proposed footpath access routes from the development hereby approved to the Public Right of Way outside of the northern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of those works. The development shall be carried out and completed prior to the beneficial occupation of any dwelling.
REASON: In the interests of amenity and to ensure the protection of retained hedgerows.

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- 09) Prior to commencement of development an amended Grassland Compensation Plan shall be submitted to the Local Planning Authority for approval and shall include amongst other things timing of works, and further details of grassland translocation. The works shall be undertaken in accordance with the agreed details.
REASON: To ensure priority habitats are safeguarded, in the interests of biodiversity.
- 10) 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.
- 11) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the properties adjacent to the perimeters of the application site hereby approved shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 12) No development or site or vegetation clearance shall take place until a detailed methodology for capture and translocation of reptiles on site including details of any proposed remedial measures has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected.
- 13) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species shall be submitted to the local planning authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To provide mitigation for loss of bird nesting sites and additional nest sites as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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- 14) Site clearance operations that involve the destruction and removal of vegetation, including felling clearing or removal of trees and shrubs or hedgerows shall not be undertaken during the months of March to August inclusive, except when approved in writing by the Local Planning Authority prior to their removal/felling/clearing to ensure that breeding birds are not adversely affected.
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.
- 15) No development shall commence until details of a scheme for the disposal of surface water and land drainage flows from the site has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.
REASON: To ensure the development is served by an appropriate means of drainage.
- 16) No development shall commence, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) measures to control the emission of dust and dirt during construction.
- REASON: In the interests of residential amenity.
- 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.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: SP2, SP6, SP7, SP14, SP10, SP14, SP15, CW2, CW3, CW4, CW5.

The applicant is advised of the comments of Wales and West Utilities.

