

PREFACE ITEM

APPLICATION NO. 18/0160/OUT

APPLICANT(S) NAME: Mr & Mrs Evans & Franks

PROPOSAL: Erect residential development up to 131 dwellings and associated works

LOCATION: Land Adj To Tiryberth Farm Hengoed Road
Penpedairheol Hengoed CF82 8BS

This application was reported to Planning Committee on 22nd January 2020 with a recommendation of approval. A copy of the original report is attached as an Appendix. At the meeting, members resolved to defer a decision to allow officers to draft reasons for refusal that reflected the concerns expressed about the development during the debate.

The following report is, therefore, based on matters raised at the meeting which can broadly be categorised as matters of principle, e.g. the site is outside the settlement and is also located within a green wedge. These matters will be considered in turn.

Development outside the Settlement Boundary

With regard to the principle of residential development at this location Policy SP5 (Settlement Boundaries) of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010 delineates settlement boundaries, and states:

The Plan defines settlement boundaries in order to:

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

The development is contrary to this policy in that it is outside the settlement boundary and in an area where development would not normally be allowed, its development would not promote the use of urban land, and it would be inappropriate development in the countryside (criteria A, B and D). The site falls outside but immediately to the north of the settlement boundary for Cefn Hengoed. Therefore, the application is contrary to Policy SP5 of the Adopted LDP.

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Preface Item 18/0160/OUT Continued

Policy CW15 (General Locational Constraints) assists in defining what is acceptable development in the countryside and states:

Development proposals will be considered against the following criteria, where they apply:

- C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:
 - i Associated with either agriculture, forestry or the winning and working of minerals or
 - ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
 - iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
 - iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
 - v Associated with the reclamation / treatment of derelict or contaminated land.

The proposal does not comply with any of the above criteria associated with Policy CW15 of the Adopted LDP.

Loss of greenfield land

The site is located within a green wedge as identified by Policy SI1 of the LDP.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tiryberth. In this respect development proposals will only be considered if the use is either conducive to or will enhance the open character of the area. The proposal does not therefore comply with the provisions of this policy.

Appraisal

Notwithstanding the above referenced conflict with LDP policy, the officer's recommendation was to grant planning permission. In this respect Section 38(6) of the 2004 Planning & Compulsory Purchase Act requires a decision for each application to be made in accordance with the Development Plan unless material considerations indicate otherwise.

In this respect there is a significant shortfall in the 5 year housing land supply within the borough. Whilst recognising that the dis-application of paragraph 6.2 of TAN 1 means that it is now for the Local Planning Authority to decide what weight to give to the five-year land supply, officers consider that significant weight should be given to this issue because at present the Authority currently has a housing land supply of just 2.0 years.

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Preface Item 18/0160/OUT Continued

In addition, there is less than 2 years of the plan period remaining, it was necessary to calculate the 5 year land supply in the last Joint Housing Land Availability Study (JHLAS) based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units. Just 122 units were developed last year and this proposal will provide up to 131 dwellings with the potential for up to 32 affordable units. The proposal is, therefore, considered to make a significant and viable contribution to the existing housing land supply.

With regard to the impact upon the green wedge given the intervening distances between the open countryside and the built form, it is considered that a substantial buffer would remain to prevent any coalescence between the settlements of Cefn Hengoed and Penpedairheol, in line with the underlying objectives of Policy SI1. Furthermore, given the exceptional circumstances in terms of the shortage in the housing land supply as outlined above, this is also considered to outweigh the harm to the openness of the green wedge at this location.

In conclusion, the consequent need for the Council to maintain a five year housing land supply is, therefore, considered to provide sufficient justification to outweigh the conflict with the Adopted LDP policies and on this basis officer's recommendation remains one of approval.

If Members are minded to refuse planning permission, the reasons for refusal are suggested as follows:-

1. "The proposed development would be contrary to policies SP5 and CW15 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 because it would be: inappropriate development in the countryside, outside the settlement boundary where development would not normally be allowed, and would not promote the full and effective use of urban land in order to concentrate development within settlements."
2. "The proposed development represents unjustified development in the countryside outside of the settlement boundary which would detract from the open character of SI 1.7 Penpedairheol, Gilfach and Tir y berth Green Wedge and contrary to the provisions of policy SI1 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010."

RECOMMENDATION: That planning permission is granted subject to conditions as set out in the attached report. However, if Members are minded to refuse permission, it is suggested that they do so on the basis of the reasons set out above.

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0160/OUT 05.04.2018	Mr & Mrs Evans & Franks C/O Ms L Hughson-Smith 19 Starling Walk Penallta Hengoed CF82 6BH	Erect residential development up to 131 dwellings and associated works Land Adj To Tiryberth Farm Hengoed Road Penpedairheol Hengoed CF82 8BS

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Hengoed Road, Cefn Hengoed.

Site description: The site measures approximately 3.5ha in area and is split into two field parcels which are enclosed by hedgerows and interspersed with mature trees. The site is currently in agricultural use, comprising primarily of improved hay meadow and grazing land with areas of scrub vegetation.

The site is bound to the north by agricultural fields and Tiryberth Farm and to the east by areas of woodland and scrub vegetation. Hengoed Road is situated to the western boundary with agricultural land beyond. The settlement of Cefn Hengoed lies immediately adjacent to the south of the application site.

Access into the site is currently achieved via an unclassified road at the northern boundary of the site and leads to Tiryberth Farm.

Development: Outline planning permission is sought in respect of residential development of up to 131 dwellings and associated works with all matters reserved for future consideration.

An illustrative layout has been provided which comprises:

- A range of 2, 3 and 4 bedroom dwellings comprising of 61 No. 2 storey detached 3 bedroom properties, 43 No. 2 storey detached 4 bedroom properties, 26 no. 2 storey detached 3 bedroom properties and 1 No single storey detached 4 bedroom property;
- The provision of 25% affordable housing;
- Open space together with formal and informal play areas.

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The site layout plan shows the existing hedgerows that bound Hengoed Road will remain largely intact together with the hedgerow running through the middle of the site in a north-westerly direction.

Whilst access is reserved for future consideration, the illustrative layout indicates that the existing vehicular access point off Hengoed Road will be widened to provide an adoptable access, with pedestrian access gained from the existing footpath running parallel to the frontage of the proposed development.

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

- Design & Access Statement;
- Planning Statement;
- Bat Tree & Activity Report;
- Hedgerow Survey;
- Extended Phase 1 Habitat Survey;
- Transport Assessment;
- Travel Plan;
- Pre-Application Consultation (PAC) Report; and
- Coal Mining Risk Assessment.

Dimensions: The site amounts to 3.5 hectares. The site is an irregular shape, but broadly rectangular and slopes in a north-westerly to south-easterly direction. The site has maximum dimensions of approximately 157 metres in width by 240 metres in length.

The maximum and minimum dimensions of the proposed dwellings are as follows:

Width 5 metres to 14 metres;
 Depth 5 metres to 14 metres; and
 Height 8.0 metres maximum.

Materials: Not applicable at outline stage.

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

PLANNING HISTORY 2010 TO PRESENT

None.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside settlement limits within a green wedge as defined by Policy SI 1.7 Penpedairheol, Gilfach and Tir y berth and is also within a Sandstone Safeguarding Area identified as MN 2.6 East of Nelson.

Policies: The Policies of relevance within the Caerphilly County Borough Local Development Plan up to 2021- adopted November 2010 are:-

Strategic Policies

Policy SP2 Development Strategy - Development within the Northern Connections Corridor (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; and
Policy SP21 Parking Standards.

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; and
Policy CW22 Locational Constraints - Minerals.

Supplementary Planning Guidance

LDP1: Affordable Housing Obligations;
LDP4: Trees and Development;
LDP5: Car Parking Standards; and
LDP6: Building Better Places to Live.

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NATIONAL POLICY

Planning Policy Wales (Edition 10 December 2018);
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); and
Technical Advice Note 24: The Historic Environment (2017).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of high risk. The application is accompanied by a Coal Mining Risk Assessment (CMRA). The CMRA has been reviewed by the Coal Authority and they have provided formal comments regarding the site's suitability for residential development which are discussed below.

CONSULTATION

Gelligaer Community Council - Objects to the proposed development and those comments have been included and acknowledged with neighbour representations.

Glam/Gwent Archaeological Trust - There are no designated or non-designated historic assets within or adjoining the application area. Given the current information, it is unlikely that significant archaeological remains would be encountered during the work. However, should any archaeological remains or features be encountered, the developer should contact The Glamorgan-Gwent Archaeological Trust in the first instance.

Transportation Engineering Manager - Based on the Transport Assessment Addendum dated November 2019. No objection is raised subject to:

- conditions relating to visibility splays for the new accesses to serve the site;
- the estate layout to be designed in accordance with Manual for Streets;
- off-street car parking to be in accordance with LDP5 Car Parking Standards; and
- a residential travel plan to promote and encourage sustainable travel.

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Conditions relating to off-site infrastructure improvements are also required relating to the provision of new localised footway provision on the north bound carriageway and new 'in-line' bus stops on the north bound and south bound carriageways and a traffic regulation order to extend the 30mph speed limit along Hengoed Road beyond the proposed site entrance.

A Section 106 Agreement will be required to be entered into to secure the financial aspects of the Residential Travel Plan and adjustment to the Traffic Regulation. These include:

- £5000 PA to fund a Travel Plan Coordinator for a period of 5 years.
- £5000 emergency fund to support the Travel Plan initiatives.
- £400 per property to fund sustainable travel initiatives for future residents to encourage sustainable travel, modal shift and reduce single car journeys.
- £4,000 to fund traffic regulation order work.

Police Architectural Liaison Officer - Whilst there is no objection to the proposed development in principal, there are reservations over the layout of the site. The segregation of the site into 'house types' could mean that parts of the development could become more vulnerable to crime than other areas. However, these are issues that could be resolved at reserved matters stage.

Natural Resources Wales - The Extended Phase 1 Habitat Survey has been reviewed and no comments are offered regarding the proposed 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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Ecologist - No objection subject to conditions relating to the provision of a replacement hedgerow for the existing hedgerow that has been removed, retention of all hedgerows through the site, hedgerow and tree management enhancement, hedgerow exclusion areas, habitat retention and enhancement, light mitigation strategy, updated bat survey, Great Crested Newt and Amphibian Mitigation Strategy, breeding birds and biodiversity enhancements within the site.

Landscape Architect - The application site is located in two open agricultural fields, outside the existing settlement boundary and within an area of land designated in the Caerphilly County Borough LDP as a Green Wedge. Green Wedge designation prevents the coalescence of the settlements of Cefn Hengoed and Penpedairheol and any subsequent development of these fields would be a significant and unwelcome intrusion within the green wedge at its narrowest point.

However, if there is an overwhelming need for housing in this part of the borough, the current proposal presents a number of issues that would require addressing:

- The retention of existing hedgerows within and along the perimeter of the site are welcomed as there is a strong hedgerow pattern on this site. The layout as it currently stands is unacceptable due to the following:

The current layout is arranged with the rear of properties and associated boundary fencing facing the adjacent Hengoed Road, undeveloped perimeters and wider landscape which is visually unacceptable. The layout design would be considerably improved if properties active frontages faced out onto Hengoed Road and adjacent green fields and public rights of way. This approach would assist to provide the impression of a finished settlement edge, rather than one characterised by rear gardens. This is the preferred approach to be adopted throughout the proposed housing layout in combination with soft landscaping in the form of retention of hedgerows and additional tree planting within the redline boundary to reduce the visual impact of the development and to assimilate the development. This would provide a more aesthetically acceptable boundary whilst also improving the green infrastructure and biodiversity along the perimeters.

Where properties within the site are obliquely positioned onto highway or public space, in these instances there should be high quality finishes, such as brick walling, with piers and copings or high quality railings, rather than timber close board or palisade style boundary fencing.

The location of the small public open space in the south east corner is unacceptable, public open space should be relocated more centrally with properties arranged to provide adequate natural surveillance.

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The street scene and parking layout throughout the site is over dominated with off-street parking to the front of properties. Whilst the indicative street tree planting is welcomed, in reality the space between houses and roads will be heavily influenced by hard surfaced driveways and parked vehicles, which is visually unattractive, with little space left for landscaping. In order to improve the visual amenity the layout would benefit from redesign with adequate space given to semi mature street tree planting. Should the application progress, detail planting plans including tree and shrub species, sizes and density will be required covered by a five years defects and establishment maintenance period. In addition to some forward planning to show how the trees have priority over the underground or overhead services / general infrastructure. There would be an expectation for tree sizes as a minimum to be semi-mature (18-20cm girth) and that pit design and soil volume calculations for street trees will be required and supplied for approval.

In addition, alternative approaches could be incorporated to prevent the over use of hard impermeable paving, driveways and parking areas, with greater use of SuDS incorporated, for example permeable block driveways and parking areas. Swales along with detention / retention ponds should also be considered and located appropriately through the site.

Works to upgrade the existing access to an acceptable standard would require the removal of the existing hedgerow(s) and alter the character and route along which the existing PRow takes. It is therefore recommended that alternative access arrangements on to the site, which do not affect the existing farm access, PRow and hedgerows, are considered.

It is also noted that the Public Rights of Way Gelligaer Footpath 19 and 15 run adjacent to the site. The current proposed layout does not take into account or suitably integrate these PRow into the landscaping layout. PRow 15 is constrained by boundary treatment to the rear of properties 95 to 106 and PRow 19 is along the access road, both of which are unacceptable. The routes of the PRow should avoid the use of estate roads, drives, gardens or other private areas and preference should be given to the use of paths through landscaped or open space areas away from vehicular traffic.

Rights Of Way Officer - There are two Public Rights of Way: Footpaths 15 and 19 in the Parish of Gelligaer in the area of the proposed development. Footpath 15 crosses the site and is of particular concern, as the proposed site layout does not make allowance for this footpath within its design.

Informative advice to the developer is also provided.

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Network Rail - Objects to the proposed development on the basis that no drainage details have been submitted as there are concerns that the proposed development may impact upon the track drainage capacity and adversely affect the risk of flooding.

Until these details have been received and assessed by our Drainage Engineer, our objection to the above will remain.

Informative advice to the developer is also provided.

CADW - Having carefully considered the information, our records show that there are no scheduled monuments or registered historic parks and gardens within the vicinity of the proposed development. Therefore no comments are offered regarding the proposed development.

Principal Valuer - No comments are offered in respect of the application.

CCBC - 21st Century Schools - Confirms that there is adequate provision to accommodate pupils within the local catchment area for Welsh and English medium Primary and Secondary schools.

Head Of Public Protection - No objection subject to the following conditions:

- A Working Method Statement to control the environmental effects of the demolition and construction work;
- A scheme to appropriately address the noise impacts from adjacent rail and road traffic concerns for the future residential occupiers of the site;
- Scheme to deal with contamination within the site;
- Contamination and remediation strategy; and
- The installation of vehicular charging points within the proposed residential units.

CCBC Housing Enabling Officer - Based on 131 homes, there would be a requirement for the developer to provide 25% affordable housing provision.

The mix of housing would need to be delivered as:

- 5 x 2 bed 4 person low cost home ownership homes; and
- 5 x 3 bed 5 person low cost home ownership homes.

(The transfer values would be those contained within the most recent SPG on affordable housing. The homes would need to be delivered to WHQS standard and built in clusters of no more than 6 homes, dispersed throughout the development.)

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Together with 16 social rented homes comprising:

- 6 x 1 bed flats;
- 8 x 2 bed houses;
- 1 x 3 bed adapted bungalow; and
- 1 x 4 bed 7 person house.

(The transfer values would be those contained within the most recent SPG on affordable housing. The homes would need to be delivered to DQR standard and built in clusters of no more than 6 homes dispersed throughout the development.)

Senior Engineer (Land Drainage) - No objection subject to a scheme to demonstrate how land and surface water drainage will be dealt with within the site.

Parks And Open Spaces - Given the scale of the proposed development and in line with the criteria set out in policy CW10 of the Authority's Local Development Plan there is a need to provide:

- A suitably scaled equipped play area designed (for ages 2-12 yrs) with at least 6 units of equipment.
- A kick about court that provides space for older children. It should incorporate a tarmac surface (circa 12m x 16m dimensions) with 1 metre side panelling (green painted) and at least 2.4 metre goal ends. This space enables safe ball play for the older children and in doing so keeps the children off the streets in the development.

These requests outlined above are in line with feedback on developments of similar scale and have been compiled to ensure the Authority is meeting its duties in terms of:

- The Children & Family (Wales) Measure 2010.
- Welsh Government Play Sufficiency Duty.
- The Well Being of Future Generations (Wales) Act 2015.
- The criteria set out in the Authority's LDP in respect of Leisure and Recreation (CW10).
- The corporate goals to promote healthy and active lifestyles.
- The Rights of the Child (UNCRC) Agreement.

Also given its proximity to the national cycle route it is pertinent to explore the connection to the black path local thoroughfare that connects to Tir y berth to the east and to the Nant Cylla to the West and by extension the national cycle route NCN 47.

Head Of Public Services - No objection, provides comments on the illustrative layout.

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Dwr Cymru - No objection.

Wales & West Utilities - Provides informative advice.

Western Power Distribution - No comments received at the time of writing the report.

The Coal Authority - The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically historic recorded underground coal mining at shallow depth and thick coal outcrops. Records also indicate the presence of numerous recorded mine entries within, or within 20m of the planning boundary (shafts and adits).

Appropriate mining and geological information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Coal Mining Risk Assessment Report (March 2018, prepared by Terrafirma Ltd), which has been submitted in support of the application.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report (March 2018, prepared by Terrafirma Ltd) are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure intrusive site investigations to establish the exact situation regarding coal mining legacy issues on the site and implementation of those remedial works.

Strategic & Development Plans - The proposed development is located within a green wedge, policy SI1.7. This is a large green wedge intended to prevent coalescence between Penpedairheol, Gilfach and Tir y berth.

In that regard the proposed scheme constitutes unacceptable development in the countryside that does not accord with the aims of National Planning Policy and Guidance, which seeks to strictly control development in the countryside. Furthermore, the proposed development is considered to be contrary to the Adopted LDP on the following grounds:

- 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.
- The proposed development is located within a green wedge, Policy SI1.7 Penpedairheol, Gilfach and Tir y berth.

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

- Policy SP2 of the Adopted LDP promotes sustainable development on both brownfield and greenfield sites.
- There are no ecological, Special Landscape Area or Visually Important Local Landscape designations associated with the site.
- The Council does not have the required 5-year land supply and the application proposes 131 dwellings, including circa 32 affordable homes, to assist in addressing the issue.

The proposed development would have significant economic, social and environmental benefits to the wider community.

There is an overriding need for this development, and when all factors are considered there are very exceptional circumstances which outweigh the conflict with the development plan policies previously referred to.

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.

Since the dis-application of paragraph 6.2 of TAN 1, there have been a number of appeal decisions where the 5 year land supply has been a consideration. A key appeal decision was for a 110 dwelling scheme outside of the settlement boundary in Deganwy, Conwy in February 2019, where the Inspector identified four key issues that need to be considered when determining the weight to be attached to the housing land supply:

- the magnitude of the shortfall;
- how long the shortfall will persist;
- what the local planning authority is doing to reduce it; and
- how much will the development contribute to meeting the shortfall?

In Conwy, the land supply was 3.1 years, there was a shortfall of 1,357 dwellings and an LDP review was due to be adopted in 2021. Based on these factors, the Inspector attached "significant weight" to the need to increase the land supply.

These are factors that need to be considered when considering this application for residential development of 131 dwellings on land adjacent to Tiryberth Farm.

It is accepted that there is a significant shortfall in the 5-year housing land supply for the county borough. 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 the residual method, as currently required by TAN 1, the 2018 JHLAS identified that the county borough had just 2.3 years land supply.

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However, in July 2019, the latest Joint Housing Land Availability Study was published for the year up to 1st April 2019, which showed that the housing land supply had decreased from 2.3 years to 2.0 years this year. The number of dwellings built in 2019 was only 122 dwellings, which was the lowest level of completions ever recorded. It is important to consider the land supply in respect of these latest figures.

As there is less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

If consideration is given to the shortfall in terms of the remaining two years of the LDP, the JHLAS indicates that 4,835 dwellings out of 8,625 dwellings have been completed, indicating that there is a requirement for 3,800 units to be delivered in the remaining two years of the plan period. The JHLAS schedule identifies that 924 units are forecast to be completed in the next 2 years (currently under construction, forecast completions in 2020 and 2021 and small sites assumptions), which would leave a forecast shortfall of 2,876 dwellings by the end of the plan period. The magnitude of the shortfall is substantial, and this development of 131 dwellings would go some way towards meeting this.

In terms of how long the shortfall will persist, this is not known. Whilst at the time of this response, the Council is about to commence a review of the Adopted LDP, there are no agreed timescales for its completion. However, a revised LDP is unlikely to be adopted until at least Spring 2024.

Planning permission has been granted (by the LPA and at appeal) for a number of large scale housing developments within the County Borough. However, all of these sites (with the exception of Virginia Park - 350 dwellings, which was granted subject to s106 after the base date for the JHLAS) are already in the 5 year land supply figures.

The 2019 Annual Monitoring Report was approved by Council in October 2019. In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, this report recommended that a review of the Adopted LDP be commenced.

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The report also recommends that:

- "in the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the 5-year housing land supply through proactive action, including:
- Considering 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."

Policy SP2 Development Strategy (NCC) requires development proposals within the 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.

With the exception of criterion D, the proposal complies with all other criteria and is therefore broadly considered to comply with Policy SP2.

However, the application site lies outside of the settlement boundary and, as such, should comply with Policies SP 5 and CW15, which restricts the types of development that are appropriate to agriculture, forestry, minerals, conversions, rehabilitation/replacement, recreation, leisure, tourism, public utilities, infrastructure, waste and land reclamation/remediation/stabilisation. The proposed use for residential development is contrary to these policies and comprises inappropriate development in the countryside.

The application proposes development within a green wedge. PPW explains that the construction of new buildings in the green wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. In this instance, should the proposed site be developed there would be field parcels remaining to prevent coalescence between Cefn Hengoed and both Penpedairheol and Tir y berth. Furthermore, the railway also presents a physical boundary separating Tir y berth from Cefn Hengoed. The development would not pose any risk of coalescence with Gilfach.

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In 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, the site is in a sustainable location in terms of access to services, amenities and public transport and development of the land for housing could represent a sustainable extension to Cefn Hengoed, providing much needed family and affordable housing for which there is an acknowledged need and an acknowledged shortfall.

The site is within a green wedge, however, this is a large green wedge intended to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. There are field parcels remaining that prevent coalescence with Penpedairheol and Tir y berth. The latest JHLAS identifies a substantial shortfall and this development would make a significant contribution to addressing it. In Conwy, the land supply was higher, the shortfall was less and the site contributed less dwellings yet "significant weight" was attached to the need to increase the land supply and the appeal was allowed. Given the extent of the shortfall in Caerphilly, together with the other factors above, it is considered that significant weight should be applied to the contribution that this site would make to the shortfall.

Therefore, no objection is raised on policy grounds subject to amending the standard time limits relating to the submission of any reserved matters application and length of time that the development should commence from the date that outline consent is granted.

ADVERTISEMENT

Extent of advertisement: The application was advertised in the press, by means of a site notice and 24 neighbours were notified by way of letter.

Response: A total of thirty nine letters of representations from local residents were received objecting to the proposed development at the time of writing the report.

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Summary of observations: The following representations were received:

LOCAL PLAN POLICIES

- The site falls outside settlement limits and is contrary to the adopted Local Development Plan until the LDP is reviewed, this policy should be adhered to.
- The development is proposed on valuable, highly fertile, arable, greenfield land.
- This is green field land and brown field sites should be considered first to meet housing demands.
- The development will reduce the green wedge between Cefn Hengoed and Penpedairheol and lead to the villages of Cefn Hengoed and Penpedairheol coalescing.
- New residential developments have been approved in the locality.
- The application site forms part of the green wedge in the adopted LDP.
- The need for housing does not outweigh the need to retain the green wedge.
- There are brownfield sites in the area that have planning permission.
- The site was previously rejected by the LDP.
- Granting permission would set a precedent for other development on green fields.
- Suggests alternative sites suitable for development (including greenfield land) that would be unlikely to receive opposition.
- This will set a precedent to build on land at Penrhiwfelin & Tir Jack Farms.

HEALTH CENTRE PRESSURES

- There is no provision for health care within Cefn Hengoed and wider surrounding health centres are closing or catchment areas are expanding whereby patients are unable to obtain appointments for weeks.
- Additional residents will put overwhelming strain on healthcare provision for the area.

EDUCATION PRESSURES

- The local schools are already at full capacity and residents will be forced to travel further for their education needs.
- Apart from the local primary school, all other schools are too far away to be accessed on foot.

EMERGENCY SERVICES

- The number of large residential developments will put pressure on the emergency services, no assessment has been undertaken in terms of how they will be able to cope with the extra demand.

Cont'd

HIGHWAYS

- The proposal will add to the congestion of the inadequate road and rail infrastructure.
- The existing access is not wide enough to support two-way traffic.
- The traffic survey data was undertaken in the school holidays and does not reflect the increased volume of traffic during peak times.
- The development is in close proximity to a primary school whereby traffic congestion is already a concern and inconvenience.
- The existing pavements are poorly lit, narrow and any improvements offered would result in the removal of additional hedgerow.
- There have been several accidents outside the Carn Gethin Estate in recent years. Additional vehicles using Hengoed Road will cause more accidents.
- It is difficult to understand how adequate highway works can be constructed to align the planned entrance to the proposed development.
- Section 3.6.4 of The Transport Assessment (Feb 18) is incorrect by referring to an informal crossing facility outside Derwendeg Primary School.
- There is only a pavement on one side of the road that is poorly lit to serve the proposed development.
- Section 3.7.5 of The Transport Assessment is incorrect by stating that traffic calming measures have improved road safety conditions.
- The monitoring device for the traffic survey was placed near slow moving traffic.
- The existing highway infrastructure cannot support the number of vehicles to serve the proposed development.
- No Travel Plan has been submitted to accompany the Transport Assessment.
- Tipper lorries entering the site from the Bryn Siriol direction are not able to turn left into the farm road, as such how will large construction vehicles enter the site.
- There are further cuts to highways budgets and this development will add to the strain.

HOUSING NEED

- The Caerphilly County Borough Joint Housing Land Availability Study (JHLAS) for 2017 identifies a number of alternative solutions to fulfil housing policy needs.
- There is no evidence to indicate demand for housing in the area.

ENVIRONMENTAL

- Environmental concerns in terms of noise and air pollution as a result of the number of additional cars adding to the highway network.
- The Coal Mining Risk Assessment (CMRA) concludes that there is high risk from shallow mining and mine entries.
- There has been two recent subsidence claims from properties within 50 metres of the proposed development, any new properties would be at risk to subsidence.
- A suggestion that intrusive investigation work is required to establish a clear picture of what mining shafts are there, comes with its own problems including noise and dirt from heavy vehicles.
- Loss of this open land would increase surface water run-off.

Cont'd

ECOLOGICAL

- The area supports a variety of wildlife that will be destroyed forever.
- The development will result in loss of hedgerows and habitats which are essential to sustaining the natural balance of eco systems.
- The land has not been assessed for the presence of mammals.
- The development area supports habitats/ species that meet SINC selection criteria and the need for development does not outweigh the need to safeguard the conservation of the site.
- The site is in close proximity to two SINC's.
- The existing access into the site is a single track. The illustrative layout will result in the loss of the existing hedgerow.

ECONOMICAL

- The dwellings will not be affordable for those living in the area.
- Affordable housing is only being offered as a result of legislation.
- The local economy is not able to support the proposed volume of additional residents.

COMMUNITY

- The development will bring disruption to the local economy.
- The development site will increase pedestrian traffic past the Carn Gethin Estate and encourage anti-social behaviour on land near Cheriton Avenue.
- There are limited amenities available in the area such as play areas for children, shops, walks and seating areas for adults, this would put additional pressure on the already limited facilities.
- There is no guarantee that the development will benefit the wider community.
- The community will be sad to lose donkeys, cattle, sheep and horses on the land.
- The retention of green spaces is an important priority.

DESIGN AND SCALE

- The development site is twice as big as the Carn Gethin Estate.
- The privacy of the occupiers of Rhosili Road will be lost as a result of the proposed development.
- The rear windows of Rhosili Road will be overshadowed by the proposed development.
- The dwellings of Rhosili Road will be overlooked.
- The proposed dwellings will bring about loss of privacy and overshadowing to the occupiers of Rhosili Road and Penmaen Close.

PUBLIC RIGHTS OF WAYS

- There is an existing Public Right of Way that would be obstructed as a result of the development.
- Any mitigation proposed to divert the PROW will inevitably be obstructed by vehicles and will not be enforced
- There is no connectivity into the site from the Carn Gethin Estate. Cont'd

JAPANESE KNOTWEED

- Although the weed has been treated, it is well known that land disturbance can cause the weed to reappear.
- The extent of Japanese knotweed on the site is not representative of the drawing included in the Extended Phase 1 Survey.
- Treating the land with chemicals will result in biodiversity implications.
- A study carried out by Swansea University in 2018 concluded that knotweed is not destructible.

PRE-APPLICATION

- The Public Consultation Documents was not readily available throughout the entirety of the consultation and no library details were available to view the hard copy files.
- Inconsistencies between the actual number of properties consulted and stated.
- Inconsistent objection comments reported.
- Only one site notice was erected and this was not in a location that would be viewed by the majority of neighbouring residents.

OTHER ISSUES RAISED

- The address of the site includes Penpedairheol and as such the proposed development eliminates the separation between Cefn Hengoed and Penpedairheol.
- No consideration has been given to the extant consents that have been approved in the areas
- Further clarification is required on the drainage provision within the site to prevent flooding.

COMMUNITY COUNCIL COMMENTS

- It is outside the settlement area as in the adopted LDP 2010, on a greenfield site.
- It is an incursion into open countryside.
- The site proposed is part of the green wedge between villages of Cefn Hengoed and Penpedairheol - the wedge would be significantly reduced and could lead to the coalescence of the two communities.
- If granted, the application would provide a precedent for development on the opposite side of Hengoed Road, adjacent to Waun Goch & Bryn Canol.
- The site is an invaluable habitat for wildlife. A stretch of mature and well established hedgerow
- would have to be removed, at a heavy cost to the environment, to accommodate the site road serving the proposed dwellings.
- The access road off Hengoed Road is on a bend which could affect highway safety. Vehicles coming from the site would lead to an increase in traffic congestion in particular approaching the road narrowing travelling south and on Pengam Road from Cascade.

Cont'd

The application draws attention to the lack of housing land designated by Caerphilly County Borough Council. However, the following brownfield sites are available and have not been developed:

- Site at New Road, Tir y berth, suitable for 173 units
- Site at Cwm Calon near the Colliery Baths
- Site opposite Derwendeg School, 27 units
- 32 units have recently been built on land designated for employment at Cwm Calon, Ystrad Mynach.

There is a further site south of Glyngaer Road, on a greenfield site, 30 units, which has fewer disadvantages of the application site.

Gelligaer Community Council were not consulted at the pre-planning consultation stage and would have expected to have been consulted at the pre-planning stage, given the size of the proposed development in our area.

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?

The Police and Architectural Liaison Officer has provided comments above in respect of crime and disorder.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The proposed site is located due north of the community boundary of Cefn Hengoed and consists of two hedgerow bound fields. There are no statutory or non-statutory nature conservation sites located within the boundary of the site. The wider landscape includes hedgerow bound fields, areas of scrub, a pond and three Sites of Importance For Nature Conservation are located within 250m of the proposed site; Pottery Road Slopes to the west of Gelligaer SINC, Tir Jack Slopes East of Penpedairheol SINC and Cefn Hengoed Hillside, north of Hengoed SINC. The two fields proposed for development are linked to these SINC's and the wider landscape by well-connected hedgerows.

An Extended Phase 1 Habitat Survey undertaken in June 2018 identified that the dominant habitat type across the one field (Meadow A) is semi improved grassland and is floriferous. There was a patch of Japanese Knotweed in the south western edge of the field which has successfully been killed. This field is bounded by hedgerows on three sides, providing important links to the wider landscape. This Meadow A predominantly shows characteristics of semi-improved grassland, with tall ruderal herbage and ranker grasses bordering the three internal sides of the field. The second field (Meadow B) contains large areas of *Juncus effuses* and other tall ruderal herbage, in places.

Cont'd

There is also dense bramble in places and the field has a less diverse flora probably due to the heavy grazing and cutting up of the sward by horse grazing. The hedge boundary has also been affected by browsing horses. A water spout is present within this field with a wide wet flush running along the northern edge of this meadow. This area is marshy with juncus being the dominant species. This field consists of semi-improved grassland, with wet acid flushes running through the field. The boundary between the two fields proposed for development and the existing housing estate to the south is lightly vegetated with no dense hedgerow. There is some discarded rubbish with garden escapees present along the housing estate boundary. The proposed site includes an extensive network of hedgerows within the site. These hedgerows provide linkages to the hedgerow system present within the wider landscape.

All of the six hedgerows within the proposed site were assessed under the Hedgerow Regulations 1997. Out of the six hedgerows all except the one, qualifies as an "important" hedgerow under the Hedgerow Regulations 1997. The one hedgerow that didn't qualify as "important" was the one located along Hengoed Road, however this still acts as an important wildlife corridor for species moving through the site. Therefore, all of the hedgerows will need to be retained and enhanced as part of the development and excluded from the garden boundaries by suitable fencing. The breaks within these hedgerows for access roads will need to be mitigated for and the existing gaps enhanced through enhancement planting.

With regards to Protected Species, several were recorded to be using the site:-

Invertebrates

No Schedule 5 Species or Section 42 Species were recorded within the site during the survey. However, the layout plan indicates the provision of seven areas of open space. Some of the areas of wet acid grassland and semi improved grassland should be retained and managed for invertebrates.

Bats

Bats were recorded to be using the boundary and internal hedgerows within the proposed site, with the internal hedgerow between the two parcels being the most heavily used by bats for both foraging and commuting.

Reptiles

Reptiles haven't been mentioned within the survey report although they are a protected species and a material consideration in the determination of a planning application. Due to the habitat type present there is potential for reptiles to be using the site for basking, such as the south facing hedgerow banks and walls, the base of hedgerows and areas of rough grassland. There is potential for slow worms and common lizard to be using the site, both of which are a Section 42 Species. The unmanaged hedgerows dividing the field system afford excellent basking and natural refuge areas for reptiles. The main grassland areas have limited value to reptiles as they are subject to periodic disturbance through grazing and through the cutting for hay.

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Great Crested Newt and Amphibians

No amphibians were noted during the surveys. However there is a large pond within close proximity to the proposed site. The hedgerow and field boundaries, particularly the marshy acid areas will provide foraging and hibernating habitat to amphibians. Toads are a Section 42 species. There are no records for Great Crested Newts within the pond which are a European Protected Species and the pond wasn't surveyed as part of these works. However the proposed site could also provide foraging and hibernating habitat to great crested newts as well as amphibians.

Badger

No evidence of badger using the site was found. Therefore, no further survey work is required.

Dormouse

Hazel nuts were found within the site boundary under the hazel trees within the hedgerows. These had been opened by voles or mice. No evidence of hazel nuts opened by dormouse was found within the site. Therefore, no further survey work is required.

Breeding birds

Twelve species of bird were recorded feeding/nesting within the proposed site. The retention of the hedgerows within the site will ensure that birds can continue to breed on site. The timing of any vegetation removal should therefore be conditioned.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Should outline planning consent be granted, any future reserved matters application would be CIL liable as the application is for residential development and falls within the Mid Viability Area whereby CIL is charged at a rate of £25 per square metres plus indexation.

ANALYSIS

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

Cont'd

The site lies outside the settlement boundary of Cefn Hengoed as designated in the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010. The main issues in the determination of this application are:

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

These issues will be discussed in turn.

DEVELOPMENT OUTSIDE THE SETTLEMENT BOUNDARY

The application site is a greenfield site located in the Northern Connection Corridor (NCC) located adjacent to the settlement of Cefn Hengoed.

Strategic Policies

Policy SP5 (Settlement Boundaries) is the key policy mechanism for achieving resource efficient settlements within the LDP. The delineation of the settlement boundary defines the area within which development would normally be allowed, taking into account material planning considerations. Importantly it promotes the full and effective use of urban land and concentrates development to within existing settlements. The policy also seeks to prevent coalescence and inappropriate development in the countryside. The site falls outside the settlement boundary for Cefn Hengoed and within a green wedge, and is therefore contrary to Policy SP5 of the Adopted LDP. 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 in the Northern Connections Corridor (NCC) requires development proposals within the 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.

Cont'd

Within the NCC, development can be permitted on both brownfield and greenfield sites that have regard for the social and economic functions of the area. Policy SP4 Settlement Strategy defines the settlement hierarchy for towns and villages across the county borough and identifies those areas where development would be supported and enhanced based on the specified role and function of a particular area. The Strategy seeks to concentrate new development to respond appropriately to the economic, social and environmental needs of individual settlements and thus settlement boundaries are identified accordingly to indicate the potential areas where development is likely to be permitted. Cefn Hengoed is identified as a residential area.

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, a school and services at Cefn Hengoed. There are a number of bus stops within the vicinity of the site which travel between Cefn Hengoed and Bargoed, Ystrad Mynach, Blackwood and Caerphilly. Two train stations, Hengoed and Pengam are located within 2km of the site.

Criterion D of Policy SP2 seeks to protect the natural heritage from inappropriate development. The application proposes housing on a greenfield site, within a green wedge and is therefore contrary to Criterion D of Policy SP2.

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 where appropriate through the use of Sustainable Urban Drainage Systems (SUDS). The development will require SUDs approval.

This policy also requires mitigation measures that improve and maintain air quality. The nearest air quality management area is High Street, Blackwood. 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.

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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 response has been provided and the proposal is considered to comply with the requirements of this Policy.

Policy SP10 (Conservation of Natural Heritage) recognises the natural heritage as a positive asset that enriches people's quality of life, and that the Council will protect, conserve, enhance and manage this asset in the consideration of all development proposals. Clearly, there is likely to be an impact on natural heritage features as a consequence of any development at this location and satisfactory mitigation would be required to make any development at this location acceptable. This may be addressed by attaching appropriate conditions to any consent.

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 2019 AMR was approved by Council in October 2019. In recognition of the need to identify more land for employment and housing to support local need and regional aspirations, this report recommended that a review of the Adopted LDP be commenced.

The report also recommends that

- "in the period up to the adoption of a new Replacement LDP, the Council will continue to address the shortfall in the 5-year housing land supply through proactive action, including:
- Considering 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;"

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There is a significant shortfall in the 5-year housing land supply for the county borough. 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 the residual method, as currently required by TAN 1, the 2016 Joint Housing Land Availability Study (JHLAS) identified that the county borough had just 1.5 years land supply. This had increased to 2.1 years in the 2017 JHLAS, 2.3 in the 2018 JHLAS and 2.0 in the 2019 JHLAS.

In that there less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

If consideration is given to the shortfall in terms of the remaining two years of the LDP, the JHLAS indicates that 4,835 dwellings out of 8,625 dwellings have been completed, indicating that there is a requirement for 3,800 units to be delivered in the remaining two years of the plan period. The JHLAS schedule identifies that 924 units are forecast to be completed in the next 2 years (currently under construction, forecast completions in 2020 and 2021 and small sites assumptions), which would leave a forecast shortfall of 2,876 dwellings by the end of the plan period. The magnitude of the shortfall is substantial, and this development of 131 dwellings would go some way towards meeting this.

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 131 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 32 affordable homes. In the interests of creating sustainable communities a variety of tenures should be considered. LDP 1 Affordable Housing Obligations (Revision), 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 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 up to 131 dwellings, appropriate measures will be secured by way of a Section 106 legal agreement to ensure that any existing problems are not further compounded.

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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, together with a Section 106 obligation.

Policy CW2 (Amenity) requires new development to be compatible with surrounding land-uses. The proposal is for residential development immediately to the north of Cefn Hengoed 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 Public Rights of Way that runs through the Carn Gethin Estate and the application site and therefore any layout at reserved matters stage will need to retain this Public Right of Way to ensure connectivity within the development and help link the development with the surrounding built form and open countryside.

Policy CW10 (Leisure and Open Space Provision) states that 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. 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, however, it is highly unlikely that planning permission would be granted for any form of quarry in this location bearing in mind its proximity to the residential properties.

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LOSS OF GREEN WEDGE AND COALESCENCE OF NEIGHBOURING SETTLEMENTS

PPW explains that the construction of new buildings in the green wedge is inappropriate development. It confirms that inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Wedge.

The site is within a green wedge identified by Policy SI 1.7 Penpedairheol, Gilfach and Tir y berth and Policy CW4 (Natural Heritage Protection) does not preclude development in green wedges. Policy CW4 recognises that where development proposals are such that the need for the development outweighs the ecological importance of the site, harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature. It is therefore necessary to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge and any potential harm to the ecological interest of the site.

The intention of this green wedge is to prevent coalescence between Penpedairheol, Gilfach and Tir y berth. All three settlements have their own strong identity and sense of place, which should be protected for the continued integrity of the settlements and the communities within them. Having regard to the application site, it is not considered that the development would pose any risk of coalescence with Gilfach and there are intervening field parcels together with the railway also presenting a physical boundary separating Tir y berth from neighbouring settlement of Cefn Hengoed.

The settlements to be given key consideration are those of Cefn Hengoed and Penpedairheol. In that regard the application site adjoins the settlement of Cefn Hengoed and would amount to a considerable extension of the settlement into a prominent stretch of countryside. Notwithstanding the existing delineation of the settlement boundary the development of the site would constitute a logical rounding off of the existing settlement limit at this location, extending the built form in a northerly direction. However, it is acknowledged that the proposed development would inevitably change the character and appearance of the immediate surroundings and serve to erode the open character of the green wedge at this location. However having regard to the distances between the application site and the settlement of Penpedairheol, approximately 213 metres to the most southerly edge of the built form on the western side of Hengoed Road with a singular intervening field parcel and approximately 275metres as the crow flies on the eastern side of Hengoed Road with two intervening field parcels, it is considered that there is a substantial buffer in terms of the open countryside and the built form to prevent any coalescence between the settlements of Cefn Hengoed and Penpedairheol.

Cont'd

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. 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.

The comments of the Council's Landscape Architect are outlined earlier in the report and no objection is raised to the proposed development subject to the reserved matters application having full regard to their comments to ensure that any development pays due regard to the existing landscape value of the site and the existing trees and hedgerows contained within it, given the location of this site on the edge of settlement. Furthermore the requirement to provide sustainable drainage will serve to enhance any development on the site. For these reasons it is considered that the proposal complies with policy CW6.

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. As such the proposal also accords with Policy CW4.

HIGHWAYS

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 and was reviewed by an independent Transport Consultancy to confirm the findings of the document. The findings of this report assesses the impact of the proposed development on multiple key junctions impacted by the proposed development.

A Transport Assessment Addendum (dated November 2019) was also submitted for consideration. Having regard to both documents it is not considered that the development will have an adverse impact on the surrounding highway network to a degree to warrant a refusal of planning permission. On this basis no objection is raised subject to the imposition of several highways conditions and a Section 106 agreement to secure highway improvements and sustainable travel initiatives, the application is considered to be acceptable in highway safety terms and therefore compliant with Policy CW3.

Cont'd

THE REQUIREMENT TO MAINTAIN A FIVE YEAR HOUSING LAND SUPPLY

Planning Policy Wales 10 (December 2018) states that

- "new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled." Furthermore, it states that that: "A plan-led approach is the most effective way to secure sustainable development through the planning system..." and, "The plan-led system underpins the delivery of sustainable places to ensure all development plans and decisions taken by the planning system work together to deliver sustainable places."

The site is outside the settlement, and within a green wedge, where residential development would not normally be allowed. However, the Caerphilly JHLAS for 2019 shows that there is a 2.0 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 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 however the 'Dear Chief Planning Officers' letter states that "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." This approach does not constrain the decision maker and there is still a requirement for local planning authorities to maintain a five year land supply.

Cont'd

The previous eight approved Annual Monitoring Reports confirms that the Council will need to continue to address the shortfall in the five year housing land supply through proactive action, including considering 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. In that regard there is a need to release some land for new development outside settlements to address the five year housing land supply shortfall.

In dis-applying paragraph 6.2 of TAN 1, the Minister indicated that it will be a matter for decision makers to determine the weight to be attached to the need to increase housing land supply where the local planning authority has a shortfall in its housing land. The weight to be attached is dependent on the magnitude of the shortfall, how long the shortfall will persist, what the local planning authority is doing to reduce it, and how much will the development contribute to meeting the shortfall.

The magnitude of the shortfall is significant, i.e. an additional three years' supply is needed. Also, the 2019 JHLAS indicated that only 122 dwellings were completed in the year 2018-19. As there is less than 2 years of the plan period remaining, it is necessary to calculate the 5 year land supply in the JHLAS based on the average annual requirement being continued for the three years outside of the plan period, as per the methodology set out in TAN 1. Using this method, the average annual requirement is 1103 units, which equates to 5,515 dwellings over 5 years. Once the land supply is deducted from this, the shortfall over 5 years in the JHLAS is 3,296 units.

The significant housing shortfall within Caerphilly County Borough will persist until the Council adopts a new Local Development Plan, a revised LDP is unlikely to be adopted until at least Spring 2024. Consequently the only way to address housing land supply shortfall at present is to grant planning permissions. The most significant schemes have been allowed on appeal. The proposed development will make a significant contribution to meeting the shortfall, 25% of which will be affordable housing. Having regard to both matters collectively, it is reasonable to attach significant weight to the need to increase housing land supply as a material planning consideration which would outweigh the normal policy objections to residential development on this site.

In 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).

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The site is located within a green wedge between the settlements of Cefn Hengoed and Penpedairheol, however there would be field parcels remaining between both settlement to prevent coalescence of those communities. The concerns of statutory consultees can be addressed by way of planning conditions and a legal agreement, the issues raised regarding the illustrative layout and loss of landscaping can be addressed through the consideration of the reserved matters application. TAN 1 makes it clear that:

- "The requirement to maintain a five-year supply of readily developable housing land in each Local Planning Authority across Wales remains a key policy requirement of the Welsh Government."

The dis-application of Paragraph 6.2 of TAN1 on 18 July 2018 removed the "considerable weight" that would otherwise have been given to the issue of a lack of a 5-year land supply.

There is an acceptance that the release of additional greenfield sites are necessary to meet the Council's undisputed shortfall in housing supply as well as the need to provide affordable housing in that the reliance on brownfield sites does not come close to addressing the housing shortfall. The consequent need for the Council to maintain a five year housing land supply outweighs the conflict with the Adopted LDP policies. This application offers an opportunity to provide sustainable residential development without causing any harm which cannot be mitigated against.

A Section 106 Agreement will be required to secure affordable housing provision, highway improvements and the financial aspects of the Residential Travel Plan. The applicants have agreed to enter into such an agreement.

The recommendation is to require the applicant to enter into a Section 106 Agreement in respect of affordable housing provision and highway improvement works. In that regard there are tests for Section 106 Agreements 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 criterion (a) there is a need to secure affordable housing provision on-site to comply with national and local policy. In terms of the highway improvement works these are to mitigate potential highway impacts associated with the development.

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With regard to criterion (b) the development is located within an area of housing need and pressure. The proposal will provide a considerable number of affordable homes within the local community. In terms of the financial contributions, this will support highway improvements and sustainable travel initiatives associated directly to the development.

With regard to criterion (c) in view of the scale of the development and the proximity to the existing community the applicants have offered to provide 25% affordable housing. This accords with the affordable housing target in the Northern Connections Corridor and is therefore considered reasonable. It is also considered that the financial contribution towards highway improvement works and sustainable travel initiatives are fairly related to a development of this scale.

Comments from Consultees:

The Council's Ecologist has requested the imposition of a condition to ensure that any reserved matters details to be submitted shall include an amended site layout plan to include the retention of all hedgerows through the site. In that respect, this would preclude residential development within the site. Whilst the proposal will ultimately result in the loss of some hedgerows within the site, there needs to be a balance between the need to keep the established hedgerow against the need to address the housing shortfall provision within the county borough. In that regard there is a requirement for the Council to maintain a five year housing land supply and losses can be effectively mitigated against through a comprehensive landscaping scheme at reserved matters stage.

The Council's Ecologist has also requested a number of additional conditions to safeguard biodiversity and protected species within the site based on an illustrative layout. This outline application seeks consent for all matters to be reserved for future consideration. In view of the scale of the development, it is considered that such conditions would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states:

- " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition."

The Head of Public Protection has requested the imposition of a condition to any consent requiring a scheme to appropriately address the noise impacts from the adjacent railway line and road traffic from Hengoed Road to ensure that any future residential occupiers of the site can enjoy acceptable levels of amenity. For the same reason given above, this condition would not be reasonable to impose at outline stage given that the layout is illustrative.

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The Senior Engineer (Land Drainage) has requested the imposition of a condition imposed to any consent for a scheme to deal with land and surface water within the site. In accordance with Schedule 3 of the Flood and Water Management Act 2010, the development is required to comply with the mandatory sustainable drainage hierarchy and as such it is not considered necessary to impose such a condition as there is separate legislation that will address surface water drainage within the site.

Comments from public: The following concerns have been addressed below:

LOCAL PLAN POLICIES

- The site falls outside settlement limits and is contrary to the adopted Local Development Plan until the LDP is reviewed, this policy should be adhered to. This has been addressed in the report above.
- The development is proposed on valuable, highly fertile, arable, greenfield land - Paragraph 3.54-3.55 of Planning Policy Wales Edition 10 states:

"Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) 15 is the best and most versatile, and should be conserved as a finite resource for the future. When considering the search sequence and 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 Agricultural Land Classification for the site is grade 3b which categorised as moderate quality land.

- The development will reduce the green wedge between Cefn Hengoed and Penpedairheol and lead to the villages of Cefn Hengoed and Penpedairheol coalescing.
- New residential developments have been approved in the locality.
- The application site forms part of the green wedge in the adopted LDP.
- The need for housing does not outweigh the need to retain the green wedge.

The above comments have been discussed in the report above.

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- There are brown field sites in the area that have planning permission. Reliance on brown field sites alone does not come close to addressing the housing need shortfall.
- The site was previously rejected by the LDP. The site was submitted as a candidate site (Reference STC103) at Preferred Strategy stage of the LDP and the Council's recommendation was to include the site in the Replacement Caerphilly County Borough Local Development Plan up to 2031, however full Council resolved to withdraw the replacement LDP in October 2016.
- Granting permission would set a precedent for other development on green fields. The merits of any application are considered on a site specific basis.
- Suggests alternative sites suitable for development (including greenfield land) that would be unlikely to receive opposition. This application refers to a specific site and is the only site to be considered as part of this application.
- This will set a precedent to build on land at Penrhiwfelein & Tir Jack Farms. As stated above the merits of any application are considered on a site specific basis.

HEALTH CENTRE PRESSURES

- There is no provision for health care within Cefn Hengoed and wider surrounding health centres are closing or catchment areas are expanding whereby patients are unable to obtain appointments for weeks.
- Additional residents will put overwhelming strain on healthcare provision for the area.

Aneurin Bevan Health Board is a consultee of the Local Development Plan process and as such would have been fully informed of the number of new dwellings required to meet the predicted growth strategy. Aneurin Bevan Health Board acknowledges that the local practice does have accommodation constraints but are working with the Council and partners to scope solutions for all areas within the Caerphilly County Borough.

EDUCATION PRESSURES

- The local schools are already at full capacity and will be forced to travel further for their education needs.
- Apart from the local primary school, all other schools are too far away to be accessed on foot.

The Council's Education Department has confirmed that there is adequate provision to accommodate pupils. There is sufficient room in the catchment areas for the Welsh Medium Primary and Secondary Schools as well as the English Medium Primary and Secondary Schools.

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EMERGENCY SERVICES

- The number of large residential developments will put pressure on the emergency services, no assessment has been undertaken in terms of how they will be able to cope with the extra demand.

As stated above Aneurin Bevan Health Board was consulted as part of the Local Development Plan Process, together with Gwent Police and the Fire Service.

HIGHWAYS

- The proposal will add to the congestion of the inadequate road and rail infrastructure. A Section 106 agreement secures a significant amount of financial contributions to support sustainable public transport provision.
- The existing access is not wide enough to support two-way traffic. The layout as submitted is illustrative.
- The traffic survey data was undertaken in the school holidays and does not reflect the increased volume of traffic during peak times. This is incorrect.
- The development is in close proximity to a primary school whereby traffic congestion is already a concern and inconvenience. The highway implications have been considered.
- The existing pavements are poorly lit, narrow and any improvements offered would result in the removal of additional hedgerow. It is accepted that there will be areas of hedgerow that will be lost to accommodate highway improvements but the layout as submitted is illustrative only.
- There have been several accidents outside the Carn Gethin Estate in recent years. Additional vehicles using Hengoed Road will cause more accidents. The Transportation and Engineering Manager has confirmed that the Road Traffic Collision Personal Injury database collated by Welsh Government for does not record any incidents in the vicinity of the site or bend on Hengoed Road for the period 01/01/06 to 27/06/18.
- It is difficult to understand how adequate highway works can be constructed to align the planned entrance to the proposed development. Access is reserved for future consideration.
-

Section 3.6.4 of The Transport Assessment (Feb 18) is incorrect by referring to an informal crossing facility outside Derwendeg Primary School.

- There is only a pavement on one side of the road that is poorly lit to serve the proposed development.
- Section 3.7.5 of The Transport Assessment is incorrect by stating that traffic calming measures have improved road safety conditions.
- The monitoring device for the traffic survey was placed near slow moving traffic -
- The existing highway infrastructure cannot support the number of vehicles to serve the proposed development.

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The Transport Assessment has been independently verified by a highways consultancy and subject to highway improvements, the development is considered to be acceptable.

- No Travel Plan has been submitted to accompany the Transport Assessment. The Local Planning Authority requested the submission of a Travel Plan and that document has been submitted and examined by the Transportation and Engineering Manager.
- Tipper lorries entering the site from the Bryn Siriol direction are not able to turn left into the farm road, as such how will large construction vehicles enter the site. Access is reserved for future consideration.
- There are further cuts to highways budgets and this development will add to the strain. This is not a material planning consideration.

HOUSING NEED

- The Caerphilly County Borough Joint Housing Land Availability Study (JHLAS) for 2017 identifies a number of alternative solutions to fulfil housing policy needs.
- There is no evidence to indicate demand for housing in the area.

The acknowledged housing shortfall and need has been addressed in the report.

ENVIRONMENTAL

- Environmental concerns in terms of noise and air pollution as a result of the number of additional cars adding to the highway network. No objection has been raised by the Head of Public Protection. In accordance with Planning Policy Wales, the Local Planning Authority considers it reasonable for 25% of the proposed dwellings to be provided with electric charging points.
- The Coal Mining Risk Assessment (CMRA) concludes that there is high risk from shallow mining and mine entries. No objection has been raised by the Coal Authority.
- There has been two recent subsidence claims from properties within 50 metres of the proposed development, any new properties would be at risk to subsidence. No objection has been raised by the Coal Authority. Furthermore, this is not a planning matter.
- A suggestion that intrusive investigation work is required to establish a clear picture of what mining shafts are there, comes with its own problems including noise and dirt from heavy vehicles. The comments of the Coal Authority have been addressed by way of condition.
- Loss of this open land would increase surface water run-off. From the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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ECOLOGICAL

- The area supports a variety of wildlife that will be destroyed forever.
- The development will result in loss of hedgerows and habitats which are essential to sustaining the natural balance of eco systems.
- The land has not been assessed for the presence of mammals.
- The development area supports habitats/ species that meet SINC selection criteria and the need for development does not outweigh the need to safeguard the conservation of the site.
- The site is in close proximity to two SINC's.
- The existing access into the site is a single track. The illustrative layout will result in the loss of the existing hedgerow.
- The area that is proposed for development supports habitats/species that meet SINC selection criteria.

The impact of the proposal on the ecology of the area has been fully assessed by the Council's Ecologist and it is considered that the proposal is acceptable in ecological terms subject to imposition of necessary conditions imposed to any outline consent. The applicants will be provided with the comments of the Council's Ecologist and any future reserved matters application should be informed by those comments, or mitigation measures to safeguard biodiversity and protected species can be controlled by way of condition at reserved matters stage.

ECONOMICAL

- The dwellings will not be affordable for those living in the area.
- Affordable housing is only being offered as a result of legislation.
- The local economy is not able to support the proposed volume of additional residents.

There is significant need for affordable housing in the County Borough and therefore seeking appropriate levels of affordable housing is justified as a means of contributing to mixed, balanced and sustainable communities through the provision of housing for all sectors of the population. There is no evidence to indicate that the local economy cannot support a development scheme of up to 131 dwellings.

COMMUNITY

- The development will bring disruption to the local economy. It is accepted that there may be some disruption but this should be minimal and for the duration of the construction works only. During and upon completion, the development would serve to enhance the local economy.
- The development site will increase pedestrian traffic past the Carn Gethin Estate and encourage anti-social behaviour on land near Cheriton Avenue. There is no evidence to suggest that the proposed development will increase anti-social behaviour.

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- There are limited amenities available in the area such as play areas for children, shops, walks and seating areas for adults, this would put additional pressure on the already limited facilities. The development would provide appropriate levels of open space provision within the site including children's play and leisure facilities.
- There is no guarantee that the development will benefit the wider community. The provision of market housing, affordable housing, leisure facilities and highway improvements are benefits that can be enjoyed as a result of the development.
- The community will be sad to lose donkeys, cattle, sheep and horses on the land. Whilst the sentiments are acknowledged, this is not a material planning consideration.
- The retention of green spaces is an important priority. There are green fields adjoining the site for the local community to enjoy, together with the development providing areas of formal useable open space.

DESIGN AND SCALE

- The development site is twice as big as the Carn Gethin Estate.
- The privacy of the occupiers of Rhosili Road will be lost as a result of the proposed development.
- The rear windows of Rhosili Road will be overshadowed by the proposed development.
- The dwellings of Rhosili Road will be overlooked.
- The proposed dwellings will bring about loss of privacy and overshadowing to the occupiers of Rhosili Road and Penmaen Close.

It is noted that the development proposal is larger than the adjacent residential estate, whilst the illustrative layout demonstrates that sufficient levels of privacy can be achieved throughout the site, all matters are reserved for subsequent approval. Any reserved matters application will need to pay due regard to layout, scale, design and privacy.

PUBLIC RIGHTS OF WAYS

- There is an existing Public Right of Way that would be obstructed as a result of the development.
- Any mitigation proposed to divert the PROW will inevitably be obstructed by vehicles and will not be enforced.
- There is no link into the site from the Carn Gethin Estate.

With regards to the above points, the application is submitted in outline only and any subsequent layout at reserved matters stage would need to address the Public Right of Way and connectivity into and through the site.

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JAPANESE KNOTWEED

- Although the weed has been treated, it is well known that land disturbance can cause the weed to reappear.
- The extent of Japanese knotweed on the site is not representative of the drawing included in the Extended Phase 1 Survey.
- Treating the land with chemicals will result in biodiversity implications.
- A study carried out by Swansea University in 2018 concluded that knotweed is not destructible.

The Council's Invasive Plant Species Officer acknowledges that there is an infestation of Japanese Knotweed and advises that there would be a need to impose a condition to any consent granted detailing the treatment of Japanese Knotweed on the site.

PRE-APPLICATION

- The Public Consultation Documents was not readily available throughout the entirety of the consultation and no library details were available to view the hard copy files.
- Inconsistencies between the actual number of properties consulted and stated.
- Inconsistent objection comments reported.
- Only one site notice was erected and this was not in a location that would be viewed by the majority of neighbouring residents.

The requirement to undertake a Pre-Application Consultation (PAC) and to submit a PAC report with a formal planning application is a requirement of the Planning (Wales) Act 2015. The consultation is undertaken by the developer in accordance with the legislation prior to the developer submitting a valid planning application. The Local Planning Authority does not have to be notified of a Pre-Application Consultation. It is for the developer to ensure that the PAC has been undertaken in accordance with the legislation.

There is a statutory obligation for the Local Planning Authority to publicise an application for planning permission which must be publicised in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and this procedure has been followed by the Local Planning Authority.

OTHER ISSUES RAISED

- The address of the site includes Penpedairheol and as such the proposed development eliminates the separation between Cefn Hengoed and Penpedairheol. This has been addressed in the report above.
- No consideration has been for the extant consents that have been approved in the areas. Each application can only be considered on its own merits.
- Further clarification is required on the drainage provision within the site to prevent flooding. Such matters for consideration are not required at outline stage and would be subject to SAB approval.

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COMMUNITY COUNCIL COMMENTS

- It is outside the settlement area as in the adopted LDP 2010, on a greenfield site.
- It is an incursion into open countryside.
- The site proposed is part of the green wedge between villages of Cefn Hengoed and Penpedairheol - the wedge would be significantly reduced and could lead to the coalescence of the two communities.
- If granted, the application would provide a precedent for development on the opposite side of Hengoed Road, adjacent to Waun Goch & Bryn Canol.
- The site is an invaluable habitat for wildlife. A stretch of mature and well established hedgerow would have to be removed, at a heavy cost to the environment, to accommodate the site road serving the proposed dwellings.
- The access road off Hengoed Road is on a bend which could affect highway safety. Vehicles coming from the site would lead to an increase in traffic congestion in particular approaching the road narrowing travelling south and on Pengam Road from Cascade.
- Gelligaer Community Council were not consulted at the pre-planning consultation stage and would have expected to have been consulted at the pre-planning stage, given the size of the proposed development in our area.
- The application draws attention to the lack of housing land designated by Caerphilly County Borough Council. However, the following brownfield sites are available and have not been developed:
 - (i) Site at New Road, Tir y berth, suitable for 173 units
 - (ii) Site at Cwm Calon near the Colliery Baths
 - (iii) Site opposite Derwendeg School, 27 units
 - (iv) 32 units have recently been built on land designated for employment at Cwm Calon, Ystrad Mynach.

There is a further site south of Glyngaer Road, on a greenfield site, 30 units, which has fewer disadvantages of the application site.

These matters have been addressed previously in response to neighbour representations above.

Other material considerations: None.

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.

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RECOMMENDATION: That (a) if members are minded to grant planning permission that the application is DEFERRED to allow the applicants to enter into a Section 106 obligation as set out above; and on completion of the Agreement that (b) planning permission is GRANTED subject to the following conditions:

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.
- 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) This permission is for no more than 131 dwellings.
REASON: To allow any change in the number of total units to be reviewed in respect of the delivery of affordable housing in accordance with policy CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number 13/2017/PL/239 Proposed Site Location Plan received on 20.12.2018;
Transport Assessment Addendum dated November 2019;
Framework Travel Plan dated November 2018;
Extended Phase one Habitat Survey dated 27th June 2018;
Coal Mining Risk Assessment dated April 2018; and
Transport Assessment dated February 2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 07) Prior to the commencement of works on site details of the following shall be submitted to and agreed with the local planning authority: a scheme of intrusive site investigations for the mine entries within the site; a scheme of intrusive site investigations for the shallow coal workings; a report of the findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken; a layout plan which identifies appropriate zones of influences for the recorded mine entries on the site, with the definition of suitable 'no-build' zones; a scheme of treatment for the recorded mine entries, if identified; and a scheme of remedial works for the shallow coal workings. The development shall thereafter be carried out in accordance with the approved details.
REASON: To take account of the legacy mining issues at the site in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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. The plan will set out measures to promote and encourage sustainable travel for residents and visitors of the development and to help mitigate the impact of trips generated by the site.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 09) Notwithstanding the submitted plans, as part of the reserved matters submission, Hengoed Road shall be improved in accordance with details that shall firstly be agreed in writing by the Local Planning Authority. The infrastructure improvements shall include:-
 A new 'in-line' bus stop on the south bound carriageway within close proximity of the new site entrance and shall include for a new bus shelter, associated signage and bus boarding point.
 A new 'in-line' bus stop on the north bound carriageway within close proximity of the new site entrance and shall include for a new bus shelter, associated signage and new localised footway provision.
 The proposed improvements shall be constructed in accordance with the agreed details prior to beneficial occupation of any dwelling.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) The development authorised by this permission shall not begin until a traffic regulation order has been progressed and implemented to extend the 30mph speed limit along Hengoed Road beyond the proposed site entrance.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 59m. 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The estate layout shall be designed to the principles of Department of Transport documents Manual For Streets and Manual For Streets 2 and shall include the pedestrian and cycle links within the estate and adjacent settlement.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Off street parking provision shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.
 REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 14) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
 REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interests of visual amenity and highway safety in accordance with policies CW2 and CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) The reserved matters details to be submitted shall include details of the hedgerow and tree 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 existing hedgerows and a 5 year management plan. The approved details shall be strictly complied with.
 REASON: In the interests of biodiversity 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).
- 16) 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) 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 in accordance with policies CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 18) The reserved matters details to be submitted shall include a detailed reptile and Great crested newt 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 strictly complied with.
 REASON: To ensure up to date consideration of protected species, in the interests of biodiversity in accordance with policies CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 19) The reserved matters details to be submitted shall include details of a new hedgerow (200 metres in length) to be created in order to replace the existing species rich hedgerow that has been removed prior to the determination of the application. A species list of at least 9 woody species, planting specification and management plan shall be submitted to the Local Authority for approval. The approved details shall be complied with and the replacement hedgerow shall be planted within 12 months of the completion of the development.
 REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009) in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 20) Notwithstanding the illustrative layout 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 ensure the adequate provision of public open space in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 21) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.
 REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

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- 22) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.
The scheme shall include:
- (i) control of noise,
 - (ii) control of dust, smell and other effluvia,
 - (iii) control of surface water run off,
 - (iv) site security arrangements including hoardings,
 - (v) proposed method of piling for foundations,
 - (vi) construction and demolition working hours,
 - (vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.
- The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 23) 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.
- 24) 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.
- 25) Prior to works commencing on site details shall be submitted for a minimum of 25% of the residential units to be constructed to make provision to allow for the installation of electric charging points for vehicles.
REASON: In order to ensure that adequate mitigation is provided in respect of air quality in the interests of residential amenity in accordance with policy CW10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 26) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
 - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

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: Policies CW2, CW3, CW4, CW5, CW6, CW10 and CW11.

Please find attached the comments of The Council's Ecologist; The Council's Landscape Architect Officer; The Head of Public Protection; Network Rail; Parks and Open Spaces, The Public Rights of Way Team and Wales and West Utilities that are brought to the applicant's attention.

WARNING:
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO
COMMENCEMENT OF THIS DEVELOPMENT.

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511
Email: drainage@caerphilly.gov.uk
Website: www.caerphilly.gov.uk/sab

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The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

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Notification of initiation of development and display of notice:

You must comply with your duties in section 71ZB (notification of initiation of development and display of notice: Wales) of the Town and Country Planning Act 1990. The duties include:

Notice of initiation of development:

Before beginning any development to which this planning permission relates, notice must be given to the local planning authority in the form set out in Schedule 5A to the town and Country Planning (development Management procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details which must be given to the local planning authority to comply with this duty.

Display of Notice:

The person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a notice of this planning permission in the form set out in Schedule 5B to the Town and country Planning (Development Management Procedure) (Wales) Order 2012 or in a form substantially to the like effect. The form sets out the details the person carrying out development must display to comply with this duty.

The person carrying out the development must ensure the notice is:

- (a) Firmly affixed and displayed in a prominent place at or near the place where the development is being carried out;
- (b) legible and easily visible to the public without having to enter the site; and
- (c) printed on durable material. The person carrying out development should take reasonable steps to protect the notice (against it being removed, obscured or defaced) and, if need be, replace it.

DEFERRED FOR REASONS FOR REFUSAL.

