



Adroddiad

Gwrandawiad a gynhaliwyd ar 11/05/17

Ymweliad â safle a wnaed ar 11/05/17

gan Joanne Burston BSc MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 20.06.2017

Report

Hearing held on 11/05/17

Site visit made on 11/05/17

by Joanne Burston BSc MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 20.06.2017

TOWN AND COUNTRY PLANNING ACT 1990

SECTION 78

APPEAL BY PERSIMMON HOMES EAST WALES

OAKDALE GOLF COURSE LANE, OAKDALE, CAERPHILLY NP12 0NF

File Ref: APP/K6920/A/16/3160200

Site address: Oakdale Golf Course Lane, Oakdale, Caerphilly NP12 0NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Persimmon Homes East Wales against the decision of Caerphilly County Borough Council.
- The application Ref 15/0567/OUT, dated 28 July 2015, was refused by notice dated 7 April 2016.
- The development proposed is a residential development of up to 175 units including open space provision, access and parking arrangements.

Summary of Recommendation: That the appeal is allowed and planning permission be granted subject to conditions.

Procedural Matters

1. At the Hearing an application for costs was made by Persimmon Homes East Wales against Caerphilly County Borough Council. This application is the subject of a separate Report.
2. The appeal has been recovered for determination by the Welsh Ministers as the proposed development is for residential development of more than 150 units.
3. The application was submitted in outline with all matters except access reserved for future consideration. An indicative Master Plan MP.01¹ was provided with the application and shows an illustrative layout. I have taken this plan into account in making my recommendations.
4. The Council stated in its letter² dated the 10 November 2016 that it would not be presenting a case in support of, and will not defend the reason for refusing the original planning application. As a result whilst Officers attended the hearing to assist and respond to the application for costs, the Council presented no evidence or case in support of the reason for refusal.
5. A screening direction was given by the Planning Inspectorate under the authority of the Minister for Natural Resources as to whether the proposal is Environmental Impact Assessment (EIA) development within the meaning of the then relevant Environmental Impact Assessment (England and Wales) Regulations 1999 (as amended). The direction given was that the proposal is not EIA development. The direction accords with the screening opinion given by Caerphilly County Borough Council (the Council)³.
6. At the time the planning application was determined by the Council edition 8 of Planning Policy Wales was in force. However, it was replaced by the publication of edition 9 on 17 November 2016. Regard was therefore given to edition 9 during the Hearing and in this report.
7. I undertook an accompanied site visit on the 11 May 2017 and on the same day carried out an unaccompanied site visit to the surrounding area.

¹ Doc 1

² Doc 2

³ Doc 3

The Site and Surroundings

8. The appeal site lies to the south east of the settlement of Oakdale and some 1.8km to the north east of Blackwood Town Centre. A large proportion of the 5.03ha site is managed as a short 9 hole Golf Course and driving range, accessed from Llwyn-on Lane. The site is bounded by woodland and hedgerows and is bisected by a single track lane. Footpath FP42 also crosses the site. The Oakdale Conservation Area lies directly to the north of Llwyn-on Lane and Sites of Importance for Nature Conservation (SINC) lie to the south and east.

Planning Policy

Local Policy

9. The Development Plan is the Caerphilly County Borough Local Development Plan (LDP) which was adopted in November 2010. The appeal site is not identified for housing development within the LDP and is situated outside of the defined settlement boundary. However, Oakdale is part of a contiguous settlement within the Northern Connections Corridor; a policy area identified in the Caerphilly LDP.
10. Relevant LDP Policies are set out in the Statement of Common Ground⁴ (SOCG). Whilst no particular Policies were cited in the Council's reason for refusal, Policies SP2, SP5, SP6, SP8, SP10, SP14, CW1, CW3, CW8, CW15 and CW22 are relevant and have a particular bearing on this case.
11. LDP Policy SP2 indicates that development will be focussed on both brownfield and greenfield sites that have regard to: the social and economic functions of the area; encouragement of sustainable modes of transport; efficient use of existing infrastructure; the protection of natural heritage; and capitalise on the economic opportunities offered by Oakdale/Pen y Fan Plateau. Policy SP5 defines settlement boundaries in order to identify the area in which development would normally be allowed and resist inappropriate development in the countryside. LDP Policy CW15 is linked to SP5 and gives practical effect to the strategic policy. Criterion C of Policy CW15 sets out instances where development outside of settlement boundaries will be allowed.
12. LDP Policies SP8 and CW22 refer to mineral safeguarding and locational constraints. The site lies within a sandstone safeguarding area, where the applicant should demonstrate that the mineral is no longer of any value or there is an overriding need for the development.
13. LDP Policies SP6 and SP10 recognise natural heritage as a positive asset that enriches people's quality of life and ensure that such assets are protected, conserved, enhanced. Policies CW1, CW3 and CW8, amongst other things, seek to minimise car borne trips; prevent overdevelopment; meet highway design requirements and safeguard community or leisure facilities.
14. Policy SP14 sets a target of 10,269 to be provided to 2021. The Council recognises, initially through its 2013 Annual Monitoring Report (AMR) that its housing targets are

⁴ H2

not being met. Furthermore the 2014, 2015 and 2016 AMR's show housing supply shortfall.

15. During the consideration of the planning application the Council was undertaking a review of the LDP to address the housing shortfall. This Review had reached Deposit Stage before being withdrawn in October 2016. As part of this Review the appeal site was included as a housing allocation.

National Policy and Guidance

16. The main sources of national policy relevant to this appeal are contained in PPW and associated Technical Advice Notes (TANs), in particular TAN 1 Joint Housing Land Availability Studies; TAN 12: Design and TAN18: Transport.
17. Paragraph 4.2.2 of PPW provides for a presumption in favour of sustainable development with paragraph 4.3 setting out the key principles and paragraph 4.4 the objectives for sustainable development. In particular PPW paragraph 4.6.4 sets out that "*The countryside is a dynamic and multi-purpose resource. In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors*".
18. PPW paragraph 5.5.11 and 5.5.12 establishes that protected species are a material consideration in considering development proposals. Section 6 sets out the requirements relating to heritage assets. Furthermore, paragraphs 6.5.19 – 6.5.24 relate to Conservation Areas where "*there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting*".
19. PPW Paragraph 9.2.3 requires local planning authorities to ensure that sufficient land is genuinely available or become available to provide a 5 year supply of housing. In this respect TAN 1 requires each local planning authority to ensure that sufficient land is available to provide a 5 year supply of land for housing. The housing land supply figure is a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement TAN 1 states in paragraph 6.2 that "*the need to increase supply should be given considerable weight when dealing with planning applications provided the development would otherwise comply with development plan and national planning policies*".

The Proposals

20. The indicative plans submitted as part of the application illustrate that the proposed development would comprise a maximum of 175 properties on approximately 5.03 hectares of land.
21. The Masterplan shows how the site could be potentially developed. Medium density development is proposed towards the peripheries of the site, framing an area of lower density dwellings to the centre. The existing access to the site from Llwyn-on Lane is proposed to be enhanced and formed into an entrance feature focussing on the existing pond. The site will be enclosed by vegetation, retaining and enhancing the existing

boundary features. The existing right of way along the north-eastern boundary would be retained. Twenty-five per cent of the dwellings would be provided on an affordable basis.

Other Agreed Facts

Statement of Common Ground (SOCG)

22. The main parties have provided a SOCG. The SOCG sets out agreed matters in relation to the background to the Development Plan, the appeal site, the proposed development, the Officer's report, Planning Committee, Housing Land Supply and the LDP Review.
23. The parties are agreed that at the time that the application was determined, the Joint Housing Land Availability Study identified that there was 1.9 years land supply. This has subsequently decreased to 1.5 years in the 2016 report (published August 2016). The Council have established through its AMR's, a position that supports the grant of planning permission for housing development on suitable sites not allocated in the LDP in order to address the housing shortfall.

The Case for the Council

The material points are:

24. On the 7 April 2016 the proposed development was refused planning permission for the following reason "*The proposed development is premature in the light of the emerging review of the Caerphilly County Borough Council Local Development Plan up to 2021 – Adopted November 2010 and therefore would prejudice the Development Plan Inspector's ability to reach a balanced decision on the provision of housing land in the county borough, and remove the public's opportunity to comment on the allocation of the application site for housing through that review process*".
25. Since that date the replacement plan has been withdrawn (11 October 2016), thus opportunities to increase housing land supply through a new development plan are now a number of years away. Also at the time the reason for refusal was issued the housing land supply was down to 1.9 years but it has since fallen to only 1.5 years. Accordingly it would be unreasonable to pursue the reason for refusal⁵.

The Case for the Appellant

26. The appellant details the material considerations that should be taken into account in the determination of the appeal⁶:
 - The presumption in favour of sustainable development in PPW which is engaged where relevant policies are considered to be outdated.
 - National planning policy in respect of housing land supply, which in the case of Caerphilly County Borough Council is well below the five-year requirement, and the significant weight that should be afforded to the need to address the shortfall.
 - National planning policy in respect of prematurity.

⁵ Doc 2

⁶ Doc 5

- The circumstances associated with the LDP Review, which began in 2013, but was formally withdrawn in October 2016.
 - The progress that the Appeal Site had made towards being allocated through the LDP Review, before its withdrawal.
 - Given the established need for housing it is considered that criterion iii of LDP Policy CW22 is engaged to permit development in locations designated as mineral safeguarding areas.
 - The material benefits that this scheme would offer to the immediate locality.
 - Other relevant decisions and their circumstances.
27. The allegation that the Appeal scheme is premature to the replacement Local Development Plan cannot be sustained now that the Council has withdrawn this plan.
28. Furthermore, within the process of the LDP Review, the Council sought to assess the development potential of sites in order to address the housing need. A candidate site submission was made in respect of the Oakdale Golf Club site. It was subsequently registered under the Reference PEM004, as one of six sites in the Penmaen Ward. Appendix 2 of the Preferred Strategy provided a preliminary assessment of sites in respect of their accordance with the Preferred Strategy. By the time the replacement LDP had progressed to Deposit stage, the Appeal Site was amongst its proposed housing allocations (ref. H1.35). Consequently, it is clear that the development of this site was considered to be consistent with the aspirations of the emerging Plan.
29. The Appeal scheme falls outside the settlement boundary, but is well related to it and would represent a logical rounding off of the settlement. Whilst it is recognised that the scheme would conflict with LDP Policies SP5 and CW15, consistent with planning procedure, other material considerations must be taken into account in determining the grant of planning permission. In all other respects the proposal accords with both the Development Plan when taken as a whole and PPW and its presumption in favour of sustainable development.
- Housing Land Supply
30. The absence of a five-year housing land supply in the County Borough and the national policy position in this regard, as set out in TAN 1, affords considerable weight to the need to increase housing supply. In the absence of an ongoing plan review, the only means to address the shortfall of housing land in the County Borough would be to approve applications for housing development that accord with the Development Plan when read as a whole, the overarching aims of PPW and material planning principles.
31. Section 76 of the Planning and Compulsory Purchase Act 2004 requires planning authorities to produce AMRs following the adoption of an LDP, which must "*contain such information as is prescribed as to the extent to which the objectives set out in the local development plan are being achieved*".
32. A review of the LDP was triggered by the 2013 AMR, which took heed of the diminishing housing land supply, based on the failings of policies SP14 and SP15 and the resultant conflict with the provisions of TAN 1. Specifically, the 2013 AMR stated, at paragraph 2.42, under part A of the recommendation referenced R1, that the economic downturn and its effect on housing land supply and house building rates should necessitate the revision of the LDP to allocate more housing land and ensure that the demand of the County Borough is met.

33. The 2014 AMR included further recommendations, set out under paragraph 2.25. Recommendation R2 stated "*That limited greenfield release be considered on sites that are acceptable in planning terms in order to address the lack of a five year land supply in the short term*".
 34. The 2015 and 2016 AMRs continue to advocate the policy of releasing limited greenfield sites in the short term. The 2016 AMR is of particular note as it is the first that was published after the resolution to withdraw the LDP Review. This was the first AMR, therefore, that sought to address the housing shortfall by means other than through the LDP Review. Recommendation R3 of the 2016 AMR stated that the Council will '*continue to address the shortfall in the five year housing land supply through proactive action*'. Such actions include '*to consider proposals for new residential development on their relative planning merits on a site-by-site basis and have due regard for the need to increase the housing land supply in line with national planning policy and guidance*'.
 35. The TAN 1 requirement for Local Authorities to maintain a five-year housing land supply is evidenced annually in the form of Joint Housing Land Availability Studies (JHLAS). The latest JHLAS, published in August 2016, states that the LPA has only 1.5 years of housing land supply, which equates to a shortfall of 3,055 dwellings. This continues the pattern of the County Borough demonstrating a decline in housing land supply year-on-year since the adoption of the plan in 2010.
 36. In the context of this consistent failure and perennially deteriorating position and abject failure in demonstrating anything close to a five-year housing supply, the need to increase supply of dwellings should be given considerable weight in the determination of this Appeal. In this regard the Council's Strategic and Development Plans Team stated no objection to the proposal. Their response focussed on the need to address the housing land supply shortfall, which overrode the fact that the proposal is contrary to policy SP5.
- Locational Sustainability
37. The Appeal site is in a sustainable location. The site entrance is roughly equidistant from bus stops located some 100-150m from the site, one to the west on Llwyn-on Lane, and the other to the east on Maesygarn Road. These bus stops provide access to the 5A service, which travels hourly to Blackwood. Newbridge Railway Station is located approximately 4.6km by road to the south-east. The railway station forms part of the Ebbw Valley Railway and operates an hourly service between Monday and Saturday, and a two-hourly service on Sundays. The station lies on the line between Cardiff Central and Ebbw Vale.
 38. There is a good level of pedestrian connectivity between the site, primary and secondary schools, local amenities and local bus facilities. Footways are well surfaced and there are pedestrian crossing points with dropped kerbs and tactile paving.
 39. To further enhance the opportunities for sustainable travel choices a Travel Plan⁷ has been prepared. Travel Plans can assist in increasing accessibility and improve

⁷ Doc 17

transport conditions at the local level whilst helping to reduce congestion, local air pollution, carbon emissions and noise.

Highway safety and capacity

40. The proposed access into the site off Llwyn-on Lane would provide sufficient highway visibility in both directions. Footways would also be provided on either side of the access and across the site frontage to connect with the existing footpath provision. It was accordingly considered acceptable by the Council's Highway Officers.
41. Llwyn-on Lane is a two-way single carriageway road that runs in an east-west alignment. At its western end it forms a priority junction with Pen Rhiw Avenue (the major road) and at its eastern end merges with Maesygarn Road around a 90 degree bend in the road's alignment. The road is primarily fronted with residential dwellings of various types and Oakdale Golf Club. Many of the residential dwellings have parking provision within their curtilages.
42. Traffic calming, in the form of speed cushions accompanied by highway signs have already been installed for most of the length of Llwyn-on Lane aiming to reduce vehicular speeds along the road. The posted speed limit of the road is 30mph and the road is lit. Due to the presence of traffic calming and the horizontal alignment of the road to the east of the site frontage it is anticipated that traffic speeds passing the site frontage would be in the region of 20 mph.
43. Personal injury collision data was obtained for the period 2009 – 2013, for the area surrounding the appeal site. There were a total of 12 collisions resulting in 17 casualties. One collision resulted in fatal injuries being sustained, two collisions resulted in serious injuries and the remaining nine collisions resulted in slight injuries. The causation / contributory factors suggest that most collisions occurred as a result of driver or pedestrian error and not as a result of the geometric layout of the carriageway.
44. As part of the Transport Assessment a number of junctions were assessed to determine their likely capacity when trips generated by the proposed development were added for an anticipated year of opening and for a future year. Traffic surveys were conducted on the 19 March 2015 for the periods 0730-0930 and 1530-1830 and, for the purposes of the junction capacity analysis, the peak hours 0800-0900 and 1730-1830 were identified from analysis of the data collected⁸.
45. In terms of the impact of the proposed development, it is anticipated that the proposed development could generate 103 vehicle movements (two-way) in the AM peak period and 120 vehicle movements (two-way) in the PM peak.
46. It is evident from the analysis of this data that the existing highway network and proposed access to the development has sufficient capacity to accommodate the predicted volumes of traffic in both the 2018 and 2033 scenarios. The analysis also indicates that the additional traffic generated by the proposed development will have minimal impact on queues and delays for existing road users.

⁸ Doc 8

47. Therefore it is considered that the proposal is in accordance with relevant planning and transport policies and the development's traffic generation will have a marginal impact on the performance of the existing transport network within Oakdale. Furthermore the Council's Highway Officer raised no objections relating to highway safety or capacity in this case.

Capacity of local services and facilities

48. No objections were raised from Dwr Cymru or Wales and West Utilities regarding the capacity of utility infrastructure.
49. Furthermore, the proposed development is Community Infrastructure Levy (CIL) liable and an approximate CIL payment of £345,450 would be necessary which would alleviate any infrastructure concerns. No objections were raised by the Council or statutory consultees in this regard.
50. In terms of the loss of a recreational facility, the use of the golf course has been in decline with the number of customers visiting the course falling by 72% between 2004 and 2014. As a result the business is unable to sustain many of the facilities offered as the cost of the operation exceeds the revenue generated. During the same period the number of tokens sold for the driving range has halved from 100 tokens a day to 48 tokens. For that reason, the business has decided to close the driving range from November through to March in a bid to reduce costs. Falling revenues have resulted in the business reporting operating losses in 6 of the last 11 financial years, with the greatest loss (-£21,339) reported in 2010.
51. These losses have prevented any significant investment in the clubs facilities which have rendered it unable to compete with the golfing offer of other courses, which is compounded by the saturation of golfing facilities within a 12.5km / 7.7 mile distance of the course. The lack of interest expressed during the advertisement of the Golf Course for sale is testament to a general lack of appetite for a golfing facility in the Oakdale area. It is therefore difficult to envisage a secure long-term future for the Golf Course and driving range. Therefore, it is considered that Oakdale Golf Course and driving range are surplus to requirements⁹.

Landscape character

52. The site, which lies in a semi-urban landscape, is made up of a maintained golf course bounded by a combination of woodland, traditional field boundary hedgerows and associated hedgerow trees. The proposed development parcel is a small extension to the southern fringe of Oakdale, defined by existing residential development on Llwyn-on Lane and Waungoch Road to the north, Croespenmaen Industrial Estate to the east and agricultural fields to the south and west.
53. The visual appraisal has established that, with the exception of Photo Viewpoints 6¹⁰ and 9¹¹, views of the site from the surrounding area and locations accessible to the

⁹ Doc 6

¹⁰ Photo Viewpoint 6 is a short range view looking east from the public right of way leading to Llys-Pentwyn-Uchaf.

¹¹ Photo Viewpoint 9 Is a short range view looking west from a public right of way of an un-named road to the west of Croespenmaen Industrial Estate.

general public are well screened by a combination of native field boundary & roadside hedgerows / vegetation, existing residential development and the natural undulating topography of the area.

54. However, with regards to Photo Viewpoints 6 and 9, it should be noted that only small glimpses of the site are available and that these are short range view only. Furthermore, it is should be noted that the Photographs were taken when the intervening vegetation was defoliated and therefore represents a worst case scenario. When the intervening trees and vegetation are in leaf, any visual impact will be reduced.
55. In addition, it is intended that the field boundary visible in photo viewpoint 9 will be strengthened with native planting as part of the landscape mitigation proposals for the site. Once these mitigation measures have become established any visual impact will be nullified.
56. Overall and based on the Landscape Character and Visual Impact Assessment¹², it is therefore considered that the site at Oakdale can accommodate a proposed new residential development with no adverse impacts upon the landscape character and visual amenity of its immediate and wider surroundings.

Biodiversity

57. No part of the appeal site is designated for its importance to nature conservation. The Sites of Importance for Nature Conservation are safeguarded as part of the proposals through their retention and with the provision of an effective natural buffer¹³.
58. The data search shows that a number of bat species are known to roost within 1.5km of the site although no records relating directly to the site were found. A tree assessment of all trees within the golf course holding recorded a total of forty trees with high or moderate potential for use by bats. Of these only three are located within the current Planning Application boundary and none are likely to be directly or indirectly impacted on by the current proposed development footprint. The results of the activity survey highlight the importance of some of the hedgerows and the access lane west of the club house as commuting and feeding corridors used by a number of bat species¹⁴.
59. The appeal site does not support breeding Great Crested Newt and no evidence was found suggesting that any area within the site is important for the terrestrial life stage of Great Crested Newt, however the site does support slow worm¹⁵, palmate newt, common frog and common toad¹⁶.
60. No evidence of current badger activity was recorded anywhere within the site boundary or in any adjacent habitat located within 50m of the site, therefore badgers are not currently using any area within or immediately adjacent to the site as a resting or foraging area. Otters are currently using a water body located in the south west corner

¹² Doc 15

¹³ Doc 9

¹⁴ Doc 10

¹⁵ Doc 12

¹⁶ Doc 11

of the site. Otters gain access to this water body from the Nant Philkins, which flows within 15m of the water body¹⁷.

Conservation Area

61. Oakdale Village Conservation Area covers the village of Oakdale, designed as a 'Garden City' by Ebenezer Howard and built to house miners working at Oakdale Colliery by the Tredegar Iron and Coal Company which had opened in 1907. Following a competition to design the settlement, held in 1910-1911, the majority of the village had been built by 1913, although some amenities including the hospital, hotel, Workmen's Institute (which itself included a library, concert hall, committee rooms and offices) and numerous churches and chapels, were added later in the decade. The construction and concept for the village is intimately connected with the industrial heritage and social context of the Welsh Valleys during the early-20th century.
62. These facets of the history of the village, exemplifying its social and historical background, represent the historical and communal values of the Conservation Area. Whereas the evidential and aesthetic values of the Conservation Area are derived principally from its conscious design represented in the horseshoe layout of the village and architectural elements, principally bound up in individual buildings.
63. The primary setting of the Conservation Area comprises Oakdale Colliery the opening of which formed the impetus for the construction of Oakdale Village. Other aspects of the setting include the belt of agricultural land which once surrounded Oakdale. However, today this aspect makes little contribution to the overall significance of the Conservation Area as it has largely been removed by surrounding modern development, to the west from the expansion of Penmaen, to the north and to the east from the expansion of Croespenmaen.
64. Furthermore, as the site no longer forms agricultural land, and its character has been much altered, particularly in the area closest to the Conservation Area, the majority of the site is not considered to make any contribution to the significance of the Conservation Area. Remnants of the agricultural landscape including former field boundaries make a very small contribution to the setting of the Conservation Area.
65. Overall, the proposed development would have no physical impact upon the Conservation Area, and would not harm the key aspect of the Conservation Area's setting, namely, its relationship with Oakdale Colliery. The construction of housing on the site would not detract from the historic value of Oakdale Village¹⁸.

Scheme Benefits

66. There are material benefits that accrue from the proposed development. Aside from the supply of much needed market and affordable housing, there would also be significant social, economic and environmental benefits. Including¹⁹:
 - Informal and formal recreation opportunities
 - Increased pedestrian and bicycle accessibility through the site

¹⁷ Doc 13

¹⁸ Doc 14

¹⁹ Doc 6

- 67 direct construction jobs per year of construction
- 102 indirect and induced jobs supported per year of construction
- A gross value added per annum of £3,045,641
- Increased Council Tax receipts per annum of £195,125
- CIL contributions of £345,450

Other recent decisions

67. There are a number of recent planning applications that have been granted planning permission either by the Council or at Appeal which are instructive in demonstrating the approach taken 5-year housing land supply in similar circumstances.
- Land at Cwmgelli, Blackwood APP/K6290/A/15/3137884. This Appeal concerned a scheme located at Blackwood within the Northern Connections Corridor for residential development.
 - Ty Du, Nelson 16/0373/OUT, proposed mixed used development comprising up to 200 new homes and 3.8 hectares of B1 employment land.
 - Former Axion Overflow Car Park, Newbridge APP/K6920/A/15/3133791, proposed residential development on a 1.2 hectare site.
 - Land North of Pandy Road, Bedwas APP/K6920/A/15/3136679, proposed residential development of up to 300 homes.
68. In each instance it is clear that significant weight is being attached to the housing land supply shortfall²⁰.

The Case for Councillor Saralis

69. Councillor Saralis confirmed at the Hearing that he also represented other residents of the local area who had objected to the proposal.
70. This application was opposed by a petition and hundreds of letters from local residents who objected to the potential loss of this open space. This land is an area of natural beauty with extensive views to the west. It is a habitat for wildlife and there have been numerous sightings of rare species of bird and animal and plant life. It comprises a green wedge and is outside the settlement area of the village.
71. The LDP indicates that this area of land lies outside the settlement boundary of Oakdale and is not allocated for residential use. The proposal for residential development on this site would represent a departure from the plan (policy SP5 settlement boundaries of the LDP). In this respect it should be noted that there are brownfield sites coming forward within the settlement boundary which will be far more sustainable than this site. For example the former secondary school site and the old Council Offices.
72. It should be protected as a valuable area for public use not just as a golf course but also as a public amenity for ramblers and nature walks. To the village and residents of Oakdale it is a treasured possession and the last of the open areas just outside the village settlement.

²⁰ Doc 5

73. The golf course is the only pay and play course within a radius of approximately 10 miles. While the owner may claim that the business may have lost its attraction, this is not uncommon with sporting facilities, it is only a temporary lull and is not a good reason to transform this land into a residential estate. There is still a case for retaining this land as a local sports and leisure facility. The golf course is supported by a large golf driving range and an indoor facility containing snooker and pool tables and licensed bar.
74. In recent years Oakdale has been the target of numerous developers. It has seen the village increase in size from approximately 600 homes to over 2000 homes. As a result of these developments Oakdale is rapidly losing its identity. The developments have placed a huge strain on the infrastructure. The schools are full to capacity and even the new comprehensive school due to open in April 2017 will not be able to absorb any further increase in pupil numbers. The same problems apply to medical services. Furthermore the housing supply can be increased by existing brownfield sites within the village boundary, including the school and council office sites.
75. The village has an historic past and was designed as a garden village. The Village now forms part of a Conservation Area. The development will fail to preserve or enhance the character and appearance of the Conservation Area, particularly through the increase in traffic through its currently tranquil core.
76. The villagers also have serious concerns about access to the development. Llwyn-on Lane is as its name describes - it is a Lane. This Lane provides the only access to the site as the development area would otherwise be landlocked. These lanes on the edge of the village were never designed for the traffic flows that exist today. The entrance is extremely close to a 'blind' corner which is at the bottom of a steep hill. Vehicle access to the Lane can only be achieved through congested roads that are adjacent to the primary school or the recreation and children's playground.
77. A Traffic Assessment has been carried out, but these assessments ignore any pedestrian movement. The entrance to Rhiw Syr Dafydd Primary School is approximately 200 metres from the site entrance. This school is one of the largest primary schools in Wales with approximately 630 pupils from nursery to 11+ years of age. At school opening and closing times there are approximately 1000 pedestrians and numerous vehicles around the school entrance. These children would be vulnerable to any additional traffic movements created by this development. Moreover, several roads in the local area become 'rat runs' during these times of day as people try and avoid congestion.
78. Oakdale is being targeted by developers purely for profit. Everyone realises the need for additional homes to be built to accommodate the huge housing shortage but there is also a need for 'planning' through the development plan process to protect the future of our area. If this application is approved the Village identity of Oakdale will be lost.

Written Representations

79. The Planning Inspectorate received nine responses to the Council's letters regarding the appeal. These included a letter from Councillor Saralis whose case has already been reported. Responses were also received from Natural Resources Wales, Mr Hicks, Mr Organ, Mr Powe, Mr Williams, Mrs Williams, Mrs Hunt, and Mr and Mrs James. Natural Resources Wales confirmed that they had no comments to make on the

proposed development. The remaining eight responses all objected to the proposed development²¹.

80. The letters of objection generally repeated the concerns already reported. However concerns were also raised in respect of living conditions of neighbouring occupiers, surface water run-off, and ground water contamination.

Conditions

81. A draft planning conditions document²² agreed between the parties was discussed at the Hearing.
82. The Appellant referred to a change to condition No 2 which should read '*one year*' from the date of this permission, rather than the '*two years*' specified. There was no objection to this change.
83. The Council stated that their usual approach to secure affordable housing was by a S106 Agreement or Unilateral Undertaking, rather than by a condition. The Council would also expect a link to be made to its Affordable Housing Supplementary Planning Guidance.

Conclusions

84. These conclusions are based on the evidence submitted and given at the Hearing and the written representations summarised above, and my findings at the accompanied and unaccompanied inspections of the site and surroundings. In my conclusions, numbers in [] refer to paragraphs earlier in this report.
85. Notwithstanding the change in the Council's position to the proposed development, third parties have maintained their opposition to the proposal and it is their concerns which I address.
86. Accordingly, I consider that the main issues upon which this decision should be based are:
- Whether the proposal would conflict with national policies designed to protect the countryside and promote sustainable patterns of development; and
 - The impact of the proposed development on the setting of the Oakdale Village Conservation Area.

Countryside

87. The appeal site is outside the settlement boundary defined in the LDP [22] [29]. The appellant does not claim that the proposal satisfies any of the criteria in Policy CW15 which seeks to constrain new development outside settlement limits [11].
88. The principle of LDP Policy SP5 is to direct new developments primarily to settlements in order to prevent inappropriate development in the open countryside. This approach is consistent with PPW which recognises that the countryside should be conserved for its many values and landscape resource [17]. Consequently, the proposed

²¹ Doc 16

²² Doc 4

development represents residential development in the open countryside which conflicts with local planning policy as expressed by LDP Policies SP5 and CW15 [11].

Sustainable pattern of development

89. PPW also advises, however, that the need to conserve these attributes must be balanced against the needs of local communities. In this regard PPW advocates for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision maker in taking decisions on individual planning applications [17] [29].

Environmental dimension

i) Locational sustainability

90. The appeal site is in a good location to allow some journeys to be undertaken by modes other than the car. There is a regular bus service to Blackwood and Oakdale and Newbridge Railway Station is a relatively short distance (approximately 3km) to the southeast with services to Cardiff and Ebbw Vale. As I saw on my site visit the majority of services in Oakdale are easily accessible by bicycle, bus or a short car journey. Moreover, it is also proposed to improve pedestrian links to the village thus enhancing the sustainability credentials of the site [37] [38].
91. There may be other more sustainable sites in terms of location within the settlement boundary, but I have received insufficient substantive evidence to indicate that such sites are both currently available for development and would remove the Housing Land Supply (HLS) deficit [71].

ii) Landscape character / visual impact

92. The site currently comprises a large mainly short mown grassed area currently used as a golf course and driving range. It therefore has intrinsic open and rural countryside characteristics that would be largely and inevitably lost as a result of the proposed development. It nevertheless has development both within the site and to its north, east and west and is separated from the wider open countryside by substantial tree cover adjacent to its boundaries [52]. Development of the site would therefore represent a logical rounding off of the settlement and would relate, to some degree, to the existing adjacent settlement pattern in terms of those confines, without encroaching upon the segregated wider countryside.
93. Nonetheless, the master plan demonstrates that it would be possible to design a scheme that would complement its surroundings and safeguard the living conditions of neighbouring residents.
94. For these reasons, the proposal would not appear out of place in the context of the density and layout of existing established housing in the vicinity and would ensure that a degree of openness would be retained at this edge of settlement location. It would also retain the majority of the existing site features, notably a significant number of mature trees and hedgerows that would help it to further integrate into this location.
95. LDP Policies SP6 and SP10 relate to the requirement for high quality designed development that respects and enhances the character of the environment be it in an urban or rural setting [13]. There would be some conflict with those policies in respect

of the effect of the proposal on the site's intrinsic countryside characteristics. However this would be lessened to a degree in light of my findings concerning its separation from the wider open countryside. In all other respects, for the above reasons, there would not be any other unacceptable harm to the landscape character of the area.

iii) Biodiversity

96. I have had regard to the effect on the site's biodiversity and the various ecological reports submitted [58] [59] [60]. However, a significant amount of undeveloped space would remain, including a large number of the existing trees and hedgerows. Furthermore, I am satisfied that any effects would be mitigated to an acceptable degree through the implementation of the recommendations of the ecological reports and have received insufficient substantive evidence to the contrary.

iv) Mineral safeguarding

97. The Council's did not include the necessity to safeguard the mineral resource in its reason for refusal [23]. However, LDP Policy SP8 seeks to safeguard mineral resources from permanent development that would prevent their future working. The appeal site lies within a mineral safeguarding area for sandstone, where LDP Policy CW22 states that proposals for permanent development uses within identified mineral safeguarding areas will not be permitted unless certain criteria are met. These include, amongst other things, that it is demonstrated that the mineral is no longer of any value or that there is an overriding need for the development [12].
98. No evidence has been provided to demonstrate that the sandstone reserve, which would be sterilised by this development, is no longer of any value. However, the safeguarding area covers the majority of the county borough north of Caerphilly and south of the Heads of the Valleys Road and I have seen nothing to suggest that the Council's housing needs can be met without developing in mineral safeguarding areas.

Social dimension

i) Highway safety and capacity

99. The proposed new entrance would be on a relatively straight stretch of Llwyn-on Lane, with appropriate visibility in both directions. The Highway Authority has not raised objections to the proposal in terms of access visibility, the capacity or safety of the existing road network and there is no evidence to satisfy me that a different conclusion would be justified [40] [42].
100. Llwyn-on Lane is congested at certain times of the day associated with school traffic and parking [76] [77]. However this is no different to many other locations outside schools. Given the close proximity of the site to the school, it seems unlikely to me that many parents will choose to use cars for the school trip. As I saw on my site visit some vehicles do straddle the pavement when parking in order to maintain highway width, however the issue of inconsiderate parking is a matter for which the proposed development could not be reasonably held to be responsible.
101. At both the Hearing and accompanied site visit my attention was brought to the use of various roads as 'rat runs' in times of congestion [77]. Whilst I accept from my own observations that a certain amount of traffic uses these routes during peak hours, I have no convincing evidence before me that the relatively small increase in additional

traffic from the proposed development along these roads would result in any increase in risk to highway safety [43] [46].

102. A Travel Plan to promote sustainable patterns of movement could also be secured by condition which would have the potential for reducing the amount of private car use [39].

103. Overall, from the evidence before me, I do not consider that the vehicle movements associated with an additional (up to) 175 potential homes would have an unacceptable impact on the local highway network or lead to any unacceptable highway safety risks.

ii) Infrastructure capacity

104. I have seen nothing from consultees to indicate that existing services or infrastructure, either in Oakdale or in higher level towns such as nearby Blackwood, would be stretched beyond capacity if the appeal scheme were to go ahead. No consultation responses have been provided to demonstrate that local schools, doctors' or dentists' surgeries could not cope with the needs of the new population [48] [49].

105. There was local concern about the inadequacy of the surface water drainage system and flooding that occurs locally on occasion [80]. However the proposal would utilise sustainable drainage principles, a requirement that can be controlled by planning condition. There were also local objections concerning the adequacy of the foul drainage system [80]. However the statutory undertaker has not said that a contribution towards upgrading its facilities would be required or that it would be unable to accommodate the appeal development [48].

106. In any event, the proposed development would generate a CIL payment which would be used for making any improvements to various types of local infrastructure necessitated by the introduction of new development in the area [49]. Such a payment would therefore be likely to mitigate any additional impacts on those aspects of infrastructure covered by the Councils CIL charging schedule.

107. I accept that the proposal will result in the loss of a recreational facility. Nonetheless, the golf course precludes other forms of recreation on the appeal site and, for reasons such as health and safety and security, discourages wider access for non-playing members of the public.

108. By contrast, the proposed scheme would bring forward public open space, with scope for providing a range of recreational facilities [66]. Accordingly, I consider that opening up the Oakdale Golf Course and its environs for public access would constitute a very positive material planning consideration, as the land is currently in private ownership and it is not possible for surrounding residents to fully appreciate the value of this land from a recreational point of view.

iii) Living conditions

109. It is understandable that for those who live in houses close to the site there would be a considerable change in outlook. However there is no right to a view across third party land and this does not provide justifiable planning grounds for objection. The layout of the new development would be subject to further consultation at reserved matters stage. There is no reason why an acceptable development could not be designed to avoid adverse effects on the living conditions of adjoining occupiers.

Economic dimension

110. The proposal would generate significant investment and jobs in the area during construction, and future residents would be likely to support village services and businesses. In this respect and without evidence to the contrary I see no reason to doubt the appellant's claims in this matter [66].

Oakdale Village Conservation Area.

111. In considering this issue I am mindful of the statutory duty which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas²³. Given the close proximity to the Conservation Area boundary it is clear that the site falls within the setting of the designated asset, namely the Oakdale Conservation Area.

112. Oakdale is an attractive, historic village, particularly the original core. A number of modest-sized residential developments have taken place on the edges of the Conservation Area in the last few decades, however the compact village retains a strong sense of identity and environmental quality and benefits from an attractive rural setting, particularly to the North West and south east.

113. The character of the conservation area is essentially born from its historical links to the industrialisation of the South Wales Region. The design of the village was a conscious effort to move away from the traditional form of pit villages with houses clinging to the side of a valley overlooking the pit to living away from the mine among open fields²⁴. Indeed, the Conservation Area Character Appraisal specifically mentions the 'Green Wedge' that borders the conservation area's western boundary which acts as a picturesque backdrop incorporating significant trees, hedgerows and open grasslands. However, no specific mention is made of the appeal site.

114. Development on the site laid out in a manner similar to that shown on the indicative plans would not obstruct, or materially detract from, views into or from the Conservation Area, other than from a limited number of the nearby properties. The addition of another collection of dwellings between the Conservation Area and the wider open countryside would be in character with the way the village has grown in recent decades. For these reasons, the proposal would be likely to have only a minor impact on the rural setting of the Conservation Area.

115. As I observed on my site visit the centre of the village has a distinct tranquil quality, which third parties state would be disturbed by increased vehicle movements [75]. However, as I have set out above the increase in vehicle movements would not lead to any unacceptable highway safety risks. Therefore, I do not find that future occupiers would of necessity use less convenient routes through the centre of Oakdale, where other more efficient routes are available.

116. I conclude on this issue that the proposal would have a minor adverse impact on the character and appearance of the Oakdale Conservation Area due to the change that would be caused to its setting. This would be contrary to the statutory duty which

²³ Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

²⁴ H7

seeks to ensure that the character and appearance of heritage assets are preserved or enhanced.

Other material considerations

117. The Council cannot demonstrate a 5 year housing land supply [23]. In circumstances where there is not a five year supply TAN1 instructs that the need to increase the housing supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies²⁵ [19].
118. The latest housing land availability figures for Caerphilly County Borough are contained in the JHLAS, published August 2016, which identifies a land supply of only 1.5 years. This demonstrates that the LDP is not delivering the required housing supply. It is recognised by the Council that to deliver the necessary housing greenfield sites, outside of settlement boundaries, will be required. Indeed, in recognition of this fact the appeal site was included as a housing allocation in the LDP Review (prior to its withdrawal) [22] [25] [28] [33] [34].
119. Significantly, the appeal proposal has the potential to be delivered at an early stage to address the undersupply. The appellant explained at the Hearing that he would be willing to accept a condition to require reserved matters applications and implementation earlier than the standard time frames.
120. Residents argue that consideration of this site for residential development should be through the LDP process and that to grant permission now would be premature [78]. However, the Council's withdrawal of the deposit replacement LDP renders the prematurity argument irrelevant in this case. Even had it not been withdrawn I do not consider that the provision of up to 175 houses in the context of a need for 12,400 homes is of a scale that would have gone to the heart of the emerging LDP.
121. The development would result in the loss of the golf course and I note that local residents have stated the value of 'Pay and Play' golf facilities [73]. Nevertheless, evidence provided by the appellant demonstrates the continuing decline in visitor numbers resulting in a 46% fall in revenue between 2004 and 2014. Moreover this decline has led to staff redundancy and a lack of investment in club facilities. Additionally, there has been a lack of interest in the sale of the golf course [50] [51]. As I saw on my site visit the lack of investment has led to the deterioration of the buildings on the site, in particular the driving range. I see no reason to doubt the appellant's conclusions that this deterioration would continue leading to an uncertain future for the golf course and driving range.
122. The appellant has drawn my attention to other planning decisions said to be made in similar circumstances [67]. There are clear similarities with the case before me in terms of the HLS issue. On noting the significant shortfall in housing delivery the decision makers have given considerable weight to the shortfall in the supply of housing land. Whilst each appeal should be determined on its own merits, the approach taken on the decisions brought to my attention generally support my findings on this matter.

²⁵ TAN1 paragraph 6.2

Conditions

123. I have had regard to the guidance in Circular 016/2014 on 'The Use of Planning Conditions for Development Management' in assessing whether or not the conditions listed in the Draft Planning Conditions document should be imposed if the Welsh Ministers determine that outline planning permission should be granted. A schedule of recommended conditions that comply with the guidance in Circular 016/2014 together with reasons is set out in the Annex to this report [81] [82] [83].
124. Given the urgent need for housing in the County Borough I concur with the appellant that condition 2 should be amended to ensure the timely delivery of the scheme [82]. The planning application establishes the maximum number of dwellings to be constructed on site. Furthermore the layout and scale will be controlled through any reserved matters submissions. Therefore a condition stating the maximum number of dwellings is not necessary.
125. As landscaping is a reserved matter, conditions relating to a landscape management scheme and management plan are not necessary. Given the findings of the badger survey a condition to provide additional survey work is not required. Moreover badgers and their setts are protected by other legislation. Conditions relating to foul and surface water are not necessary as no capacity issues have been identified and, in any event, such matters are addressed by Building Regulations. I have no evidence that the proposed development would need to import or use contaminated materials, therefore a condition relating to this matter is not necessary. Similarly, I have no evidence that a noise reduction scheme is necessary given the surrounding residential environment.
126. I have noted the Council's concerns regarding the delivery of affordable housing via a planning condition [83]. However, Technical Advice Note 2: Affordable Housing sets out that both planning conditions and planning obligations may be used and that development plans or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use such measures to ensure that affordable housing is provided. TAN1 states in Annex A that the preference should be for conditions.
127. I have no evidence before me that the proposed condition would fail to secure the delivery of affordable housing and I agree with the Appellant that any linkages to the Council's Affordable Housing SPG can be required by the Council in the submitted scheme as required by the condition. Therefore I have imposed a condition to secure the provision of 25% affordable housing.

Planning balance and Overall Conclusion

128. I have identified conflict with the statutory development plan in respect of the site being located outside settlement boundaries in the countryside. However, that conflict is tempered by the site being well related to the settlement boundary such that its development would represent a logical rounding off. The proposal would cause some harm to the setting of the Conservation Area. However, whilst I attach considerable importance to this harm, the impact would be no more than minor.
129. There would also be conflict with LDP Policy SP8, due to the potential sterilisation of mineral resources. Nevertheless, given the overriding need for housing as
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demonstrated by the Council's housing land supply position, the development would fulfil criteria iii of LDP Policy CW22. The loss of the golf course as a recreational facility is tempered by the fact that it is a private facility and new public open space is to be provided as part of the scheme. I have also found that there would be some harm caused by the inevitable loss of intrinsic countryside characteristics of the site by introducing built form to the site.

130. On the positive side of the balance, the proposed development would provide a significant amount of much needed housing for the County Borough, including affordable housing which, in the circumstances of the current considerable deficit in the supply of deliverable housing sites, weighs substantially in favour of the proposal.
131. In delivering these houses there would be jobs created both during the construction phase and thereafter. The new population would inject money into the local economy and support local shops and facilities, which would help maintain their viability. The appeal scheme would also provide new homes in a sustainable location where many day-to-day trips could be undertaken by modes of transport other than the car. There would also be wider benefits to the local population through the improvement to the local footpaths, public open space and recreation facilities. I attach substantial weight to these benefits.
132. I have not identified any significant harm in respect of: biodiversity; the capacity of local infrastructure and the local road network; highway safety; social cohesion; and living conditions of neighbouring occupiers. However this is expected of all developments and is neutral in the balance.
133. The Council has accepted that there is no evidence to substantiate its reason for refusal and in the particular circumstances of this case the benefits of the scheme outweigh the conflict with the development plan and the balance clearly falls in favour of allowing the appeal.
134. Accordingly, I recommend that the appeal be allowed.

135. In reaching this conclusion, I have taken into account the ways of working set out at section 5 of the Well-being of Future Generations Act (WBFG Act) and I consider that this development would be in accordance with the sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives as required by section 8 of the WBFG Act.

Recommendation

136. For the reasons given above and, having had regard to all matters raised, I recommend that the appeal be allowed subject to the conditions set out in the Annex to this report.

Joanne Burston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr O Jones	LRM Planning, Agent for the Appellant
Mr A Roberts	Lime Transport

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Den Brinker	Planning Team Leader
Mr M Noakes	Highway Engineer
Mr K Fortey	Housing Enabling Officer

INTERESTED PERSONS:

Councillor R Saralis	Member for the Blackwood and Oakdale ward
Mr D Williams	Local resident
Mr P Parr	Local resident
Ms C James	Local resident
Mr K Powe	Local resident
Mr H Griffith	Local Resident
Mr Hicks	Local resident
Mrs Hicks	Local Resident
Mr Boyall	Local resident
Mr Jones	Local resident
Ms S Lewis-Jones	Local Resident
Mr M J Lewis	Landowner

DOCUMENTS

Submitted to the Hearing:

- H1 Council's notification letters and circulation list regarding the appeal, submitted on behalf of the Council.
- H2 Signed Statement of Common Ground, submitted on behalf of the appellant and Council.
- H3 Letter confirming transport survey dates, dated 27 April 2017, submitted on behalf of the appellant.
- H4 Conservation Area Boundary Map, submitted on behalf of the Council.
- H5 Map of Oakdale, submitted on behalf of Councillor Saralis.
- H6 Extract from response made by Department for Communities and Local Government, submitted on behalf of Mr Williams.
- H7 Proposed Oakdale Village Conservation Area Designation Report and Character Appraisal, submitted on behalf of the Council.
- H8 Cost Application, submitted by the appellant.

List of documents referenced in the Report:

Reference	Description
Doc 1	Master Plan ref MP.01
Doc 2	Letter from Caerphilly County Borough Council dated 10 November 2016
Doc 3	Screening Opinion Caerphilly County Borough Council
Doc 4	Draft planning conditions
Doc 5	6 Week Statement, submitted by the appellant
Doc 6	Addendum to the Planning Statement, November 2015
Doc 7	Transport Access T16.168.OS.102.01 B
Doc 8	Transport Assessment, dated July 2014
Doc 9	Extended Phase 1 Habitat Survey Report, March 2015
Doc 10	Bat Survey Report, October 2015
Doc 11	Great Crested Newt Survey, June 2015
Doc 12	Reptile Survey, June 2015
Doc 13	Otter and Badger Survey Report, April 2015
Doc 14	Heritage Desk Based Assessment, May 2015
Doc 15	Landscape Character and Visual Impact Assessment, July 2015
Doc 16	Third party correspondence folder
Doc 17	Travel Plan, July 2015

Annex to Report APP/K6920/A/16/3160200

Recommended Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
REASON: To comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2) Any application for approval of the reserved matters shall be made to the local planning authority not later than one year from the date of this permission.
REASON: To comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3) The development shall begin 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 provision of Section 92 of the Town and Country Planning Act 1990.
- 4) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. the location of temporary facilities for staff and welfare;
 - e. the erection and maintenance of security hoarding
 - f. the location of wheel washing facilities;
 - g. measures to control the emission of dust and dirt during construction;
 - h. a waste management scheme for recycling/disposing of waste resulting from the construction works; and
 - i. hours of working and deliveries to the site.
REASON: To protect the living conditions of neighbouring occupiers, to ensure sustainable disposal of waste and in the interests of highway safety.
- 5) The details required under Condition 1 shall include an Arboricultural Method Statement and Tree Protection Plan which shall include:

- a. all site instructions and prohibitions necessary to the success of the Tree Protection Plan;
- b. a programme for arboricultural supervision and monitoring;
- c. a programme for any pre-development access facilitation works; and
- d. the requirements for any contractors engaged to provide such services.

The Method Statement and Tree Protection Plan shall be agreed in writing with the local planning authority and thereafter all works shall be undertaken in accordance with the agreed details.

REASON: To ensure the protection of retained trees, which make an important contribution to the local landscape.

- 6) The details required under Condition 1 shall include the provision of a Local Equipped Area for Play (LEAP) and informal open space including a "kick about" area within the site. The details shall be submitted to and approved in writing by the local planning authority and thereafter implemented and retained in accordance with the approved details.

REASON: To ensure the sustainability of the site and to comply with Policy CW10 of the LDP, adopted November 2010.

- 7) Prior to the occupation of the first dwelling hereby permitted, the access shown on plan T15.168.OS.102.01 shall be constructed and open to traffic and pedestrian use. This access shall be maintained thereafter with vision splays of 2.4 metres x 33 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.

REASON: In the interests of highway safety.

- 8) The Travel Plan submitted on 6th November 2015 and the measures contained therein shall be implemented by the Applicant or their successor in title.

REASON: To encourage the use of a variety of sustainable travel modes.

- 9) Prior to the commencement of development details of a 1.8m footway along the site boundary fronting Llwyn-On Lane shall be submitted to and approved by the local planning authority. This footway shall be constructed in accordance with the approved details and shall be completed and open to pedestrians prior to the occupation of the first dwelling hereby permitted.

REASON: In the interest of highway safety and to encourage a variety of sustainable travel modes.

- 10) Prior to the commencement of development, including site/vegetation clearance, a detailed methodology for the capture and relocation of reptiles on site, including details of the receptor site, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved.

REASON: To ensure proper measures are taken to protect reptiles, in the interest of biodiversity.

- 11) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduce light spillage into

foraging habitats for bats, shall be submitted to and approved in writing by the local planning authority. The light mitigation strategy shall be carried out as approved.

REASON: To ensure proper measures are taken to protect bats, in the interest of biodiversity.

- 12) Prior to the commencement of development, a plan showing details of works for the provision of roosts and a means of access for bats in the development shall be submitted and approved in writing by the local planning authority. The works shall be carried out and retained as approved.

REASON: To ensure proper measures are taken to protect bats, in the interest of biodiversity.

- 13) Prior to the commencement of development, details of works for the provision of nesting sites for bird species (house martin, house sparrow, starling, swallow and swift) in the development shall be submitted to and approved in writing by the local planning authority. The works shall be carried out and retained as approved.

REASON: In the interest of biodiversity.

- 14) Prior to the commencement of development a 5 year management plan for the protection of amphibian and reptile habitats within the retained pond and its margins, shown on Plan MP.01, shall be submitted to and agreed in writing by the Local Planning Authority. Measures identified within the management plan shall be carried out as approved.

REASON: In the interest of biodiversity.

- 15) No building shall be occupied until a sustainable drainage system for the site has been completed in accordance with the details first submitted to and approved in writing by the local planning authority. The sustainable drainage system shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

REASON: In the interests of land drainage, pollution control and flood prevention.

- 16) Development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Planning Policy Wales (paragraph 9.2.14) or any future guidance that replaces it. The scheme shall include:

- a. 25% affordable housing of the number of dwellings approved pursuant to Condition 1;
- b. the tenure of the affordable housing to be provided; the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- c. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;

- d. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- e. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

REASON: To ensure the necessary provision of affordable housing in order to contribute to balanced and sustainable communities.

- END -