

## APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0416/FULL 12.06.2013	Persimmon Homes (East) Wales C/o Asbri Planning Limited Ms K Smith 1st Floor Westview House Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Construct 17 dwellings and associated works Land At Mill Road Caerphilly

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The three pieces of land that make up this application site are located adjacent to the former Gasworks Site at Mill Road, Caerphilly.

Site description: The application site comprises three separate parcels of land. The first parcel is the former 'Meals on Wheels' site owned by the Council, to the east of the footpath between Mill Road and Gwyn Drive, which includes the vacant depot building and a garage compound; the second is an area of land that fronts onto Mill Road, which enjoys an extant permission for a pair of semi-detached houses; and the third parcel is to the north of the former Gasworks Site, and is predominantly overgrown scrub.

Development: This application is for the erection of 17 dwellings and associated works. The houses consist of a mixture of detached, semi-detached and terraced houses, with associated parking provision and gardens.

Dimensions: The three sites together make up a total of 0.46ha in area.

Materials: The sites are all brownfield land. Details of the external finishes for the seventeen dwellings would be to match and co-ordinate the external finishes of the dwellings currently under construction on the larger site, and are a range of rendered finishes, facing brickwork and reconstituted stone blocks.

Ancillary development, e.g. parking: None.

### PLANNING HISTORY

P/96/0535 - Erect residential development - Granted 14.11.1996.

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P/03/1032 - Erect residential development - Granted 03.06.2010.

10/0898/FULL - Carry out engineering works to facilitate environmental improvement (remediation) of land - Granted 09.02.2011.

11/0793/FULL - Erect 2 dwellings and associated works - Granted 22.01.2013.

## POLICY

### LOCAL DEVELOPMENT PLAN:

Site Allocation: The land is within the settlement boundary.

Policies: HG1.66 (Allocated Housing Sites); CW2 (Amenity); CW5 (Protection of Water Environment).

### NATIONAL POLICY:

Planning Policy Wales (2012)

Technical Advice Note 12: Design (2009)

## 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? The site falls within an area where a coal mining risk assessment is, therefore, unnecessary.

## CONSULTATION

Assistant Director – 21<sup>st</sup> Century Schools - advises that a contribution of £36,750.00 is required to support local schools.

Head Of Public Protection - No objection subject to conditions.

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CCBC Housing Enabling Officer - this site will deliver 40% affordable housing provision.

The units will need to be transferred to UWHA at the following values:-

Five 2-bed 4-person houses - £59,001.00.

Two 1-bed flats - £40,592.00.

Senior Engineer (Land Drainage) - No objection subject to conditions and make comments of which the applicant should be advised.

Head Of Public Services - No objection subject to conditions and make comments of which the applicant should be advised.

Transportation Engineering Manager - No objection subject to conditions and the standard contribution of £5,500.00 towards highway improvements.

Dwr Cymru - No objection subject to conditions and make comments of which the applicant should be advised.

Police Architectural Liaison Officer - No objection but make comments of which the applicant should be advised.

Wales & West Utilities - No objection but include details of their apparatus at the site and make comments of which the applicant should be advised.

Countryside And Landscape Services - No objection subject to conditions and make comments of which the applicant should be advised.

Glam/Gwent Archaeological Trust - No objection but make comments of which the applicant should be advised.

### ADVERTISEMENT

Extent of advertisement: Sixty seven neighbours notified by letter, and a site notice erected adjacent to the site.

Response: Four letters have been received from nearby residents who express concerns about loss of privacy in respect of properties in Gwyn Drive, Lewis Drive, Caenant Road, and Mill Road.

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Summary of observations: Generally, there is support for the use of the land for residential, but concern is expressed about the height and position of the proposed new dwellings on the former Meals on Wheels site.

Transportation Engineering Manager - No objection subject to conditions and the standard contribution of £5,500 towards highway improvements.

### 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? There are no specific crime and disorder issues in this instance.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### ANALYSIS

Policies: This is a full planning application for seventeen dwellings. One dwelling would replace the previously approved pair of dwellings that front onto Mill Road. Five dwellings would be sited on the former 'Meals on Wheels' depot, and the remaining eleven dwellings in a mix of detached, semi-detached, and linked properties of mixed tenure would be located on the parcel at the north of the site sharing boundaries with Gwyn Drive, Lewis Drive and the railway embankment.

Policy CW2 requires that proposals should not result in over development, nor adversely impact upon the amenity of adjacent properties. The design of the houses is intended to fit in with the overall layout of the surrounding site, and achieves that aim. The two houses, whilst semi-detached, would not be a matching symmetrical pair, the applicant's having chosen to pair up a three storey house and a two storey house. Whilst this sounds a little unusual, the overall external dimensions are the same, with the most significant differences to external appearance being that of the dormer windows in the roof of one and a bay window at ground floor. This provides a degree of variation and choice for the consumer, which fits in with the applicant's aspirations for the site as a whole. The neighbouring dwellings are also a mixture of designs, thus this would not look out of place. A satisfactory level of residential amenity is achieved by the careful positioning of dwellings in relationship to both existing and other proposed dwellings. Adequate parking is provided. The proposed layout and design is therefore considered to comply with the requirements of CW2.

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The proposal is in compliance with Planning Policy Wales, TAN 12, 'Design', Council policy, and the Council's supplementary planning guidance, LDP6 'Building Better Places to Live', and should therefore be granted planning permission.

Comments from Consultees: These are referred to elsewhere in this report.

Comments from public: The revised drawings address some of the comments made by nearby residents in respect of privacy issues, and other concerns are addressed through the imposition of planning conditions. It is considered that residential amenity would not be adversely affected from a planning point of view by these proposals.

The applicant has agreed to sign a Section 106 Agreement in respect of the requirements of the housing, education and highway Officers.

A planning obligation must meet all of the following tests.

(A) It is necessary to make the development acceptable in planning terms:

(1) Communities should be mixed, balanced and sustainable, and a choice of housing that is affordable to the local population is vital in achieving this. The cost of buying and renting a house at market value is greater than many on low incomes can afford, and consequently intervention is needed to provide housing through other mechanisms. The planning system, through the use of planning obligations and conditions, is one such method of securing 'affordable housing'. The requirement to meet the need for affordable housing is a material planning consideration and will be taken into account in the determination of planning applications.

(2) New housing development can place a strain on education infrastructure unless additional improved facilities are provided through planning obligations. This Supplementary Planning Guidance (SPG) identifies the circumstances in which the Council will seek contributions from developers towards the provision of school facilities and how contributions will be calculated and used.

The Council will seek financial contributions towards the cost of providing additional primary or secondary school facilities from developers proposing housing developments that would generate a requirement for school places that cannot reasonably be met by existing schools because:

(a) The capacity of the school(s) would be exceeded by projected demand from housing developments with their catchment area(s).

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In all cases the contribution requested will relate to the number of pupils projected to be generated by the proposed development in the catchment area.

(3) A Section 106 Agreement will be sought because this development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods. Following public consultation, which included house builders, the Council has adopted Supplementary Planning Guidance LDP3, Caerphilly Basin Strategic Highway Network Obligation, which requires a financial contribution, currently £5,500.00, for each new dwelling constructed within the defined Caerphilly Basin area as a reasonable means of addressing this capacity problem. The money contributed by this development will be used with other similarly collected monies to finance the necessary improvements to the strategic highway network.

(B) It is directly related to the development

(1) This development will add 17 more dwellings to a site with a proposal for 66 dwellings. The main site application (P/03/1032) provided only 15% affordable housing, by virtue of the former Unitary Development Plan policy, thus, it becomes even more relevant to ensure the correct balance between affordable housing and market housing in the area is properly maintained.

(2) Housing development within a catchment area of a school will increase the numbers of pupils that a school will need to cater for. Where a number of developments take place within a catchment area over a short period of time, this position can be exacerbated.

(3) This development will add additional traffic to the strategic highway network of the Caerphilly Basin, which currently operates at capacity during peak periods, thereby aggravating existing congestion problems.

(C) It is fairly and reasonably related in scale and kind to the development.

(1) In accordance with Policy CW11, the Council will normally seek the following proportions of affordable housing on sites that accommodate 5 or more units or that exceed 0.15 Ha in gross site area:

- 40% of the total number of dwellings proposed on sites within the Caerphilly Basin (excluding Aber Valley);
- 25% in the Northern Connections Corridor (excluding Newbridge); and
- 10% in the Rest of Caerphilly County Borough (including Aber Valley and Newbridge but excluding the Heads of the Valleys Regeneration Area)

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These area-specific targets and thresholds have been derived from evidence from the Affordable Housing Viability Assessment (AHVA) prepared as part of the evidence base for the LDP. The AHVA was completed in line with an agreed regional methodology prepared by Three Dragons on behalf of the South East Wales Strategic Planning Group (SEWSPG). The assessment demonstrated that the levels of affordable housing as identified in the policy would be viable.

(2) The Council will seek financial contributions towards the cost of providing additional primary or secondary school facilities from developers proposing housing developments that would generate a requirement for school places that cannot reasonably be met by existing schools because:

(a) The capacity of the school(s) would be exceeded by projected demand from housing developments with their catchment area(s).

In all cases the contribution requested will relate to the number of pupils projected to be generated by the proposed development in the catchment area. Individual contributions may be insufficient to fully fund additional accommodation. Such monies will be banked and accumulated until such time as the provision of additional accommodation is affordable. The calculated sum is £4,760.00, which is considered to be reasonable when compared to the value of dwellings and the impact upon the provision of education in the area.

(3) The unit sum - at present £5,500.00 - is reasonable when compared to the costs of construction and the value of one house. The total contribution is based on the number of dwellings, which means that the larger the development, the greater the impact on the road network, and therefore the higher contribution.

RECOMMENDATION that (A) the application is DEFERRED to allow the completion of a Section 106 Obligation as set out above and (B) Upon completion of the legal agreement permission be GRANTED in accordance with the following conditions:

01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

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- 02) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 03) Notwithstanding the submitted drawings prior to commencement of development details of a scheme to provide domestic refuse collection points adjacent to the public highway to serve dwellings at plots 67, 72 to 78 inclusive and plot 83 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved scheme prior to first use of any of the dwellings hereby approved.  
REASON: In the interests of public health and visual amenity.
- 04) The development hereby approved shall be carried out in accordance with the recommendations made in Section 7 of the bat survey report dated April 2013 prepared by TerraAqua Ecological Services Ltd unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To ensure adequate protection and mitigation for protected species.
- 05) 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.
- 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.

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- 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: To prevent contamination of the application site in the interests of public health.
- 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.
- 09) The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details: plan ref nos. SLP01, D25, D24, D02, AF211E-V1-R, 1314E-V1-S, 1292E-V1-S, 1117E-V1-R, 0987E-V1-S, 0987E-V1-R, 0942E-V1-R, 0613E-V1-S, & 0613E-V1-R as amended by the plans received on 26.07.13. Ht-WD10 (or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 10) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 11) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.  
REASON: In the interests of highway safety.

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- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.  
REASON: In the interests of highway safety.
- 13) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.  
REASON: In the interests of highway safety.
- 14) Prior to the occupation of the dwellings hereby approved, the proposed parking areas shall be completed in permanent materials as agreed with the Local Planning Authority to ensure loose stones or mud etc are not carried out on to the public highway.  
REASON: In the interests of highway safety.
- 15) The existing vehicular access onto Mill Road from the former Meals on Wheels premises shall be permanently closed off in a manner to be firstly agreed in writing with the Local Planning Authority, before occupation of the development hereby approved.  
REASON: In the interests of highway safety.
- 16) The existing footway link leading from Gwyn Drive onto Mill Road shall be improved by way of the installation of a street lighting system and widened to a minimum of 2m, the details of which shall be firstly agreed in writing with the Local Planning Authority. The agreed footway improvements shall be completed prior to occupation of the dwellings hereby approved.  
REASON: In the interests of highway safety.

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- 17) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the completion of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.
- 18) Prior to the commencement of work on site, details of the finished floor levels of the development hereby approved in relation to points off-site shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed scheme.  
REASON: In the interests of residential amenity.
- 19) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to habitable rooms on plots 68/69 that shall be capable of achieving an internal L<sub>max</sub> level of 45 dB(A). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.  
REASON: In the interests of residential amenity.

Advisory Note(s)

Please find attached the comments of Countryside and Landscape Manager, Transportation Engineering Manager, Dwr Cymru/Welsh Water, Wales and West Utilities and Glamorgan Gwent Archaeological Trust that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3, CW5 and HG1.66.

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