

## **PREFACE ITEM**

APPLICATION NO. 17/0681/OUT

APPLICANT(S) NAME: Persimmon Homes East Wales

PROPOSAL: Erect residential development (up to 300 dwellings) together with associated open space, landscaping and parking provision and seek approval of access and scale

LOCATION: Land At Grid Ref 316731 198680, Beaumaris Way, Cefn Fforest

The above outline planning application to erect up to 300 dwellings together with associated open space, landscaping and parking provision and seek approval of access and scale, was reported to Planning Committee on 10<sup>th</sup> October 2018 with a recommendation for approval subject to conditions. A copy of the previous report is attached as an Appendix. Also attached as an Appendix is a letter received from the applicants following that meeting.

At the meeting, it was moved and seconded that the application be deferred to allow officers to draft reasons to refuse the application for the following reasons:

1. The development would place additional pressure on schools and health facilities that are already at capacity;
2. The development would result in an increase in vehicular traffic that would have an unacceptable impact on the surrounding highway network;
3. The development would result in the loss of greenfield/open countryside;
4. The application site is located outside the Local Development Plan defined settlement boundary.

Each of these issues is discussed below.

### **School Places**

As outlined in the original officer's report, the Council's Education Department have confirmed that adequate space is available in local schools to accommodate pupils generated by the new development. Where it appears schools are at capacity, a high percentage of students are from an out of catchment area, and therefore these schools can comfortably accommodate the number of pupils generated by the proposed development. For example, at Ysgol Gymraeg Cwm Derwen, even though it appears the school is at capacity, only 66% of the pupils in the school are from the catchment area.

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Details have also been provided for Blackwood Comprehensive School. Whilst it appears that there are only 13 school places available out of 1,000 total pupil places, 18.56% (183 pupils) of current pupils are out of catchment pupils. Many of the children at the proposed development would already live within the catchment. Also, as the out of catchment children leave school, those at the new development would have priority at the local schools. Therefore this matter would not justify a refusal of the application.

If Members are minded to refuse planning permission on this ground, the following reason is suggested:

The proposed development would result in an increase in pressure for school places in schools that are already at capacity, and it would therefore be contrary to the objectives of the Well-being of Future Generations (Wales) Act 2015 in respect of a Wales of cohesive communities.

However, there is no evidence to support such a reason, and the Local Planning Authority would expose itself to a potential costs award if the applicant appealed against a refusal of planning permission.

#### Health Facilities

Members were also concerned about the pressure on doctors' surgeries. There is no evidence to support this reason. The Health Board was consulted about the Local Development Plan and is aware that there is a potential for 8625 houses to be built in this borough up to 2021. It is for the Board to make provision for health care as the demand arises.

If Members are minded to refuse permission on this ground, the following reason is suggested.

The proposed development would result in an increase in pressure on the doctors' surgeries in the locality which are already at capacity, and it would therefore be contrary to the Well-being of Future Generations (Wales) Act 2015 in respect of a healthier Wales.

However, there is no evidence to support such a reason, and the Local Planning Authority would be liable to a potential costs award if the applicant appealed against a refusal of planning permission.

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## Highway Impact

The Transportation Engineering Manager raised no objection to the proposed development on the basis of the potential impact on the highway network as a result of the proposed development. The application was supported by a robust Transport Assessment (TA) that was verified by an independent Transport Consultant who agreed with the findings of the TA, i.e. that the development would not have an unacceptable impact in highway terms.

Whilst the addendum to the Transport Assessment identified the junction of Twynyffald Road/Cefn Road/Sunnybank Road as potentially suffering a degree of congestion in 2035 as a result of the junction being at/or over-capacity, it is not considered reasonable or defensible at appeal to refuse the application on this basis.

In the Appeal decision for the Pandy Road, Bedwas development the Inspector made the following comments, namely that it is *“not the role of the planning system to protect the convenience of the car user but rather to seek to encourage non-car use through sustainable transportation methods.”*

The sustainable transport measures secured by the Council by way of Section 106 Agreement include:

- £5,000 per annum for 5 years to fund a Travel Plan coordinator;
- £5,000 Travel Plan Reserve or fighting fund to improve the Travel Plan if required;
- £150,000 to support the provision of a package of sustainable travel measures aimed to encourage residents to use alternative modes of travel and minimise single occupancy car trips. For example: funding of £100,000 to improve bus service times to serve the development, Active Travel route enhancements to support accessibility on foot and bicycle, public transport travel vouchers, bicycle purchase, or cycling/walking equipment, etc. Such sustainable transportation initiatives will promote and encourage a modal shift in travel choices.

If Members are minded to refuse planning permission on this ground, the following reason is suggested:

The vehicular traffic generated by proposed development will aggravate congestion at peak times on the local road network. The development would therefore be contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 because it would be prejudicial to the effective and efficient use of the transportation network.

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However, there is no evidence to support such a reason, and the Local Planning Authority would expose itself to a potential costs award if the applicant appealed against a refusal of planning permission. This advice is also supported by the appeal decision at Land North of Hendredenny (Planning Application Ref: 15/0412/OUT), where reference was made to the Pandy Road decision, and where unlike the application site all of the traffic converges at a single set of traffic lights before joining the local road network.

### **Loss of greenfield/open countryside**

Members raised objection to the loss of green fields located outside the Settlement Boundary. However it is considered to be important to differentiate between these two issues. As outlined in the original officer's report, Policy SP2 of the Adopted LDP promotes sustainable development that should be targeted to both greenfield and brownfield sites within the northern connection corridor having regard to the social and economic functions of the area. The application site is greenfield, and is very well related to the existing urban form. Furthermore, development of the site will contribute to the social and economic function of the area. Therefore, as the proposal accords with Policy SP2, it is not advised to refuse the proposal on the basis that the site is a greenfield site.

If Members are minded to refuse planning permission on this ground, the following reason is suggested:

The proposed development would result in the loss of green fields in the countryside and would therefore constitute inappropriate development in the countryside contrary to Policy SP5 and Policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

However, based on the compliance with Policy SP2 (as outlined above) there is no reasonable evidence to support such a reason.

### **Development outside the settlement boundary**

Policy SP5 Settlement Boundaries is the key policy mechanism within the LDP for achieving resource efficient settlements. This Policy states that settlement boundaries define the area within which development would normally be allowed, taking into account material planning considerations; promote full and effective use of urban land and thus concentrate development within settlements; prevent the coalescence of settlements, ribbon development and fragmented development; and prevent inappropriate development in the countryside. The site falls outside but immediately to the north of the settlement boundary for Blackwood. Therefore, the application is contrary to Policy SP5 of the Adopted LDP.

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Policy CW15 (General Locational Constraints) states the criteria against which development proposals will be considered. Outside settlement boundaries (criterion C) development will not be permitted unless it is, in summary, associated with agriculture or rural buildings, for recreation and tourism, for public utilities and infrastructure, or for the remediation of contaminated land.

However, as outlined in the original officer's report, there are material planning considerations weighing in favour of the proposed development. With the exception of Policy SP5 and CW15, the development is policy compliant, will contribute to the social and economic function of the surrounding area, and embraces the principles of sustainable development. Furthermore, the Council's lack of a 5-year housing land supply, in accordance with the requirements of Technical Advice Note (TAN) 1 Joint Flooding Land Availability Studies weighs in favour of the proposed development.

Reference was made several times by Local Members and objectors at the October 10<sup>th</sup> 2018 Committee meeting to the "suspension of TAN1". This statement is incorrect.

On 18<sup>th</sup> July 2018 the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths AM wrote to Local Authorities regarding paragraph 6.2 of TAN1. She made the following comments:

*"As a result of the dis-application of paragraph 6.2 of TAN1, it will be a matter for decision makers to determine the weight to be attributed to the need to increase housing land supply where an LPA has a shortfall in its housing land."*

Based on the latest Joint Housing Land Availability Study (2017), the Council's can only demonstrate a 2.3 year housing land supply. This is a substantial shortfall that should be afforded significant weight.

Council on 9 October 2018 resolved almost unanimously to agreed the recommendations in the LDP Annual Monitoring Report 2018 including to consider proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national policy and guidance.

It must also be re-iterated that the application site is very well related to the existing settlement of Blackwood/Cefn Fforest and represents a logical extension to the settlement in a sustainable location. Furthermore the site has no landscape or ecological designations and as such is considered to be an opportunity to make a significant contribution to the Council's housing and affordable housing shortfalls with limited harm as a result.

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Should Members choose to give their objection to development beyond the settlement boundary greater weight than the housing land supply then a reason for refusal is suggested below in the recommendation.

RECOMMENDATION – That planning permission be GRANTED subject to the conditions contained in the original report. However, should Members be minded to refuse the application, **only** the following reason for refusal is suggested:

The development is contrary to Policy SP5 and Policy CW15 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 in that the site lies beyond the identified settlement boundary.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0681/OUT 21.08.2017	Persimmon Homes East Wales Mr J Price Llantrisant Business Park Llantrisant CF72 8YP	Erect residential development together with associated open space, landscaping and parking provision and seek approval of access and scale Land At Grid Ref 316731 198680 Beumaris Way Cefn Fforest

**APPLICATION TYPE:** Outline Application

SITE AND DEVELOPMENT

Location: Land at Beaumaris Way, Cefn Fforest.

Site description: The application site, measuring 9.72 hectares, is greenfield and comprises a number of field parcels, each of which is characterised by existing boundary demarcation. The site is dissected by an electricity cable which extends from the north-east corner to the south-west corner, and is suspended by two pylons. A telecommunications mast is located in the south-east corner of the northernmost field parcel.

Immediately to the south of the site is the residential area of Grove Park and the village of Cefn Fforest lies further to the south west. To the north, east and west is largely agricultural land comprising farm buildings and dwellings. Further to the north west is the former Bedwellty School site.

The site is bounded to the south by Beaumaris Way and to the west by Heol y Cefn which leads from Cefn Fforest north to Markham. A public right of way runs through the site.

Development: Outline planning permission is sought in respect of residential development of up to 300 dwellings with associated access, landscaping, open space and parking arrangements. The planning application is in outline with layout, appearance and landscaping reserved for future consideration.

The proposal comprises of:

- A range of 2, 3 and 4 bedroom homes;
- A mix of detached, semi-detached, terraced properties and flats at a scale comparable to the surrounding residential context (i.e. between 2 and 2.5 storeys in height);

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- The provision of 25% affordable housing;
- Open space and formal (LEAP) and informal (LAP) play areas.

Vehicular access to the proposed development will be gained via a new access off Heol Pit-Y-Ceiliogod and Beaumaris Way, with pedestrian access gained from the existing footpath opposite the frontage of the proposed development.

The Illustrative Layout plan shows various blocks of development laid out around internal roads. The layout also shows the provision of two formal Local Areas of Equipped Play (LEAPs) located at the north-western corner of the site, and another more centrally located. Three Local Areas of Play (LAPs) are also shown in various locations within the application site. The site layout plan shows that the existing hedgerows that bound the site will remain largely intact, with openings created in two locations to facilitate the related access points for vehicles. A drainage attenuation pond is shown located in the south-west corner of the site. This is also the lowest part of the site, with the land generally falling from north-east to south-west.

The planning application and related plans were supported with the following documents:

- Design & Access Statement;
- Planning Statement;
- Arboricultural Constraints Plan;
- Tree Report;
- Heritage Desk Based Assessment;
- Invertebrate Survey;
- Bat Tree & Activity Report;
- Dormouse Survey;
- Reptile Survey;
- NVC Vegetation Survey;
- Hedgerow Survey;
- Phase 1 Habitat Survey;
- Landscape Character & Visual Impact Assessment;
- Transport Assessment;
- Travel Plan;
- Pre-Application Consultation (PAC) Report; and
- EIA Screening Opinion.

Dimensions: The site amounts to 9.72 hectares. The site is an irregular shape, but roughly triangular tapering from west to east to follow the existing field parcel pattern. The site has maximum dimensions of approximately 410 metres measured north to south, and 600 metres east to west.

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It is proposed that the development will feature residential dwellings with a maximum height of 2.5 storeys, with a range of densities spread across the site to reflect its edge of settlement location. The higher density sections will be located where the blocks adjoin the primary streets within the site, i.e. the two main entrances into the site.

Materials: Not applicable at outline stage.

Ancillary development, e.g. parking: Not applicable at outline stage.

### PLANNING HISTORY 2005 TO PRESENT

None.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside of the settlement boundary.

#### Policies:

Strategic Policies;  
Policy SP2 Development Strategy (NCC);  
Policy SP4 Settlement Strategy;  
Policy SP5 Settlement Boundaries;  
Policy SP6 Place Making;  
Policy SP7 Planning Obligations;  
Policy SP8 Minerals Safeguarding;  
Policy SP10 Conservation of Natural Heritage;  
Policy SP14 Total Housing Requirements;  
Policy SP15 Affordable Housing Target;  
Policy SP19 Transport Infrastructure Improvements.

Countywide Policies;  
Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;  
Policy CW2 Amenity;  
Policy CW3 Design considerations (Highways);  
Policy CW4 Natural Heritage protection;  
Policy CW5 Protection of the Water Environment;  
Policy CW6 Trees, Woodland and Hedgerow Protection;  
Policy CW10 Leisure and Open Space provision;  
Policy CW11 Affordable Housing Planning Obligation;  
Policy CW15 General locational constraints;  
Policy CW22 Locational Constraints – Minerals.

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Supplementary Planning Guidance;  
LDP1: Affordable Housing Obligations;  
LDP4: Trees and Development;  
LDP 6: Building Better Places to Live.

#### NATIONAL POLICY

Planning Policy Wales (Edition 9, November 2016);  
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);  
Technical Advice Note 2: Planning & Affordable Housing (2006);  
Technical Advice Note 5: Nature Conservation and Planning (2009);  
Technical Advice Note 12: Design (2016);  
Technical Advice Note 16: Sport Recreation and Open Space (2009);  
Technical Advice Note 18: Transport (2007);  
Technical Advice Note 24: The Historic Environment (2017).

#### 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

Blackwood Town Council - Raises objection to the proposal on the basis that the proposed development contradicts the Local Development Plan, and will have a considerable environmental impact. Also raise concerns regarding the impact on highways, school and surgeries (doctors) in the area.

Transportation Engineering Manager - Based on the updated Transport Assessment, no objection is raised subject to several conditions relating to highway safety. These conditions include visibility splays for the new accesses to serve the site; the estate layout to comply with the principles of Manual for Streets; no pedestrian (excluding any existing PROWs) or vehicular access onto Heol Y Cefn/Bedwellty Road; the requirement for a residential travel plan; and off-street parking provision to accord with the requirements of LDP5: Car Parking Standards.

A requested Condition will also require full engineering details of the off-site infrastructure improvement relating to:

- Road junction improvements at the junction of the A4049 (Pengam Road) and the unnamed lane (referred to locally as Harry's Hill);
- A proposed village 'Gateway' feature on Heol Y Cefn with appropriate road markings and signage;

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- Footway improvements to Heol Pit Y Ceiliogod and Beaumaris Way by way of a pedestrian crossing provision; and
- a proposed new bus stop and shelter located on Heol Pit Y Ceiliogod.

Furthermore, a Section 106 Agreement will be required to be entered into with the developer in order to secure the sum of £60,000 required for the traffic signal control equipment upgrade for the Fairview/A4049 Pengam Road junction in order to mitigate the traffic impact. The sum will be payable on the occupation of the 50th dwelling.

As well as the Fairview/A4049 Pengam Road traffic light improvement contribution, the Section 106 agreement will also be required to secure the necessary funding of the proposed Travel Plan and the sustainable transport measures contained therein. These include:

- £5,000 per annum for 5 years to fund a Travel Plan coordinator;
- £5,000 Travel Plan Reserve or fighting fund to improve the Travel Plan if required;
- £150,000 to support the provision of a package of sustainable travel measures aimed to encourage residents to use alternative modes of travel and minimise single occupancy car trips. For example: funding of £100,000 to improve bus service times to serve the development, Active Travel route enhancements to support accessibility on foot and bicycle, public transport travel vouchers, bicycle purchase, or cycling/walking equipment, etc. The sum will be payable on beneficial occupancy of the first dwelling. The developer is invited to engage the Highway Authority to undertake the role of Travel plan Coordinator.

Rights Of Way Officer - Advises that the line of Byway 111 in the Community of Bedwellty crosses the site. The developer is advised to ensure that the layout of the site does not block this Public Right of Way, but if this cannot be achieved the Restricted Byway will need to be dealt with by legal order prior to works commencing on-site. However, as layout is a reserved matter, there is no reason the final layout could not be designed to ensure the Right of Way remains un-impacted by the development.

Minerals Officer - The site lies within the sandstone safeguarding area identified in the adopted LDP. The Pennant Sandstone resource in this area is highly valued nationally as it meets the requirements for High Specification Aggregate and the South Wales Coalfield is one of a very limited number of locations within the UK where such a resource exists. There is, therefore, a need to protect the resource because of its special properties and its scarcity nationally.

Prior extraction is unlikely to be a realistic option for minerals other than sand or gravel because of the timescales involved and the investment required. However, the Pennant Sandstone resource within the county borough is extensive and consultation with mineral operators via the LDP process has not identified any interest in development of the resource near the application site. The most likely location for future development of the resource is from extensions to existing sites. It is unlikely that the proposed development could be accommodated on a site outside the sandstone safeguarding area. On balance, therefore, if there is considered to be an overriding need for the development proposal, it may be unreasonable to refuse permission when there is no immediate prospect of the sandstone being worked in this area.

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Countryside And Landscape Services - Provides the following comments:

#### Existing Vegetation

The retention of hedgerows, individual and groups of trees on this site is crucial to assimilating any development into the landscape. Despite an outline arboricultural plan accompanying the application the layout as submitted pays little regard to the existing internal field pattern or existing trees within the site, other than those associated with the north/western third of the public right of way. The layout will need essential further development to ensure that the significant majority of existing native hedgerows, associated vernacular stone walls along with all existing category A, B and C trees are protected and retained as part of the proposed layout. Also, if permitted the submitted tree survey will require further expansion prior to any development layout being agreed, and retained mature trees will need to be considered for TPO status.

#### Indicative Layout

The buildings shown on the southern and western perimeter of the proposed development are situated with their facades facing out into the wider landscape or streetscape which is a positive aspect of the layout design. This approach assists in ensuring that the perimeter hedgerows and trees are retained and located within public areas. However, properties that are obliquely positioned on to public or semi-private space will require high quality finishes, including boundary treatments.

Properties bordering the North perimeter and adjacent to the N/W section of the PROW are shown as having their backs to the wider landscape and adjacent PROW. Therefore, essential work is required to the layout to ensure new dwellings face outwards onto the surrounding landscape.

Details of the two proposed entrances into the site will need to be developed further showing how the loss of existing hedgerows will be mitigated and how the rural character of this area can be maintained and enhanced. This is also suggested for the eastern boundary of the site.

In terms of the proposed public open space it is noted that it is crossed at several points by access roads, which would benefit from reduction and rationalisation. It is also recommended that appropriate tree planting follows an informal approach (to avoid framing the corridor, and outside the immediate powerline corridor), with existing trees retained and additional groups of trees planted to create positive open spaces.

The use of softer green approaches to the area between the fronts of properties and the highway is encouraged, as well as the use of Sustainable Urban Drainage Solutions (SUDS), for example, permeable block driveways and parking areas, and swales along with detention/retention ponds could be located appropriately through the site.

The indicative layout is also lacking any street trees. Street and front garden trees would add visual quality to the development. Therefore, if approved, a detailed palette of soft and hard landscaping should be provided to ensure the proposal reflects the existing landscape character.

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Soft landscape maintenance and management

A 5 year maintenance and 25 year management plan are recommended prior to the Full approval (for clarification this would refer to a Reserved Matters approval), and that a Section 106 agreement be obtained to guarantee the long term management for all existing vegetation and proposed soft landscaping which is outside of residents' ownership.

Senior Arboricultural Officer (Trees) - Raises no objection to the proposed development but recommends that the applicant provide a detailed Tree Protection Plan for the retained trees that will be incorporated into the site specific Arboricultural Method Statement, that shall be required prior to the granting of full planning permission (or in this instance, a Reserved Matters approval). A hedgerow and tree placement planting plan shall also be submitted by the applicant in accordance with the recommendations of the Hedgerow Regs Survey Report and the Arb Constraints Plan. These requests can adequately be addressed by way of suitably worded conditions.

CADW - Based on the submitted Heritage Desk-based Assessment that considers the potential impact of the development on Maes Manor Historic Park and Garden, which is located some 475 metres to the west of the application site, no objection is raised.

CCBC - 21st Century Schools - Confirms that adequate school place provision exists at present.

Head Of Public Protection - Requests an air quality impact assessment to be undertaken by the developer to assess the air quality impacts of the proposed development upon the immediate highway network.

CCBC Housing Enabling Officer - Requires the provision of 25% affordable housing to be provided onsite. Based on the proposed number of dwellings at 300, this would equate to 75 affordable dwellings. All affordable homes will need to be delivered in clusters of no more than 6 homes.

Senior Engineer (Land Drainage) - No objection subject to a Condition requiring details of land and surface water drainage to be agreed with the Local Planning Authority prior to the commencement of works onsite.

Parks And Open Spaces - Endorses the provision of play provision in the forms of LAPS (3 no.) and LEAPS (2 no.). Given the scale of the development it would be prudent to provide a space for older children too. This could come in the form of a tarmac surface area (16 metres x 12 metres) enabling safe ball play and in doing so moving children off the streets. It would also be relevant to explore options of enhancing connectivity to the local network of cycle paths.

Head Of Public Services - Provides advice to the developer regarding refuse collection to inform any reserved matters application.

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Dwr Cymru - Confirms that sewer capacity exists at present to accommodate foul flows from the proposed development, but that capacity does not exist to accommodate any surface water flows (an issue to be addressed by way of land and surface water drainage scheme condition to be agreed).

The issue of potable water to serve the proposed development is raised, and more specifically that the current water supply system could not accommodate the proposed development. The developer is advised by Welsh Water that a hydraulic assessment is required in order to understand the impact of the proposed development would have on the existing water supply system.

Given the scale of the development, and the subsequent revenue created, the proposed development should be sufficient to offset the cost of the improvement (if necessary). In light of this issue, a Condition will be attached to the permission requiring a potable water scheme to serve the development to be submitted to and approved in writing by the Local Planning Authority. This pre-commencement Condition suitably manages the issue of potable water supply.

Police Architectural Liaison Officer - Raises no objection to the development. Advise the applicant to follow the standards found within Secured by Design to ensure the development is safe and sustainable for the future, and minimise the risk of anti-social behaviour and crime occurring.

Strategic & Development Plans - Raises no objection to the proposal. Full comments are contained in the 'Principle of the Development' section of the Analysis found below.

Ecologist - No objection subject to several conditions. More detailed information relating to ecology is outlined below.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised in the press, in various locations around the periphery of the site and 30 neighbour consultation letters were sent out.

Response: A total of 39 responses from local residents objecting to the proposal have been received and a summary of the objections is set out below.

Summary of observations: Three petitions against the development have been received. It should be noted that one of these petitions relates to the Candidate site allocation previously submitted in relation to the Replacement LDP. This petition was submitted in April 2016 and is therefore not directly arising from the current application. However, for completeness the petition was received on 3rd April 2016 and contained 397 signatures. The basis of the petition was based on the following:

- Development is outside of settlement;
- Impact on wildlife;
- Impact on public Right of Ways;

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- Disturbance during construction phase;
- Increased road traffic;
- Local services (health care facilities, schools, etc.) will not be able to cope with increased demand;
- Impact on utilities (sewerage, water supply, etc.);
- Coalescence of villages; and
- Pylons cross the site.

In relation to the current application, two petitions have been received.

The first petition was received on 12th October 2017 and contained 67 signatures. This petition specifically related to the highway implications of the development having a negative impact on the existing highway infrastructure.

The second petition was received on 20th November 2017 and contained 90 signatures. The petition requested a full feasibility study by the Highways Authority to assess the impact of the development on the existing highway network.

Summary of observations:

The local objection can be summarised as follows (in no particular order):

1. Development is against planning policy;
2. Redevelopment of Brownfield sites should be prioritised;
3. Welsh Government are pressurising Local Councils to develop 'any available land' for development purposes;
4. The development represents 'area cramming'/development is too large;
5. The application was not communicated to residents satisfactorily;
6. Loss of greenfield land/area of natural beauty;
7. Lack of green space in Cefn Fforest;
8. The Site is a Green wedge;
9. Development will result in the coalescence of villages;
10. Adverse Impact on Air Quality;
11. Access Road proposed is inadequate;
12. Improvement to 'Harry's Lane' are insufficient;
13. Increased traffic volume;
14. Local road network not suitable for additional traffic;
15. Transport Assessment inadequate;
16. Existing road network is in a poor state of repair and will get worse as a result of the development;
17. Park and Ride Facilities at Bargoed and Pengam Train Stations will not cope;
18. Public transport is not sufficient to deal with the development;
19. The development will adversely affect Public Rights of Ways crossing the site;
20. Sewerage system cannot cope with additional foul discharge;
21. The water pressure in the area may be negatively affected;
22. The site was previously mined which may impact on ability to develop site;

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23. Local services (health care facilities, schools, etc.) will not be able to cope with increased demand;
24. Unacceptable loss of open space;
25. Adverse impact on wildlife/ecology features including the Special Area of Conservation at Aberbargoed Grasslands;
26. Prevent persons being able to access the site for dog walkers;
27. Decrease in value of properties in area;
28. Housing developments should be included in 'All Wales' Plan and not brought forward in advance;
29. The development will have an adverse visual impact;
30. The disruption during the construction phase will be unacceptable;
31. Pylons crossing the site would result in a sub-standard development;
32. The pylons cause noise pollution that will impact future dwellings;
33. Loss of views;
34. Loss of privacy;
35. Adverse impact on quality of life;
36. Existing local residents should have a council tax reduction.

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?

Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The Council's Ecologist has made the following comments regarding the application.

There is no statutory or non-statutory nature conservation sites located within the boundary of the site. The western boundary of the site lies within 200m of the Aberbargoed Grasslands National Nature Reserve (NNR), Special area of conservation (SAC) and Site of Special Scientific Interest (SSSI). A number of Sites Important for Nature Conservation (SINC's) lie within a 1.5km radius of the site. The closest of which is 100m to the west of the proposed site, Tyn-y-Pwll Wood and Tip SINC.

An Extended Phase 1 Habitat Survey undertaken in September 2015 (which is outside the optimal period for the identification of grassland species) identified that the dominant habitat type across the site is semi improved grassland. Small areas of unimproved grassland are located within a mosaic of bracken and semi improved grassland along the course of the track that runs through the site. An extensive system of hedgerows is present within the site, including both intact and defunct hedges and hedgerows with standard trees. The hedgerows provide linkages to the hedgerow system present within the wider countryside.

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There are a number of individual trees on site, some of which have Tree Preservation Orders as well as a small area of woodland/woodland copse. Remnants of dry stone walls are located at the base of some of the hedgerows including those associated with the old track way/green lane. Bracken is common at the base of all hedgerows, along the periphery of the old track and along the field margins.

### Hedgerows

Thirteen of the nineteen hedgerows present on the site were assessed under the Hedgerow Regulations 1997 and were confirmed as being 'important' hedgerows. The hedgerows were also confirmed as being used by bats for foraging and commuting through the site, particularly hedgerows H10, H11, H12, H13, H6, H8, H19, H18, H16 as well as the small patch of woodland/woodland copse in the north west corner. These hedgerows were an important link through the site from the woodland SINC to the west to open countryside in the east. The current submitted site layout plan has retained the majority of the boundary hedgerows, but has only retained H10 and H11 within the site, resulting in connectivity through the site to the wider countryside for bats being lost. The bat survey report confirms that H12 was frequently used by several species of bat, which was part of the important link through the site allowing bats to get from the east to the woodland SINC in the west. Therefore, an amended site layout plan that retains the hedgerow links through the site (as dark corridors) needs to be submitted. The lighting of the dark route through the site in the form of hedgerows needs to be retained. Also the wooded copse/ small patch of woodland in the north west corner also needs to be kept as a dark area so that bats are not adversely affected. The submitted block plan shows that a LEAP is to be located in front of the wooded copse. If this area requires lighting then it will need to be directed away from the confirmed bat roost and be low level lighting. Based on these considerations, several Conditions will be required to ensure appropriate protection of these hedgerows.

In regards to Protected Species, several were recorded to be using the site.

### Bats

The submitted survey work is dated 2015. The current guidance on standards for Bat Surveys (Bat Conservation Trust, Bat Surveys for Professional Ecologists, Good Practice Guidelines, 3rd Edition, 2016) states that survey data should be from the last survey season before a planning or licence application is submitted. Therefore, an updated Bat Roost and Transect Survey will be required as part of the reserved matters application. Conditions are requested to ensure no clearance works are undertaken that may impact on existing Bats using the site.

### Reptiles

The Reptile survey was carried out during the optimal time of year for reptile surveying. The site contained several areas within the survey site that were suitable for basking reptiles, such as south facing banks, rubble piles, the base of hedgerows and walls, and areas of rough grassland. Two reptiles species were recorded during the survey visits. Slow worm and common lizard were found to be present on site. Both of which are a Section 42 Species. Common toad was also found which is also a Section 42 Species and a UK Biodiversity Priority Species. The animals recorded were notably concentrated along the old track/carriageway with its associated walls and banks.

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## Application No. 17/0681/OUT Continued

The stone walls at the base of the hedgerows bordering the track afford extensive potential reptile habitat and therefore the attractiveness of the artificial refuge and therefore the use made of the mats by reptiles is likely to be affected, resulting in a lower count leading to an underestimation of population size. The unmanaged hedgerows dividing the field system afford excellent basking and natural refuge areas for reptiles such as slow worm although numbers recorded were lower in these areas. The main grassland areas have limited value to reptiles as they are subject to periodic disturbance through grazing and through the cutting for hay. Conditions are requested based on these findings.

**Breeding Birds**

15 species of bird were recorded feeding within the site during the extended phase 1 survey. Anecdotal evidence from a local resident suggests that barn owl have been seen foraging in fields immediately outside of the survey area. The retention of the small area of woodland/woodland copse and hedgerows within the site will ensure that birds can continue to breed on site. Some bird nesting habitat will be removed to facilitate development and the timing of vegetation removal should therefore be conditioned.

**Invertebrates**

Initial surveys of fields F1 and F2 indicate that these fields contain some species favoured by Marsh fritillary Butterflies, an important population of which is known to be present within 200m of the site boundary. Records obtained during the data search show that Small Pearl Bordered Fritillary and Dingy Skipper Butterflies have also been recorded in close proximity to the site. The mosaic of habitat associated with the track also provides habitats suitable for butterflies. Further survey work will be required in order to ascertain the importance, if any, of the site to butterfly species. These surveys shall be undertaken during the appropriate season (May to September) and should concentrate on identifying areas important for protected and/or rare species. Should Marsh Fritillary be found then further consultation with Natural Resources Wales will be required and appropriate licences and consents obtained before works on areas where the species has been found can commence.

**COMMUNITY INFRASTRUCTURE LEVY**

Is this development Community Infrastructure Levy liable? The application is for residential development and as such if granted it would be liable to pay the Community Infrastructure Levy at the reserved matters stage. Cefn Fforest/Blackwood lies within the Mid Viability Area and new general market housing is liable to pay £25 per square metre (index linked). In order for the development to benefit from any social housing relief, any exemptions need to be claimed strictly in line with the CIL Regulations. It is also noted that the Community Council will benefit to the sum of 15% of the CIL levy collected.

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Application No. 17/0681/OUT Continued

ANALYSIS

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

The site lies outside the settlement boundary for Blackwood/Cefn Fforest as designated in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 (LDP). The main issues are:

- Whether the proposed development conflicts with national and local policies designed to protect the countryside.
- Whether the proposed development would result in an increased level of highway traffic to result in a detrimental impact on highway safety.
- The impact of the proposed development on the ecological and landscape value of the existing site.
- What weight should be afforded to the Council's lack of a 5-year housing land supply in light of the dis-application of paragraph 6.2 of TAN1.

These issues are discussed in turn below in relation to the relevant planning policies coupled with the comments of Consultees.

Development outside the Settlement Boundary

Strategy Policies

The application site is a greenfield site located in the Northern Connection Corridor (NCC) located on the edge of the settlement of Blackwood.

Policy SP5 Settlement is the key policy mechanism for achieving resource efficient settlements within the LDP. This Policy states that settlement boundaries are defined in order to define the area within which development would normally be allowed, taking into account material planning considerations; promote full and effective use of urban land and thus concentrate development within settlements; prevent the coalescence of settlements, ribbon development and fragmented development; and prevent inappropriate development in the countryside. The site falls outside but immediately to the north of the settlement boundary for Blackwood. Therefore, the application is contrary to Policy SP5 of the Adopted LDP. However, notwithstanding this, there are material planning considerations weighing in favour of approving the site for development, and these are discussed below.

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

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Application No. 17/0681/OUT Continued

The application site is a greenfield site that is very well related to the existing settlement of Cefn Fforest and will contribute to the social and economic function of the area. Furthermore, by way of Section 106 agreement, a variety of measures have been agreed, primarily in terms of encouraging the use of public transport that should reduce car borne trips. A number of relevant conditions will be attached to the permission to ensure the proposal pays full regard to the natural heritage of the site and surrounding area.

Within the NCC development can be permitted on both brownfield and greenfield sites, where it has regard to the social and economic function of the area. Policy SP4 Settlement Strategy identifies Blackwood as one of two Principal Towns that serve the NCC. The LDP seeks to enhance the role and function of existing Principal Towns in order to respond to the social, economic and environmental needs of individual settlements. Blackwood is the area's major retail centre and as a result of significant investment in recent years is increasingly recognised as a sub-regional shopping centre. The emphasis for Blackwood in the LDP is largely on strengthening the retail offer of the town whilst developing the area as an economic hub by exploiting opportunities for business, in particular office development.

As a consequence there are very few residential land allocations identified in the LDP within the Greater Blackwood area. Only one allocated housing site remains available for residential development within the town itself, namely HG1.26 Blackwood Ambulance Station and this is in active use as an ambulance station. The other allocated site within the town is HG1.29 South of Thorncombe Road and this has been developed.

Outline permission for 115 dwellings on land at Cwm Gelli was granted on Appeal in 2016. A total of 13 units have been completed in the last year at Woodbine Road and 30 are under construction at the Former Blackwood Junior School. Permission has also recently been granted for development at Coronation Road (7 dwellings) and the Former Red Lion Pub (17 affordable flats), which are both closely related to Blackwood Town Centre.

Within the Greater Blackwood Area a number of sites remain available for development, most notably: Land at Hawtin Park, Pontllanfraith, which has planning permission for 263 dwellings and development has commenced; and Land at Gellideg Heights, Maesycwmmmer, which can accommodate 95 dwellings subject to the signing of the S106 Agreement. When developed, these sites will contribute toward the social and economic functioning of Blackwood Town.

Additionally the nearby former Bedwellty School site is also available for development; however this development is more closely related to Bargoed.

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## Application No. 17/0681/OUT Continued

Policy SP2 also requires that new proposals reduce car borne trips by promoting sustainable modes of travel and make the most efficient use of existing infrastructure. The site is within walking distance of a number of local shops and services at Cefn Fforest and within easy reach of Blackwood Town Centre. There are a number of bus stops within the vicinity of the site which travel between Cefn Fforest and Blackwood. Whilst Blackwood is not on the main rail network, there is a regular bus service that runs cross-valley to Ystrad Mynach and a regular service to Newbridge, both of which are on the main rail network providing access to the wider region. The site is located in a sustainable location in close proximity to a wide range of services and facilities and would be capable of utilising existing infrastructure.

In line with national planning policy, SP6 Place Making requires development proposals to contribute to the creation of sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features. Policy SP6 requires new development to incorporate resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and the where appropriate through the use of SUDs. Welsh Water have confirmed there is no capacity within the existing sewer network to take additional surface water flows. In accordance with the drainage hierarchy the development will be required to implement Sustainable Urban Drainage Systems (SUDS) as part of the development of the site.

This policy also requires mitigation measures that improve and maintain air quality. The nearest air quality management area is Blackwood High Street. Given the distance of the site from Blackwood High Street, the development is unlikely to result in a detrimental impact on this air quality management area. Notwithstanding this, the Section 106 agreement requires the developer to make substantial financial contributions to encourage use of modes of transport other than the car. This modal shift in travel patterns is an essential part of reducing the growing concerns related to air quality.

Policy SP7 Planning Obligations recognises that new development has the potential to increase pressure on existing community facilities and as such requires the developer to enter into Planning Obligations to mitigate the effects of that development. In the context of this application, the Council has secured the provision of appropriate on site formal and informal open and leisure space, infrastructure improvements to facilitate walking and cycling, the provision of 25% affordable housing, highway improvements, and a financial contribution towards sustainable forms of travel.

The site lies within a Minerals Safeguarding Area as identified by Policy SP8 Minerals Safeguarding. The Minerals Officer's views are outlined above, and for the reasons given, the proposal is considered to comply with the requirements of this Policy.

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## Application No. 17/0681/OUT Continued

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. Based on the comments the relevant consultees, the impact on natural heritage can appropriately be controlled by way of conditions that will be attached to the Outline planning permission, or subsequent Reserved Matters approval.

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 2017 AMR was approved by Council in October 2017 and the same recommendation as that in the 2016 AMR was included, confirming the intention to consider each application on its merits having regard to the need to increase the housing land supply. Recommendation R3 of the AMR states that "the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including:

- To consider proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance;"

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 2017 JHLAS indicated that there was only a 2.3 year supply. The housing land supply figure is a material consideration in determining planning applications for housing.

The development of the site is contrary to the provisions of the Adopted LDP in so far as the site lies outside of the settlement boundary for Blackwood. However this needs to be balanced against the urgent need to increase the housing land supply within the county borough, and the strategy in the LDP that supports development on greenfield sites in this area.

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Application No. 17/0681/OUT Continued

Policy SP15 Affordable Housing Target seeks to deliver through the planning system at least 964 affordable dwellings over the plan period in order to contribute to balanced and sustainable communities. The application proposes 300 dwellings in an area of housing pressure and in an area with considerable housing need. Within the NCC the plan seeks to secure 25% affordable housing to meet the identified needs in the area. Consequently there is the potential for the proposal to deliver in the region of 75 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (Revision), July 2017, provides supplementary planning guidance on the delivery of affordable housing through the planning system.

Policy SP19 Transport Infrastructure Improvements seeks to implement improvements to the existing transport infrastructure, in particular those that: address social exclusion; improve transport links in the Northern Connections Corridor and Southern Connections Corridor; reduce the level of traffic movements and/or congestion within any identified air quality management area; and promote the most efficient use of the transport network. As the application proposes 300 dwellings, appropriate measures have been secured by way of Section 1056 legal agreement which aim to ensure that any existing problems are not further compounded.

Countywide Policies

Policy CW1 Sustainable Transport, Accessibility and Social Inclusion requires development proposals that have the potential to generate a significant number of trips (either as an origin or a destination) to be designed to ensure that car borne trips are kept to a minimum. It is therefore important to ensure that provision is made within the development to actively encourage walking and cycling and that appropriate infrastructure is included in the layout to facilitate short trips on foot. This will be secured in terms of the layout submitted at reserved matters stage, as well as the Section 106 agreement as discussed previously in this report.

Policy CW2 Amenity requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately to the north of Blackwood adjacent to an existing residential area.

It is acknowledged that there will be some impact on neighbouring residents and therefore sympathetic development with sensitive boundaries should be sought. Many existing residents use the footpaths that exist on the site. Therefore, the Public Right of Way and bridleways that cross the site shall be retained to ensure connectivity within the development and help link the development with the surrounding built form and open countryside.

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Application No. 17/0681/OUT Continued

All new housing sites capable of accommodating 10 or more dwellings are required to make adequate provision for well-designed open space and appropriate provision for children's play facilities as an integral part of the development under the provisions of Policy CW10 Leisure and Open Space Provision. Areas of formal and informal open space have been proposed, and more detailed specification of these areas will be required at reserved matters stage.

Policy CW11 Affordable Housing Planning Obligations seeks appropriate levels of affordable housing in order to meet an identified housing need within the area. This site lies within the NCC and as such 25% of the units on the site should be provided in line with the requirements of the policy. The developer has agreed to provide this level of affordable housing and therefore the proposal satisfies the requirements of this Policy.

Policy CW15 General Locational Constraints specifies the type of development that will be permitted outside of the settlement boundary. The proposal is for housing and this type of development cannot meet the provisions of Policy CW15. The proposal is therefore contrary to this policy.

Policy CW22 Locational Constraints Minerals requires proposals for permanent development that impact on minerals safeguarding areas to meet specified tests as laid out in the policy. The whole of the site is within a safeguarded sandstone area, whilst parts of the site are within an identified safeguarded coal area. The Minerals Officer's views have been sought and are summarized above. No objection is raised based on the need to provide additional housing within the county borough.

#### HIGHWAY IMPACT

Policy CW3 Design Considerations Highways requires development proposals to have regard for the safe, effective and efficient use of the transportation network. A Transport Assessment was submitted with the planning application. Based on this submitted document the Transportation Engineering Manager requested further work be undertaken to assess the impact of the proposed development on multiple key junctions impacted by the proposed development. On receipt of this Updated Transport Assessment (dated December 2017), further information to look at specific key junction was requested. This additional information was submitted in the form of a Transport Assessment Addendum (April 2018).

Based on these three reports, a very robust Transport Assessment of the impact of the proposed development on the surrounding highway network has been undertaken. These documents were sent to a Transport consultancy who confirm the findings of the reports, i.e. that the development will not have an impact on the surrounding highway network to a degree to warrant a refusal of planning permission. For this reason, coupled with the imposition of several Highways Conditions the application is considered to be acceptable in highway safety terms and therefore compliant with Policy CW3.

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Application No. 17/0681/OUT Continued

## LANDSCAPE AND ECOLOGY

Trees and Hedgerows make a positive contribution to both the natural and built environment. They enhance the character and diversity of the landscape and offer substantial environmental benefits. Policy CW6 Trees, Woodland and Hedgerow Protection therefore requires proposals to ensure that effective measures are taken to ensure the protection of existing trees and hedgerows on development sites. LDP 4: Trees and Development supplements this policy.

The planning application was accompanied by the following documents: Arboricultural Constraints Plan; Tree Report; Heritage Desk Based Assessment; Hedgerow Survey; and a Landscape Character & Visual Impact Assessment.

The comments of the Council's Landscape Architect and Senior Arboricultural Officer are outlined earlier in the report. In summary, both consultees raise no objection to the proposed development subject to the reserved matters application being strongly informed by their requested conditions and related comments. These conditions will ensure that any development is delivered in a way that pays due regard to the existing landscape value of the site and the existing trees and hedgerows contained within it. For these reasons it is considered that the development accords with Policy CW6 and is acceptable in landscape terms.

Policy CW4 relates to Natural Heritage Protection. The planning application was accompanied by the following documents: Invertebrate Survey; Bat Tree & Activity Report; Dormouse Survey; Reptile Survey; NVC Vegetation Survey; and a Phase 1 Habitat Survey.

The comments of the Council's Ecologist are outlined earlier in the report. In summary, based on the information submitted, no objection is raised subject to the imposition of various conditions that ensure the proposal does not have an unacceptable impact on the ecology of the site. Several of these conditions will inform the reserved matters application. For these reasons it is considered that the proposed development is acceptable with regard to Policy CW4.

### 5 year Housing Land supply

Planning Policy Wales (PPW) has a presumption against inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations would clearly outweigh the harm. In this instance, the exceptional circumstance that needs to be considered is the lack of a 5 year housing land supply. This is discussed in more detail below.

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Application No. 17/0681/OUT Continued

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

The Caerphilly JHLAS for 2017 shows that there is a 2.3 year land supply when calculated using the residual method as required by TAN 1. The lack of a five-year housing land supply is a matter of serious concern that needs to be addressed if the overall housing requirement is to be met over the plan period. The monitoring evidence indicates that it is unlikely that this position will improve in the short term.

Welsh Government's decided on 18 July 2018 to dis-apply Paragraph 6.2 of TAN1. Paragraph 6.2 of TAN 1 stated:-

"The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study...the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

The effect of this paragraph was to give increased weight to the need for housing to address a deficiency in the 5-year land supply, over other material factors. Its dis-application removed the "considerable weight" that would otherwise have been given to the issue of a lack of a 5-year land supply. It should be noted that the WG decision to dis-apply Paragraph 6.2 only removes the considerable weight to be given to the land supply issue, but the requirement to maintain a 5-year land supply remains and is a material consideration in considering development proposals.

Given the recent change in circumstances in respect of Paragraph 6.2, the merits of the proposed development need to be reconsidered.

The proposed development is considered to be contrary to the Adopted LDP on the following grounds:

- 1 The proposed development is located outside of the designated settlement boundary for Blackwood. As such the proposed development is contrary to the provisions of Policy SP5, particularly Criterion D, and is also contrary to Criterion C of policy CW15, which restricts the forms of development that are acceptable outside of settlement boundaries.

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Application No. 17/0681/OUT Continued

However, the following issues weigh in favour of the development:

1. Policy SP2 of the Adopted LDP promotes sustainable development on both brownfield and greenfield sites in this part of the borough.
2. There are no landscape or ecological designations associated with the site.
3. The council does not have the required 5-year land supply and the application proposes 300 dwellings, including circa 75 affordable homes, to assist in addressing the issue.
4. The proposed development would have significant knock-on economic and social benefits to the wider community.

The key factor in considering the principle of this application is whether the lack of a 5-year housing land supply, and the consequent need to increase it, outweighs the conflict with the Adopted LDP policies.

Conclusion

Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision on this proposal to be made in accordance with the development plan unless material considerations indicate otherwise. The Adopted Caerphilly County Borough Local Development Plan up to 2021 is the development plan for purpose of Section 38(6).

The proposed development is outside of the defined settlement boundary and is therefore contrary to the adopted development plan. However, given its proximity to the Principal Town of Blackwood, development of the land at Beaumaris Way for housing would represent a sustainable extension to the town, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

On balance, there is a need for this development and when all factors are considered, it is considered that the need for housing and the requirement to maintain a 5 year housing land supply outweigh the conflict with the development plan policies previously referred to. On this basis no objection is raised on policy grounds.

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: Blackwood Town Council object to the proposal on the basis that the site is contrary to the Local Development Plan, will have considerable adverse environmental effects, and will impact on the local highway network, schools and surgeries. No such objections have been raised by statutory consultees.

Application No. 17/0681/OUT Continued

The Head of Public Protection requested that an air quality assessment be carried out.

However this is not considered to be a reasonable request for the proposed development. The nearest air quality management area is Blackwood High Street and given the location of the application site, and the logical movement of vehicles to and from the site, Blackwood High Street will be largely unaffected by the proposal. In the absence of existing air quality information that establishes there are air quality issues within close proximity of the site, this request is considered to be unreasonable.

The developer has agreed to make a significant financial contribution by way of a Section 106 legal agreement that will encourage future users to utilise forms of transport other than the private car, i.e. buses, bike travel and walking. A condition will also be attached to the permission requiring 20% of new homes being fitted with provision to allow for the installation of electric charging points for vehicles. Such measure will act to counter any air quality impact.

Furthermore, a financial contribution has been agreed with the developer to improve the traffic signals at the junction of Fairview and the A4049 Pengam Road. This will act to improve traffic flows through this busy junction thereby reducing idling times.

For these reasons air quality is not considered to represent a reason to refuse the planning application subject to the conditions contained at the end of the report coupled with the financial contributions towards sustainable forms of travel to be secured by way of a Section 106 legal agreement.

No objection is raised by all other statutory consultees subject to conditions and advice being forwarded to the developer.

The issues raised in the consultation responses from The Landscape Architect, Senior Arboricultural Officer, the Council's Ecologist, the Rights of Way Officer and Welsh Water can be appropriately controlled by way of relevant planning conditions, and should not prejudice the determination of the application.

Comments from public:

1. Development is against planning policy - This issue has been addressed at length above.
2. Redevelopment of Brownfield sites should be prioritised - The issue has been addressed above. Policy SP2 allows for the development of greenfield sites in sustainable locations. The proposal is considered to accord with the requirements of this Policy.
3. Welsh Government are pressurising Local Councils to develop 'any available land' for development purposes - The requirement to provide housing is well established, with each application being considered on its own individual merits.

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Application No. 17/0681/OUT Continued

4. The development represents 'area cramming'/development is too large - It is considered that the proposed development is of an appropriate density (approximately 30 dwellings per hectare), for this edge of settlement location.
5. The application was not communicated to residents satisfactorily - Properties along the boundary of the site were consulted by way of letter, and several site notices were displayed in the vicinity of the application site.
6. Loss of greenfield land/area of natural beauty - This issue has been addressed above.
7. Lack of green space in Cefn Fforest - As the application site is located outside settlement boundary the applicant was not required to undertake an open space assessment in accordance with Policy CW7 of the Adopted LDP.
8. The Site is a Green wedge - The site is not designated as a green wedge. A green wedge bounds the application site to the west.
9. Development will result in the coalescence of villages - Given the position of the site in relation to surrounding settlements this is not considered to be the case. Furthermore, a Green Wedge to the west of the site forms a buffer between the application site and Britannia, which is located over 400 metres away.
10. Adverse Impact on Air Quality - The nearest Air Quality Management Area is Blackwood High Street. For the reasons outlined above, coupled with the Section 106 Agreement that will secure funds for sustainable modes of travel other than the private motor car, it is not considered that the development will have a detrimental impact on air quality.
11. Access Road proposed is inadequate - The Transportation Engineering Manager raises no objection to the proposal based on the submitted Transport Assessment (TA) subject to the imposition of Conditions.
12. Improvement to 'Harry's Hill' is insufficient - An improvement to the junction from 'Harry's Hill' onto the A4049 Pengam Road is a requirement of the planning permission. This junction improvement will improve highway safety.
13. Increased traffic volume - The application was supported by a robust Transport Assessment that was verified by an independent Highways consultancy. Based on the information contained with the TA it is not considered that the development will have an impact on traffic volumes in the area to warrant a refusal of planning permission. A contribution to improving the traffic signals at the junction of Fairview and the A4049 Pengam Road will also be secured by way of the Section 106 agreement. These works will improve flows through these signals.

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Application No. 17/0681/OUT Continued

14. Local road network not suitable for additional traffic - This issue has been address above at point 13.
15. Transport Assessment inadequate - The application was supported by a robust Transport Assessment that was verified by a Highways consultancy.
16. Existing road network is in a poor state of repair and will get worse as a result of the development - The maintenance of the local highway network is the responsibility of the Local Authority. The proposed new homes will generate Council Tax that will contribute to this highway maintenance.
17. Park and Ride Facilities at Bargoed and Pengam Train Stations will not cope - There is no evidence that is the case, but should it be so, then consideration will have to be given to the improvement of such facilities.
18. Public transport is not sufficient to deal with the development - The Section 106 agreement secures a significant amount of financial contributions to support public transport provision.
19. The development will adversely affect Public Rights of Ways crossing the site - this issue has been addressed above.
20. Sewerage system cannot cope with additional foul discharge - Welsh Water has confirmed there is adequate capacity to serve the proposed development.
21. The water pressure in the area may be negatively affected - This issue has been addressed above as well as by way of relevant condition. The developer will be required to undertake a hydraulic assessment to ensure the current water supply system is able to serve the proposed development. If considered necessary, and depending on the likely date of commencement, the developer may have to contribute to the upgrading of the current system.
22. The site was previously mined which may impact on ability to develop site - The application site is located entirely within the Low Risk Coal Mining Legacy area as defined by the Coal Authority Maps. High risk areas are to the west and east of the application site, but they do not impact on the acceptability of this development.
23. Local services (health care facilities, schools, etc.) will not be able to cope with increased demand - The Council's Education department have confirmed that adequate space is available in local schools to accommodate the new development. Additional pressure on local doctor's surgery is a matter for the health board to consider.
24. Unacceptable loss of open space - The Council's Landscape Architect does not object to the development of the site subject to conditions ensuring its landscape value is preserved as much as practicable.

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Application No. 17/0681/OUT Continued

25. Adverse impact on wildlife/ecology features including the SAC - No objection is raised by the Council's Ecologist subject to conditions.
26. Prevent persons being able to access the site for dog walkers - The existing right of way through the site will be retained as part of any development.
27. Decrease in value of properties in area - This is not a material planning consideration.
28. Housing developments should be included in 'All Wales' Plan and not brought forward in advance - Planning applications must be determined in accordance with relevant local and national planning policy taking into account all material planning considerations. This has been the case for this application.
29. The development will have an adverse visual impact - See point 24.
30. The disruption during the construction phase will be unacceptable - Whilst there will inevitably be a degree of disruption during construction, given the position of the application site and related available space, this is unlikely to be a significant issue. Notwithstanding this, Conditions would be attached to any reserved matters approval to protect the amenity of nearby properties during construction works.
31. Pylons crossing the site would result in a sub-standard development - This is not considered to be the case. The powerlines crosses the site are a constraint that will inform the proposed layout.
32. The pylons cause noise pollution that will impact future dwellings - This is not considered to be an issue, and no objection has been raised by the Head of Public Protection in this regard.
33. Loss of views - This is not a material planning consideration.
34. Loss of privacy - Given the distance of the application site from the nearest existing properties it is not considered that privacy will be an issue. However, this issue would be fully considered at reserved matters stage when a detailed layout is proposed.
35. Adverse impact on quality of life - It is unclear how the construction of new dwellings adjacent to existing dwellings will detract from quality of life.
36. Existing local residents should have a council tax reduction - This is not a relevant consideration.

Cont....

Application No. 17/0681/OUT Continued

Other material considerations: The proposed development involves losing agricultural land and is a material planning consideration.

This issue is address in Planning Policy Wales. It states at Paragraph 4.10.1, "In the case of agricultural land, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade."

The application site is Grade 4 land and therefore its loss to development does not represent a reason to refuse the planning application.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing provision and highway improvement works. 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 terms of the highway improvement works these are to mitigate the highway impact of the development.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the Blackwood/Cefn Fforest area. It is considered essential that this proposal will provide a substantial allocation of such properties for the benefit of residents. In terms of the highway contributions, the works to the Fairview traffic signals, and the sustainable transport contribution are directly related to the development.

The third point relates to fairness of scale and kind. In this regard discussions with the developer have resulted in an affordable provision of 25%, up to 75 of the 300 houses. In view of the projected financial position for this site these levels were considered to be reasonable. It is also considered that the financial contribution towards highway improvement works and sustainable transport are fairly related to a development of this scale.

Cont....



Application No. 17/0681/OUT Continued

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

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.

RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission is 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 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.

Cont....

Application No. 17/0681/OUT Continued

- 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) 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.
- 06) Prior to the commencement of works onsite a timescale for the improvement of the potable water supply in the locality of the development shall be submitted to and agreed in writing with the Local Planning Authority. The required improvements shall be completed in accordance with this agreed scheme.  
REASON: To ensure the site is served by a suitable potable water supply.
- 07) The means of access serving the proposed development from Heol Pit Y Ceiliogod and Beaumaris Way shall be laid out, constructed and maintained thereafter with visibility splays of 2.4m x 43m. No obstruction or planting when mature exceeding 0.9m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 08) The estate layout shall be designed to the principles of Department of Transport documents Manual for Streets and Manual for Streets 2.  
REASON: In the interests of highway safety.
- 09) There shall be no pedestrian or vehicular access onto or from any individual residential property onto or from Heol Y Cefn unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 10) Prior to the commencement of work on site a residential travel plan shall be submitted to and approved by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: To promote sustainable forms of transport.

Cont....

Application No. 17/0681/OUT Continued

- 11) Notwithstanding the submitted plans, as part of the reserved matters submission, full engineering details of the off-site infrastructure improvements detailed below, and the timing of their implementation shall be submitted to and approved in writing by the Local Planning Authority. These infrastructure improvements shall include:-
- Road junction improvements to the A4049 Pengam Road/unnamed lane (referred to locally as Harrys Hill);
  - Proposed village 'Gateway' feature on Heol Y Cefn with appropriate road markings and signage;
  - Footway improvements to Heol Pit Y Ceiliogod and Beaumaris Way by way of pedestrian crossing provision;
  - Proposed new bus stop and shelter located on Heol Pit Y Ceiliogod.
- The improvements shall be completed in the timescale agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 12) Off street parking provision shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Parking Guidance LDP5 Car Parking Standards.  
REASON: To ensure appropriate levels of car parking are provided.
- 13) The reserved matters details to be submitted shall include an amended site layout plan to include the retention of the existing hedgerow links (H12 and H13) through the site for bats. The agreed plan shall be complied with.  
REASON: To ensure adequate protection for protected habitats and species.
- 14) The reserved matters details to be submitted shall include details of the retained wooded copse and hedgerows within the site, together with new woodland/hedgerow planting and areas of retained and enhanced grassland. The agreed details shall be complied with.  
REASON: To ensure adequate protection to protected habitats and species.
- 15) No trees or hedgerows within the site shall be removed prior to the approval of the reserved matters application.  
REASON: To ensure adequate protection for protected habitats and species.
- 16) The reserved matters details to be submitted shall include details of the hedgerow and green lane enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and shrubs to be used to plant up the existing hedgerows and green lane and a 5 year management plan. The approved details shall be complied with.  
REASON: In the interests of biodiversity conservation and 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).

Cont....

Application No. 17/0681/OUT Continued

- 17) The reserved matters details to be submitted shall include details of the retained grassland habitat (present under the pylon lines) for Section 42 Invertebrate species together with any proposed seed mixes for enhancement. The agreed details shall be complied with.  
REASON: To ensure adequate protection to protected species.
- 18) The reserved matters details to be submitted shall include a 10 year grassland management plan, which shall include details of the timing of its implementation. The approved details shall be complied with.  
REASON: In the interests of biodiversity conservation and 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).
- 19) The reserved matters details to be submitted shall include a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats. 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.
- 20) The reserved matters details to be submitted shall include an updated bat roost and transect survey to inform the reserved matters application.  
REASON: To ensure up to date consideration of protected species, in the interests of biodiversity.
- 21) The reserved matters details to be submitted shall include a detailed reptile mitigation strategy prepared by a competent ecologist to inform the reserved matters application. The approved mitigation strategy shall include any translocation or mitigation measures and shall be complied with.  
REASON: To ensure reptiles are protected.
- 22) Site clearance operations and any site works that involve the destruction and removal of vegetation, including felling, clearing or the removal of trees and shrubs or hedgerows within the proposed site shall not be undertaken during the months of March to August inclusive in any given year, unless approved 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.
- 23) The reserved matters details to be submitted shall include a detailed vegetation survey of fields F1 and F2 between May and July for floristic features favoured by Marsh Fritillary butterflies and other rare/protected butterfly species.  
REASON: To ensure proper measures are taken to safeguard the habitat of Marsh Fritillary Butterfly and other rare/protected butterflies.

Cont....

Application No. 17/0681/OUT Continued

- 24) The reserved matters details to be submitted shall include an Invertebrate survey between May to September concentrating on butterfly species. If evidence of Marsh Fritillary Butterfly is found then consultation with NRW will be required and appropriate licences and consents will need to be obtained before any works commence on site. A copy of the survey, any consents and appropriate licences will need to be submitted to the Local Planning Authority for approval.  
REASON: To ensure up to date consideration of protected species, in the interests of biodiversity.
- 25) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
  - b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
  - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
  - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
  - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
  - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
  - g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
  - h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
  - i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
  - j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

Cont....

Application No. 17/0681/OUT Continued

- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity.

- 26) 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.

- 27) 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.

- 28) 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. 17/0681/OUT Continued

- 29) 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.
- 30) 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. Those details shall include:  
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and  
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and  
(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.
- 31) Prior to the commencement of the development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and agreed in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. The development shall be carried out in accordance with the agreed schedule.  
REASON: To ensure that the landscaping is maintained in the interests of the visual amenity of the area.

Cont....

Application No. 17/0681/OUT Continued

- 32) 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.
- 33) 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.
- 34) 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.
- 35) Unless otherwise agreed in writing with the Local Planning Authority 20% of residential units constructed shall have provision to allow for the installation of electric charge points for vehicles.  
REASON: To promote less polluting forms of private travel.
- 36) The development shall be carried out in accordance with the following approved plans and documents:  
- Site Location Plan, received 07.08.2018;  
- Drawing No. AM-01, Access & Movement (excluding Layout), received 21.08.2018;  
- Arboricultural Constraints Plan; received 07.08.2018  
- Tree Report; received 07.08.2018  
- Heritage Desk Based Assessment; received 07.08.2018  
- Invertebrate Survey; received 07.08.2018  
- Bat Tree & Activity Report; received 07.08.2018  
- Dormouse Survey; received 07.08.2018  
- Reptile Survey; received 07.08.2018  
- NVC Vegetation Survey; received 07.08.2018  
- Hedgerow Survey; received 07.08.2018  
- Phase 1 Habitat Survey; received 07.08.2018

Cont....



Application No. 17/0681/OUT Continued

- Landscape Character & Visual Impact Assessment; received 07.08.2018
- Transport Assessment received 07.08.2018, Updated Transport Assessment (December 2017) and Transport Assessment Addendum (April 2018)
- Travel Plan received 07.08.2018

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

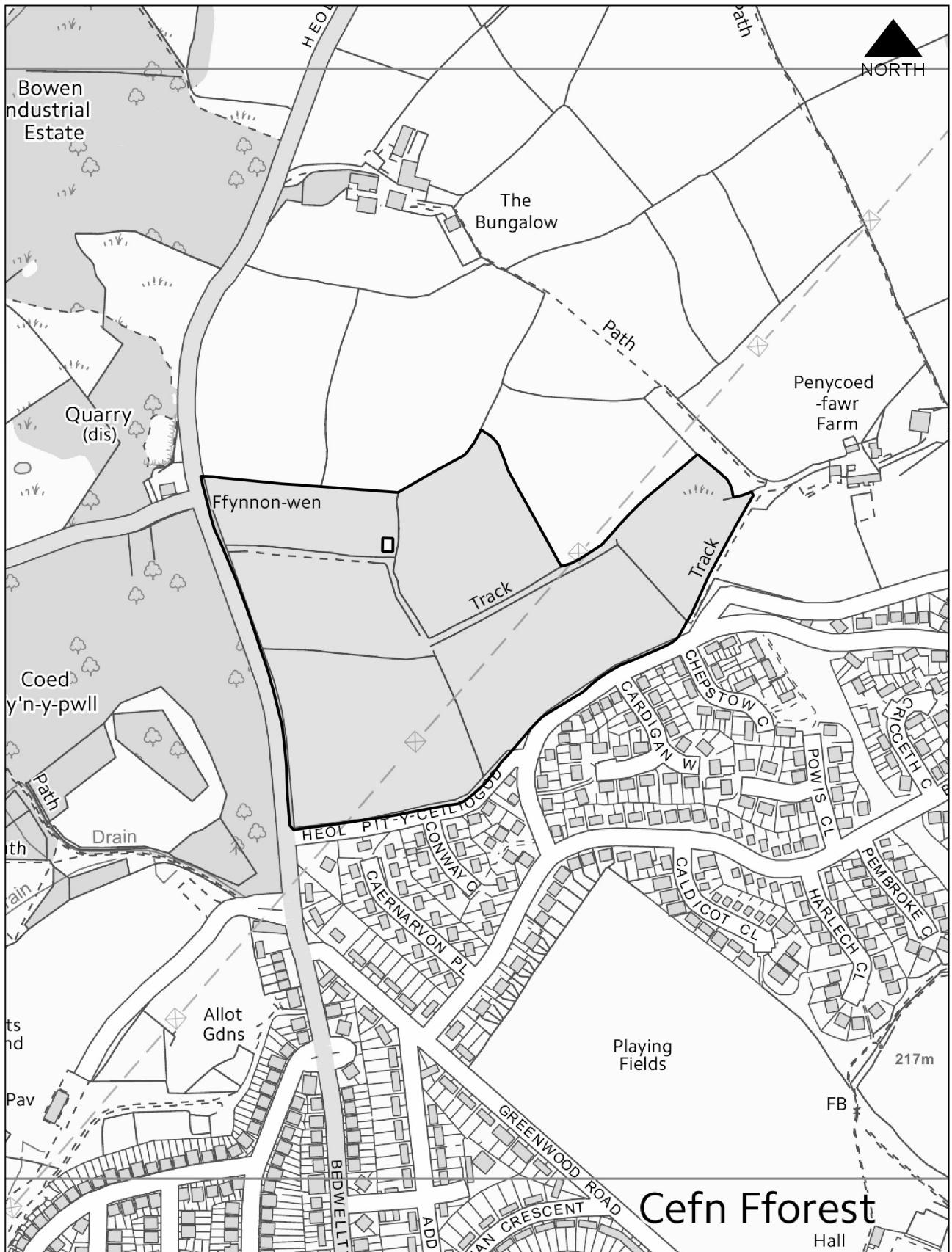
Advisory Note(s)

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: Policy CW2, CW3, CW4, CW5, CW6.

Please find attached the comments of Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), The Police Architectural Liaison Officer, The Council's Ecologist, Landscape Architect, Senior Arboricultural Officer and Housing Enabling Officer that are brought to the applicant's attention.

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DEFERRED FOR REASONS FOR REFUSAL

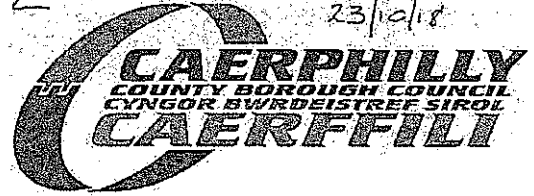


APPENDIX 2

E-mailed  
23/10/18

Tŷ Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG



Swyddfa'r Arweinydd / Leader's Office

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Martin Smith  
Managing Director  
Persimmon Home East Wales  
Llantrisant Business Park  
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Rhondda Cynon Taff CF72 8YP

Your Ref/Eich Cyf:

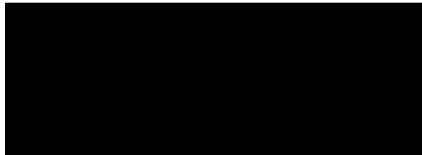
Our Ref/Ein Cyf: DP/KG  
Contact/Cyslltwch â:  
Telephone/Ffon: 01443 864400  
E Mail/E Bost: davidpoole@caerphilly.gov.uk  
Date/Dyddiad: 22<sup>nd</sup> October, 2018

Dear Mr. Smith,

**Application 17/0681/OUT – Residential development at  
Beaumaris Way, Cefn Fforest, Blackwood**

Thank you very much for your letter of 18<sup>th</sup> October 2018 concerning the above planning application. I note your comments, and they will be brought to the attention of the Planning Committee. However, it would be inappropriate for us to meet prior to the application being determined as this is a matter for the Planning Committee, and it may appear that I am favouring one side over the other.

Yours sincerely,



**Councillor David Poole  
Leader, Caerphilly County Borough Council**

Gallwch ohebu mewn unrhyw iaith neu fformat | Correspondence may be in any language or format  
Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi | Corresponding in Welsh will not lead to any delay



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Ranbarth  
Caerdydd** | **Cardiff  
Capital  
Region**

Mae'r llythyr hwn oddi wrth aelod unigol ac nid wedi ei ysgrifennu ar ran y Cyngor.  
This correspondence is from an individual member and is not written on behalf of the Council.



PERSIMMON

Cllr David Poole  
 Leader of Caerphilly County Borough Council  
 For the Attention of Karen Green  
 Penallta House  
 Tredomen  
 Ystrad Mynach  
 CF82 7PG

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18<sup>th</sup> October 2018

Dear Cllr Poole,

**Planning Application 17/0681/OUT – Residential Development at Beaumaris Way, Fforest, Caerphilly**

My colleagues and I have been working constructively with the local planning authority to deliver the residential development at Heol-Y-Cefn, Cefn Fforest, Blackwood for over 3 years, promoting the site in the proper manner and seeing its inclusion in the deposit plan before submitting an application.

I was therefore extremely disappointed to learn that members of the planning committee voted to defer the application suggesting reasons for refusal contrary to officer's recommendation. Whilst I appreciate that members of the committee would not have taken this decision lightly I felt it important to write to you to hopefully allow further dialogue / reflection before a final decision is made ..

**The Planning Case**

The members decision was in formed by debate on the adopted plan and recent changes to Technical Advice Note 1: Joint Housing Land Availability Studies (TAN1), and as such I would like to address each in turn in order to provide important clarification .

I was surprised to learn that members were concerned that the application would undermine the adopted plan and more generally the plan-led approach. When successive annual monitoring reports identified the need for a replacement plan we worked with you to secure an allocation in that plan. This site was identified due to its sustainability credentials and compliance with adopted spatial policy objectives .This work was ultimately undone by the Council's decision to abandon the deposit plan which and with respect, does not halt or 'set in aspic' the need for planning decisions to be made in the public interest. Indeed as a major business and local employer / investor in the area I am sure you can understand that we cannot simply stand by and effectively abandon the promotion of sites that accord fully with local and national policy. If we were to do so our business would simply grind to a halt.

I understand the discussion then turned to recent changes to TAN1. These changes do not suspend TAN1 nor do they negate the need to secure a 5 year housing land supply. They simply state that it is for the decision maker to determine the weight to be afforded the need to increase the housing land supply. When viewed in the context of a plan that has been recommended for replacement and a land supply figure of 2.3 years – with a shortfall of 2,750 dwellings – the need to increase the supply of housing carries significant weight. Alongside the policy compliance position this is the reason we have continued to promote the scheme despite the Councils decision to abandon the plan. To do otherwise would have been irresponsible from both a business and policy perspective.

To add further detail to this and hopefully initiate further dialogue this letter seeks to outline the facts.

**Analysis of the reasons for refusal**

Members put forward four reasons to refuse the application which I will comment upon in turn:

- The proposal would result in the loss of Greenfield land;
- The proposal is located outside of the settlement boundary;
- The proposal would have an unacceptable impact on the highway network; and
- The pupils generated by the proposal could not be accommodated in the local school

### **Loss of Greenfield land**

Policy SP2 of the adopted plan focuses significant development **on both** brownfield and greenfield sites. Refusing the application on the basis that it would result in the loss of greenfield land is therefore a fundamentally incorrect policy position. On that basis the suggested reason for refusal is unarguable.

### **Outside of settlement boundary**

The application site represents a logical and sustainable extension of the settlement. Policy SP5 acknowledges that material considerations can justify development outside of settlement boundaries, whilst the wording of policy SP2 supports Greenfield releases in the Northern Connections Corridor within which this site sits. The suggested reason for refusal is therefore contrary to the spatial strategy of the adopted plan which is confirmed in your officers' advice. On that basis, the suggested reason for refusal is unarguable.

### **Impact on the highway network**

The application was reported to committee with no objections from the highway authority and officers confirmed that they would not defend a reason for refusal on highway grounds as the transport assessment was amongst the most robust they had seen. The suggested reason for refusal is not therefore based on any evidence or identified harm, and is contrary to officer's advice. On that basis, the suggested reason for refusal is unarguable.

### **Impact on school capacity**

The application was reported to committee with no objection from the education department, and officers confirmed that capacity was not an issue. The suggested reason for refusal is not therefore based on any evidence or identified harm, and is contrary to officer's advice. On that basis, the suggested reason for refusal is unarguable.

### **Conclusion on suggested refusal reasons**

The above is very clear and very simple. My reason for doing this is to allow you and the members of the committee some time for reflection as my wish is to avoid appeal and have the decision made locally and hopefully positively. Put simply the scheme proposed is compliant with all local and national policy with no technical objections preventing its approval.

### **Well Being of Future Generations Act**

In addition to this, planning decisions must also seek to understand the positive attributes that a scheme will bring forward which are an important part of the planning balance. To assist in this I now outline these with regard to the Well Being of Future Generations Act which provides us all with a measure to help determine a schemes acceptability which is used in concluding Appeal decisions.

### **A Prosperous Wales**

The socio - economic benefits associated with our proposal are significant. The current proposal represents an investment of **£30,000,000** in Cefn Fforest, Blackwood by Persimmon. An investment of this magnitude would:

- Create **51 construction jobs and a further 76 indirect** in the community, which would benefit the people and the local economy;
- Residents will generate a first occupation windfall (the amount spent on making a house a home) of **£1,500,000** which would be spent in local businesses, further improving the local economy;
- Generate Council tax receipts of **£375,300** per annum, which would be spent on maintaining and improving local services and facilities; and
- Contribute **£496,000** to the Community Infrastructure Levy, which would be spent on local infrastructure improvements.
- Deliver a range of 2, 3 and 4 bedroom open market and affordable homes which will help future generations afford to live, work and play in Cefn Fforest, Blackwood. This in turn will assist in the provision of more available housing in the area therefore satisfying the existing demand and keeping house prices at an obtainable level.
- Deliver up to 75 affordable houses (Policy Compliant) within this plan period. We have already agreed to transfer these properties to Pobl should planning permission be approved.

#### **A Resilient Wales**

The proposal will maintain a resilient Wales by retaining areas of ecological value and mitigating the impact of the proposal through sensitive screening, landscape planting and sustainable drainage.

#### **A Healthier Wales**

The proposal will promote a healthier Wales through a well integrated development located in close proximity of local amenities and schools which encourages walking and cycling within and beyond the development.

#### **A More Equal Wales**

The proposal will facilitate a more equal Wales by providing a range and choice of private and affordable houses.

#### **A Wales of Cohesive Communities**

The proposal will deliver a Wales of cohesive communities through a well-designed, integrated and attractive form of development that welcomes both social and private home owners.

#### **A Wales of Vibrant Culture and Thriving Welsh Language**

The proposal will protect and promote culture, heritage and the Welsh language by providing a range of attainable and accessible homes that provide opportunities for existing and new residents to live, work and play in the community of Cefn Fforest and beyond.

#### **A Globally Responsible Wales**

The proposal will ensure a globally responsible Wales through the provision of energy efficient homes that help reduce emissions and the carbon footprint of homes

#### **Overall Conclusions**

I trust that you understand the reason for writing to you which is necessary for me to protect my business and when situations arise that are unexpected I do all I can to address the issues head on and see whether through further dialogue resolution can be sought.

I do not want to have to Appeal but the strength of our case is significant and plain for all to see. I hope that this can be avoided but if it cannot I will be required to pursue an Appeal alongside any associated costs that may be justified.

As ever I would welcome the opportunity to discuss this with you before the application is reported to committee in November. To this end, I would be grateful if your office could contact [REDACTED] to arrange a convenient date.

Yours Sincerely

Martin Smith  
Managing Director  
Persimmon Homes