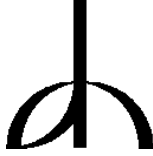


Council references: 2438.D.1
2438.D.3
2438.D.7
2438.D.8
2438.D.10



**Caerphilly County Borough
Local Development Plan Examination**

Hearing Session 4: Housing Sites

**Submissions on behalf of
Trustees of the Llancaiach Estate
In respect of land to the
East of Hen Berthlwyd, Nelson**

**4922/ARM/LEM
Harmers Limited
March 2010**

**Harmers Limited
39 Lambourne Crescent
Cardiff Business Park
Llanishen
Cardiff
CF14 5GG
Tel No: 029 2076 5454
Fax No: 029 2076 1536
Email: harmers@btconnect.com
Website: www.harmers.biz**

1 Is the Council's decision not to allocate the site for housing based on a robust and rational site selection process?

1.1 There are four main site specific issues which need to be considered in relation to this site, these are as follows:

- (i) its suitability for housing;
- (ii) the suitability of the site to be included within the settlement boundary;
- (iii) the suitability of the site to be included within the green wedge;
- (iv) the suitability of the site to be included within the SLA.

A fifth issue of biodiversity has been raised by the Council in their submissions and this will also be dealt with.

1.2 The sixth issue, which may be described as "General Housing Issues", will be dealt with in a separate submission for Hearing Session 2: Housing Provision

Issues (i) to (iv), and the fifth issue, will be addressed below by way of responding to the Council's objections to this site and are based on the premise that the LDP is not sound because there is an inadequate overall level of provision for new housing over the plan period and there is an insufficient range and choice of housing sites in the NCC.

1.3 (i) Suitability for Housing

The Council refers to the 'compatibility of housing with neighbouring established land uses'. It is considered that the development of the site as proposed would be compatible with neighbouring established land uses. The site adjoins residential development and Welsh Water offices to the south east and south west. A number of fields would be retained to the north west and north east of the site providing a transitional area between the proposed development and surrounding countryside. In addition, a number of open areas and hedgerow would be retained within the site providing green corridors which would protect wildlife and conservation interests.

1.4 (ii) Settlement Boundary

The Council comments that the settlement boundary around the site performs two functions, firstly to retain an important green space between the settlement of Nelson and Quakers Yard and secondly to prevent unacceptable development in the countryside. The Council's view that the site would form unacceptable development in the countryside is rejected. The site adjoins existing development along two boundaries and comprises a modest rounding off/extension of this part of the settlement. So far as the first point is concerned sufficient open space would be retained between Nelson and Quakers Yard. Open areas would be retained to the north and west of the site as shown on Plan L05 in the Report prepared by Coopers.

1.5 (iii) Green Wedge

The Council comments that the purpose of the green wedge at Nelson is to prevent settlement coalescence, manage urban form, safeguard the countryside from encroachment and protect the setting of the urban area. The development of the site as proposed would not unacceptably affect any of these interests; on the contrary, it provides a way of managing urban form via a scheme which proposes the development of part of the site for housing with the retention of peripheral and central open areas, together with the retention of hedgerows. Further, the Council state that the site would comprise almost a third of the green wedge area lying to

the north of the A472. This is not the case, in terms of fractions, the site proposed for development, is less than one eighth of this green wedge area. The Council comments that the proposal would comprise a significant intrusion into the area but it is contended that the scale of the development proposed is appropriate both in terms of surrounding development and in terms of the open areas around it. The Council considers that 'the site is likely to have significant impact upon the local environment, even in distant views.' These are not the findings of the Landscape and Visual Appraisal carried out by Coopers, which concludes that:

- existing vegetation will screen any proposed development from the surrounding area;
- the development will sit within the context of the urban/built area;
- although the site is visible from elevated locations in the surrounding valleys, it is lost in the context of surrounding development e.g. Nelson, Quakers Yard and Treharris.

The Council considers that the proposed development would undermine the green wedge and would lead to the eventual coalescence of Nelson, Quakers Yard and Treharris. This need not be the case; the release of this site would still allow for an extensive green wedge area to be retained and the provision of open areas to the north-west and north-east of the site would help reinforce the function of the green wedge and protect its setting.

1.6 (iv) Special Landscape Area

The Council comments that the Coopers Report focuses on the Visual and Sensory Aspect of the LANDMAP evaluation and ignores landscape, history, biodiversity and geology. This is not the case; the report considers all of the other elements referred to and takes on board the recommendations of the Ecological Reports in the Development Opportunities Plan L05. So far as the Visual and Sensory elements are concerned the Council comment that the evaluation is defined as 'moderate'. This is not the case, the Study Area lies within the centre of the Nelson Aspect Area and is described as 'Urban area in valley of mainly housing'. The area is evaluated as being of low character. The development of the site would not impact on conservation areas, SSSI s, SINCS, Ancient Scheduled Monuments, Tree Preservation Areas, Listed Buildings, Historic Landscapes.

1.7 (v) Biodiversity

The Council make reference to the ecological survey reports carried out by Hawkeswood Ecology and refer to the Phase 1 Habitat Survey which concludes that there are important habitats within the site, some of which qualify for designation as SINC, namely the marshy and acidic grassland. It should be noted that the Phase 1 Habitat Survey covers a larger area than the submitted alternative site and the marshy/acidic grassland has been excluded. Whilst the studies confirm that the site contains habitats of local importance, the proposed development of the site, as shown on Plan L05, takes on board the recommendations of the Phase 1 Habitat Survey and proposes the following mitigation measures:

- the retention of areas of grassland for nature conservation purpose;
- retention of the majority of hedgerows and vegetation;
- the reinforcement of existing vegetation;
- the provision of peripheral open space;
- further investigation would be carried out to ensure that interests relating to bats will be protected.

No evidence of protected species, other than bats, was found at this site.

The above measures allow for the protection of biodiversity interests within and

around this site.

Infrastructure

1.8 Sewerage

The Council comment that any development in this location would lead to hydraulic overloading of the sewerage network but go on to acknowledge that necessary upgrades could be funded by the developer.

Access

The Council refer to the Highways Department's view that suitable access can only be provided in conjunction with other sites. The Transport Assessment prepared by Ron Kelly, which was based on an assessment of a much larger site area, demonstrates that this is not the case and that appropriate means of access can be provided independently of other residential proposals, and that this will have minimal impact on the local highway network.

1.9 This site would complement the existing brownfield housing allocations, adding to the range and choice of housing sites in the NCC and contributing to meeting ongoing housing needs throughout the LDP period in a sustainable location, close to urban facilities, public transport and the major employment allocations. The allocation of the site would conform to the LDP strategy for the Northern Connections Corridor, which in policy SP2 focuses significant development on both brownfield and greenfield sites that have regard for the social and economic functions of the area and also identifies Nelson as a key settlement. No greenfield sites are allocated in Nelson.

1.10 The Council considers that that the 2 allocated brownfield sites in Nelson namely the Cattle Market site and that land to the east of the Handball Court are deemed to be more appropriate for development. According to the Examination Document LA.46 in December 2009 the former Cattle Market site was under construction for 12 dwellings and will be built out shortly. The site to the east of the Handball Court was allocated in the Council Approved UDP in 2003 and there must be some doubt about its viability. The Council resolved to grant planning permission for 98 dwelling subject to a Section 106 Agreement in September 2008 and the S106 remains unsigned. The site is subject to several development constraints including considerable drainage constraints with the requirement for on site attenuation tanks sewer diversions and an objection by Welsh Water that the proposals will overload the public sewerage system. There is a requirement for the site to provide 20% affordable housing which will not be provided if the site proves to be unviable.

1.11 On the basis that there is a requirement to allocate additional land for housing in the NCC in order to make the LDP sound, a robust and rational site selection process would indicate that this site should be allocated for housing in order to provide a sufficient range and choice of housing land.

2 Why is the allocation of the site concerned required in order to make the plan sound?

2.1 The overall level of provision for the Plan period is unacceptable and the Deposit Plan allocates insufficient land in the Northern Connections Corridor where there is an overdependence on brownfield sites. The allocation of the site to the East of Hen Berthlwyd, Nelson, would be in conformity with the strategy of the LDP providing a viable site thereby contributing to the shortfall in the housing allocations, providing a better range and choice of sites including an element of deliverable affordable housing.

3 Has a Sustainability Appraisal been carried out and what was the outcome?

3.1 A sustainability appraisal of this site has been carried out and submitted in relation to this site. Whilst the site is greenfield it performs reasonably well and the inclusion of the site would not require any re-assessment of the SEA/SA. The alternative site submission was also supported by the submission of the following documents:

- (i) Landscape and Visual Appraisal (Cooper Partnership)
- (ii) Extended Phase 1 Habitat Survey and Hedgerow Assessment (Hawkeswood Ecology)
- (iii) Assessment of Trees and Buildings, potential for bat roosts (Hawkeswood Ecology) and
- (iv) Transport Assessment (Ron Kelly Transport and Planning)

4 Consequential Amendments

4.1 The allocation of the site for housing will require a consequential amendment to the settlement boundary, removal from the green wedge and SLA.

5 Concluding comments

5.1 The site is suitable to accommodate residential development and should be allocated for housing.