

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0431/OUT 28.07.2017	Halo Developments C/O LHS Planning Miss L Hughson-Smith 24 Gold Tops Newport NP20 4PG	Erect residential development of three units Land Adjacent To Woodview Cwmgelli Blackwood

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of the B4251 (High Street), north of the access into Blackwood Retail Park and south of The Chartists Bridge.

Site description: The application site is an L-shaped sloping plot of land located that adjoins the side and rear boundary of Woodview and the rear boundaries of no.1 and no.2 Brookside Bungalows. The site has a gentle fall from west to east and is largely overgrown with hedgerow trees on the eastern and western boundaries. Woodview is accessed via a narrow strip of highways land adjacent to the B4251 that serves Rosebank cottage

Development: Outline planning permission is sought for the erection of three residential dwellings with all matters reserved for subsequent approval. An indicative layout and access have been submitted to demonstrate that an acceptable private drive and layout can be achieved.

Dimensions: The indicative submitted details indicate detached dwellings. The scale parameters for the proposed dwellings are:

Minimum	Maximum
Width: 4.5 m	5.5m
Depth: 7.5 m	9.0m
Ridge Height: 7.5	9.0m

Materials: No details have been submitted at this stage.

Ancillary development, e.g. parking: All proposed plots will be capable of having parking and private amenity space.

Cont'd

Application No: 17/0431/OUT - Continued

PLANNING HISTORY 2005 TO PRESENT

13/0049/CLEU - Obtain a Certificate of Lawful Existing Operation for the setting out on site and the part construction of the access roadway, including the provision of underground drainage, undertaken as required to implement the scheme approved under planning consent Ref. P/06/0336 - Refused 20.03.13. Dismissed On Appeal 06.01.14.

11/0778/NCC - Vary Cond 1) of planning permission to extend period of time for the commencement of the development for an additional two years to 26th February 2014 - Refused 20.01.12.

09/0744/OUT - Erect residential development - Refused 06.10.11.

P/06/0336 - Erect residential development - Granted 26.02.07.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located outside settlement limits and is also located within the Blackwood, Oakdale and Penmaen Green Wedge.

Policies: SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 9 (November 2016) and TAN 12: Design (March 2016)

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No

Was an EIA required? Not Applicable.

Cont'd

Application No: 17/0431/OUT - Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, the applicant has submitted a coal mining risk assessment and the Coal Authority raises no objection subject to the imposition of a condition prior to commencement that the developer shall carry out an investigation of the underground strata in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence.

CONSULTATION

Head Of Public Protection - No objection subject to the imposition of conditions in relation to contamination, remediation, dust mitigation and noise mitigation.

CCBC Housing Enabling Officer - No objection.

Senior Engineer (Land Drainage) - No objection subject to developer providing a scheme prior to the commencement of works on site a scheme of land and surface water drainage within the site .

Transportation Engineering Manager - No objection subject to a condition ensuring that the existing footway which lies adjacent to High Street, shall be widened to 3.0m to provide for a shared footway/cycleway which would link in to the network south of the site.

Dwr Cymru - Provides advice to the developer.

Countryside And Landscape Services - No objection subject to biodiversity enhancement conditions and the submission of a Reptile Method Statement.

Principal Valuer - No objection has been raised however there would need to be a revised legal agreement as there is currently no agreement to use the council land for access.

The Coal Authority - The Coal Authority has no objection to the proposed development subject to the imposition of a condition to ensure that intrusive site investigation works are undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Cont'd

Application No: 17/0431/OUT - Continued

Strategic & Development Plans - Whilst development of the site is contrary to the provisions of the adopted Local Development Plan, the site lies in a highly sustainable location on the edge of Blackwood Town Centre with all its services, amenities and excellent public transport links. Furthermore, the proposed development will make a minor contribution to the housing land supply.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and sixteen neighbours were notified by letter.

Response: One letter of representation has been received objecting to the development.

Summary of observations: The proposal will be detrimental to highway safety as it is located between two roundabouts that are within 100 metres of each other.

SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area? There are no specific crime and disorder implications material to the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposed site is located immediately adjacent to excellent bird and bat foraging habitat (Blackwood Riverside Woodland Site of Importance for Nature Conservation) and the South East Wales Biodiversity Records Centre (SEWBReC) planning data search has records of both bats and house nesting birds within close proximity to the site.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes the development is CIL liable, this will be a matter to address at reserved matters stage.

Cont'd

Application No: 17/0431/OUT - Continued

ANALYSIS

Policies: The application has been determined in accordance with national guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are whether the proposed development would provide an appropriate site for housing, whether there would be any impact on the character of the surrounding area, and whether there would be any impact in terms of highway safety.

In that regard the application site is located outside settlement limits. Policy SP5 relates to settlement boundaries and states that:

"The Local Development Plan defines settlement boundaries in order to:

- A - Define the area within which development would normally be allowed, taking into account material planning considerations;
- B - Promote the full and effective use of urban land and thus concentrate development within settlements;
- C - Prevent the coalescence of settlements, ribbon development and fragmented development;
- D - Prevent inappropriate development in the countryside".

In terms of the above, whilst the application site is located outside the defined settlement boundary, it is located wholly within the curtilage of an existing residential property, and would adjoin the residential boundaries of another two existing residential properties. It should be noted that previous planning permission (reference P/06/0336), granted residential development on a much larger scale as the application once formed part of the settlement boundary of Blackwood, as defined in the Caerphilly Unitary Development Plan.

Policy CW2 Amenity requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately adjacent to the settlement boundary. The application is for residential development located within a green wedge and outside settlement limits, however given that the application site is adjacent to the settlement boundary and in close proximity to Principal Town Centre of Blackwood, it is considered that the proposal would constitute sustainable development. However, given the sustainable location careful consideration has been given to the loss of some of the Green Wedge.

Cont'd

Application No: 17/0431/OUT - Continued

Policy SI1.9 of the Caerphilly Local Development Plan up to 2021 identifies the site within a large green wedge that is defined to prevent the coalescence of Blackwood, Oakdale and Penmaen and states that the need to define and maintain open spaces between and within urban areas and settlements is considered important to protect the integrity of both the built and natural environment. Development that does not maintain the open character should be resisted. Furthermore, Planning Policy Wales (Edition 9) explains that the construction of new buildings in the Green Wedge is inappropriate development. It confirms that 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 Wedge.

In that regard, whilst the development proposed involves the construction of new buildings in the green wedge, it is not considered that the proposal will lead to the erosion of the green wedge and the coalescence of Blackwood, Oakdale and Penmaen as a significant amount of land would remain. Furthermore, A recent planning appeal decision, for land off Woodfield Park Lane, Penmaen, Oakdale (appeal ref. APP/K6920/A/17/3173196, planning application ref 15/0782/FULL), related to a proposal for residential development comprising 45 dwellings within the Blackwood, Oakdale and Penmaen Green Wedge. The Inspector acknowledged that the proposed development would cause material harm to the Green Wedge by failing to maintain its openness. However, and whilst there was no doubt that the proposed development would inevitably alter the rural character of the site it was found that the harm would be outweighed by such very exceptional circumstances, i.e. the shortfall of housing land.

Planning Policy Wales (PPW) requires local planning authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study (JHLAS). Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies states that the results of the JHLAS should be treated as a material consideration in determining planning applications for housing. In that respect, the Caerphilly JHLAS for 2017 shows that there is a 2.1 year land supply when calculated using the residual method as required by TAN 1. Where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies. The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period.

Cont'd

Application No: 17/0431/OUT - Continued

Whilst the proposal for housing is clearly contrary to certain provisions of the adopted LDP (specifically beyond the Settlement Boundary and within a green wedge). This needs to be balanced against other material planning considerations. The JHLA monitoring evidence indicates that it is unlikely that this position will improve in the short term and therefore whilst a small number of dwellings are proposed, the development will make a positive contribution to the shortfall in housing land supply. Also, in that respect there has been a material change in circumstances compared to when the development of the site was refused permission in 2012.

In terms of highway safety, notwithstanding the comments of the Council's Principal Valuer outlined above, there is no objection to the principle of the development subject to a condition for the developer to widen the existing footway which lies adjacent to High Street and the application site to provide a 3.0 metre shared footway/cycleway which would link in to the network south of the site. Whilst this cycle network is aspirational, given that the requested works would be located outside of the application site, it is not considered reasonably related to the nature and size of the proposed development and it would be unreasonable to impose such a condition. However conditions in relation to securing the required parking requirements would be imposed on the planning consent to ensure the safe and efficient use of the highway network.

For the reasons outlined above the proposal complies policies CW2 and CW3 of the Caerphilly County Borough Local Development Plan (up to 2021).

Comments from consultees: Blackwood Community Council raises no objection to the proposal, however wishes it to be noted that members retain their right to consider any further information when the detailed planning application is made.

Comments from public: One representation was received objecting to the proposed development on the basis that the proposal will be detrimental to highway safety as it is located between two roundabouts that are within 100 metres of each other. The Transportation Engineering Manager has not raised any objection on this basis.

Other material considerations: The need to increase the housing land supply is a material planning consideration which should be given considerable weight where the proposal would otherwise comply with the development plan and national planning policies.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Cont'd

Application No: 17/0431/OUT - Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. 1703/02B Indicative Site Plan received on 07.11.2017,
Drawing No. SK01 Rev A received on 07.11.2017,
Tree Report dated May 2017.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont'd

Application No: 17/0431/OUT - Continued

- 06) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.
REASON: In the interests of health and safety.
- 07) Prior to the commencement of works on site a scheme of land and surface water drainage within the site shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 08) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 09) 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.
- 10) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.

Cont'd

Application No: 17/0431/OUT - Continued

- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 12) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 13) No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
- (a) Risk assessment of potentially damaging construction activities.
 - (b) Identification of "biodiversity protection zones".
 - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - (d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - (f) Responsible persons and lines of communication.
 - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - (h) Use of protective fences, exclusion barriers and warning sign.
- All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.
REASON: In the interests of protecting the biodiversity of the environment.
- 14) No development or site/vegetation clearance shall take place until a detailed Reptile Method Statement has been prepared by a competent ecologist and submitted for the approval of the Local planning Authority. The approved details shall be strictly complied with.
REASON: To ensure that reptiles are protected.

Cont'd

Application No: 17/0431/OUT - Continued

- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling or Swift) in the new properties at Land adjacent to, Woodview, Cwmgelli, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 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 in the new properties at Land adjacent to Woodview, Cwmgelli, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional roosting for bats 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).
- 17) Parking throughout the development shall be provided in line with the Local Planning Authority's adopted standard set out in LDP5 Car Parking Standards.
REASON: To ensure that adequate parking facilities are provided within the curtilage of the site.
- 18) The proposed private driveway shall be provided in accordance with amended Drawing No. SK01 Rev A received on 07.11.2017, to ensure that an adequate turning facility is provided to serve the new dwellings. This driveway shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation.
REASON: In the interests of highway safety

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2 and CW3.

Please find attached the comments of the council's ecologist that are brought to the applicant's attention.

Cont'd

Application No: 17/0431/OUT - Continued

Please find attached the comments of the Senior Engineer (Land Drainage) that are brought to the applicant's attention.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

