

Application Number: 20/0662/OUT

Date Received: 06.10.2020

Applicant: Mrs T Howell

Description and Location of Development: Erect detached dwelling with associated groundworks and seek approval of scale - Land North West Of Atcombe Cottage Waterloo Lane Machen Caerphilly

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application property is located at the south western end of The Meadows, Waterloo, Machen.

Site description: The application site forms part of the domestic garden of the property at Atcombe Cottage and is a relatively flat lawned area. It is bounded to the north east by the side boundary of the dwelling at 9 The Meadows, to the north by timber fence and to the south west by a timber fence and mature trees forming part of the SINC located in that area. Access to Atcombe Cottage is derived off a drive onto Lon Waterloo but there is a secondary access onto The Meadows via a five bar gate.

Development: This application seeks outline planning consent for residential development

Use: Residential development.

The amount of development proposed for each use: One dwelling.

Indicative layout: The revised indicative layout shows a dwelling sited towards the front of the site with parking to the front and amenity space to the rear.

Indicative access points: Access will be derived via the existing five bar gate onto The Meadows.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): Width 7-10m, Depth 7-11.5m, Height 5.6-8.5m.

Materials: Not specified.

Ancillary development, e.g. parking: Two parking spaces are shown and a garage is referred on the indicative layout plan.

PLANNING HISTORY 2010 TO PRESENT

None.

POLICY

Local Development Plan: Outside settlement limits and within the South Caerphilly Special Landscape Area (NH1.5).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural heritage Protection), CW6 (Trees, Woodlands and Hedgerow Protection) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

National Planning Guidance contained in Technical Advice Note 12 - Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No comments received.

Dwr Cymru - Provide advice to be conveyed to the developer.

Strategic & Development Plans - No objection.

Landscape Architect - No objection subject to conditions.

CADW - No objection.

Ecologist –

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: 9 objections were received.

Summary of observations:

- The application form describes the application site as garden land but no consent exists for such use.
- The application site is located outside the settlement boundary as defined in the Adopted Local Development Plan (LDP). As such, the proposal is a Departure from the LDP and conflicts with its policies that seeks to protect the open countryside.
- The application site falls within a Special Landscape Area and is immediately adjacent to a Site of Importance for Nature Conservation.
- The proposal would have an overbearing impact on no. 9 The Meadows.
- The planning application form states that the proposed development would rely on an existing pedestrian and vehicular access from the public highway. However, it is unclear if the applicants control the land necessary to secure an access point.
- The planning application form states that there will be no felling of trees as a result of the proposal. However, mature trees were recently felled before the submission of the planning application.
- Approval of the application would set a precedent for other similar proposals in the area.
- The proposal would affect the existing turning head at the end of The Meadows.
- The road at The Meadows is not capable of dealing with additional traffic.

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?

None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? No. CIL would be calculated at the reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is a greenfield site outside of the settlement boundary in the Southern Connections Corridor (SCC). The SCC strategy promotes development on previously developed land as opposed to greenfield sites. Therefore, the proposal does not meet with the strategy of the LDP. In addition, the proposal area is within a Special

Landscape Area (SLA) and the North Western boundary intersects a Site of Importance for Nature Conservation (SINC). In that regard the main points to consider in the determination of this application are the principle of the development in this location the impact of the proposal on the character and ecology of the area, and the potential impact on the amenity of nearby residential properties.

With regard to the principle of the development it should be noted that the application site is currently being used as a large garden associated with Atcombe Cottage, and provides a vehicular access to that dwelling off The Meadows. Layout plans submitted with the application highlight that although the site is outside of the settlement boundary, it is not and does not have the appearance of open countryside and the construction of a new dwelling would not have an impact on the character of the Special Landscape Area or its border with the nearby SINC and TPO. There is an existing wooden fence that separates the garden area from the SINC to the west, meaning that potential development is unlikely to have any impact on the adjoining countryside setting and could be considered to be a natural rounding off of the settlement.

It should also be noted that the Council currently has a shortfall of housing land. 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 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 delivery of housing in the LDP is monitored through the Annual Monitoring Report (AMR). The Council has prepared eight AMRs to date, the most recent of which was agreed by Council in October 2019 (2019 AMR). It is evident from successive AMRs that new housing has not been delivered at the levels required. Policy SP14 indicates that there is a housing requirement for 8,625 new dwellings to be delivered over the 15-year plan period. This equates to an annual requirement of 575 dwellings per annum.

Having regard for the 2019 completions data, the 8th AMR indicated that 4,835 units had been delivered (56% of the overall Adopted LDP total housing requirement) up to the end of March 2019. Therefore, there is a requirement for a further 3,790 dwellings to be developed over the remainder of the plan period, i.e. by the end of 2021, to meet the LDP housing requirement. At this point in the plan period (13 years), it would be assumed that 7,475 dwellings would have been constructed.

The number of dwellings that have been constructed each year has been consistently below the annual average requirement (AAR) of 575 dwellings per annum for every year since 2008-9. The last published AMR identified that in the year ending 31st March 2019, only 122 dwellings were completed, which is the lowest housebuilding rate since records for Caerphilly began in 1996.

The 2019 AMR acknowledges that "housing delivery overall is significantly behind where it should be means the delivery of the housing needed to meet the Plan's housing requirement up to 2021 is being seriously compromised."

In order to address this key issue, Recommendation R2 of the AMR states "In recognition of the need to identify more land for employment and housing to support local need and regional aspirations the 8th Annual Monitoring Report recommends that a review of the Adopted LDP be commenced. Further to this, Recommendation R3 states that "in the period up to the adoption of the revised LDP, the Council will need to continue to address the shortfall in the five-year housing land supply through proactive action, including:

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

Whilst this recommendation to increase the "housing land supply" was originally drafted to address the 5-year land supply, this should now be interpreted to seek to address the shortfall in housebuilding when compared to the LDP requirement.

Whilst this application will only deliver a single dwelling, which will make only a minimal contribution to meeting the housing requirements set out in the LDP, it nevertheless does make a contribution and this view has been supported by recent appeal decisions and as such this should be considered in the determination of this application.

On balance it is therefore considered that the erection of a dwelling at this location would not have a detrimental impact on the character or appearance of the countryside and would not lead to the loss of an otherwise undeveloped area of land. In addition to this, the site is well related to the existing built form of Waterloo and a dwelling would be compatible with adjoining uses. The proposal would also make a small contribution to addressing the shortfall in the delivery of housing. In that regard the principle of the development is considered to be acceptable in this instance.

With regard to the impact of the proposal on the landscape character and ecology of the area, as stated above it should be noted that the application site is currently used as part of the domestic curtilage of Atcombe Cottage and has the appearance of domestic garden rather than that of open countryside. There is a readily definable boundary between the application site and the adjacent SINC and the indicative layout plan shows that a dwelling can be accommodated on the site without the need to affect any of the trees or ecology within that area. The Council's Landscape Architect and Ecologist have also considered the application and do not consider that the proposal would have a detrimental impact on the character of the Special Landscape Area or on the ecology of the site.

Policy CW2 of the LDP states that developments should not have a detrimental impact on the amenity of neighbouring land. In that regard it should be noted that the originally

submitted indicative layout plan showed the dwelling set further back in the site such that it would have an overbearing impact on the rear garden of the adjacent dwelling at 9 The Meadows. However, an amended indicative layout plan has now been submitted showing the dwelling being site closer to the front of the site. Notwithstanding the submitted details, siting is reserved for future consideration and it is considered that the submitted plan shows an acceptable relationship is possible between the two properties. Given the siting of the dwelling alongside the adjacent dwelling and the location of the nearest dwelling on the opposite side of The Meadows it is not considered that there would be any direct overlooking of these properties and as such no loss of privacy would occur. In light of the above considerations it is considered that adequate indicative details have been submitted to demonstrate that a dwelling could be proposed at the site at reserved matters stage that could comply with Policy CW2.

With regard to highway safety it should be noted that no objection has been raised by the Transportation Engineering Services Manager. Whilst the highway at The Meadows has not yet been adopted by the Council, the delay in doing so is a legislative matter rather than a technical one and as such the highway is considered to be acceptable to serve the development. An adequate access to the site can be achieved and the indicative layout plan shows that sufficient parking can be provided within the site. In that regard the proposal complies with Policy CW3 of the LDP subject to conditions.

Comments from Consultees: No objections raised.

Comments from public:

- The application form describes the application site as garden land but no consent exists for such use - It is acknowledged that there is no planning consent in place for the use of the application site as part of the curtilage of Atcombe Cottage. Nevertheless, for the purposes of this application the Local planning Authority has to consider whether the proposal would have a detrimental impact on the character of the area. In that regard, the evidence held by the Council suggests that the application site has been used as a garden for in excess of 10 years and as such it is now exempt from enforcement action. Moreover, as discussed above, the appearance of the land is that of a domestic garden and it is on that basis that the Local Planning Authority has to consider this application. That issue is discussed at length above and is considered to be acceptable in planning terms.
- The application site is located outside the settlement boundary as defined in the Adopted Local Development Plan (LDP). As such, the proposal is a Departure from the LDP and conflicts with its policies that seeks to protect the open countryside - This issue is considered at length above.
- The application site falls within a Special Landscape Area and is immediately adjacent to a Site of Importance for Nature Conservation - This issue is considered above.
- The proposal would have an overbearing impact on no. 9 The Meadows - This issue is considered above.

- The planning application form states that the proposed development would rely on an existing pedestrian and vehicular access from the public highway. However, it is unclear if the applicants control the land necessary to secure an access point - The applicant has now served a land ownership notice on the owner of the land over which the access would be achieved and as such the application is acceptable in planning terms.
- The planning application form states that there will be no felling of trees as a result of the proposal. However, mature trees were recently felled before the submission of the planning application - It is acknowledged that a small number of trees were felled prior to the submission of this application. However, those trees did not benefit from any legislative protection and consent was not required for their removal prior to the submission of this application.
- Approval of the application would set a precedent for other similar proposals in the area - Each application has to be considered on its own planning merits. The justification for this proposal in this particular location is carefully considered above and the approval of this application would not set a precedent for the approval of other dwellings outside of the defined settlement limits.
- The proposal would affect the existing turning head at the end of The Meadows - As stated above it is considered that the proposal is acceptable in highway safety terms. An adequate access to the site can be achieved and there is no reason to believe that this would have any impact on the existing turning head, which is located on the opposite side of the highway from the application site.
- The road at The Meadows is not capable of dealing with additional traffic - As stated above, the proposal is considered to be acceptable in highway safety terms. The highway has been constructed to adoptable standards and is suitable for the increase in traffic associated with this proposal.

Other material considerations:

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.

In conclusion it is considered that the erection of a dwelling at this location would make a contribution towards housing provision in the County Borough, it would not have a detrimental impact on the character or appearance of the countryside and would not have a detrimental impact on designated sites adjacent to the site. Furthermore, the indicative site layout details submitted demonstrate that a dwelling could be provided in this location that would not have a detrimental impact on the amenity of neighbouring properties. The proposal is considered to be acceptable in highway safety terms and as such is considered to be acceptable from a planning perspective.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, and layout 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 and layout of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (1230/SL1) and Amended Site Layout Plan (1230/2A).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) 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.

- 07) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
 REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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 and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 09) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
 REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) Details of biodiversity enhancement shall be submitted with the Reserved Matters application referred to in condition 1 above. The Biodiversity enhancement considered appropriate at this site would be the inclusion of bird/bat boxes, access for hedgehog under fences and use of native species in the planting/landscaping scheme.
 REASON: To ensure compliance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Parking throughout the development shall be provided in accordance with 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.
- 12) The proposed shared access shall have a minimum width of 4.1m for the first 10m, (which can be reduced to 3.65m thereafter), and shall incorporate a turning facility to allow vehicles to enter and leave the site in a forward gear. The access shall be constructed in permanent materials to be agreed in writing with the LPA and completed prior to beneficial occupation of the development.

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) Rainwater run-off shall not discharge into the highway surface-water drainage system.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Deferred for Refusal

The reasons for refusal on the following grounds:

- 1. Unjustified development in the countryside detrimental to the character of the area.**
- 2. Scale and siting would have an unacceptable impact upon the amenity of neighbours.**