



PLANNING COMMITTEE – 8TH JUNE 2016

SUBJECT: PLANNING APPEAL DECISIONS

REPORT BY: CORPORATE DIRECTOR COMMUNITIES

1. PURPOSE OF REPORT

1.1 To review two recent appeal decisions in respect of housing development.

2. SUMMARY

2.1 The local planning authority (LPA) refused two applications for housing developments, one within the existing settlement but on land allocated for employment, the other outside settlement. Whilst both proposals were on the face of it contrary to the adopted local development plan (LDP), other material planning considerations, in particular the five year housing land supply, weighed in favour of the proposals. This report will briefly review the issues considered by the inspectors, and their conclusions. The decision letters are attached as appendices.

3. LINKS TO STRATEGY

3.1 No links to strategy: this report is for information and review, rather than for decision making purposes.

4. THE REPORT

4.1 The two appeal decisions are:

- Former Axiom overflow car park, North Celynen, Newbridge. Residential development on 1.2 hectares of land which was allowed on 15 April 2016.
- Land at Cwmgelli, Blackwood. Erect residential development, public open space, landscaping, highway improvements and associated engineering works on 6.5 hectares of land which was allowed on 27 April 2016.

Permission for the development at Newbridge was refused on the grounds that the proximity to an industrial use would disturb the prospective residents, loss of employment land, inadequate pedestrian access, and loss of jobs at the neighbouring industrial unit. On the advice of Counsel, the reasons were not defended at the inquiry. The appeal at Cwmgelli was against the failure of the LPA to determine the application within the statutory period, but if the Council had been in a position to make a decision it would have refused it on the grounds that the site was outside the settlement boundary and within a green wedge.

4.2 The issues considered by the inspectors are set out below.

Land at Newbridge

The Loss of a Site Identified for Employment Use: The loss of an allocated secondary employment site and conflict with the relevant LDP policies counted against the proposed housing but the weight to be attached was reduced by the fact that little interest had been shown in the marketing of the land, the Council had commissioned a report that concluded it was poorly located, and the site is shown as white land in the LDP review.

Noise Issues: The inspector commented, “The appellants undertook an assessment based on all 8 northern loading bays operating at once. This is an unrealistic scenario that has not occurred anywhere else in the noise witness’s extensive experience...The effects could be attenuated by mechanical ventilation, now in widespread use in dwellings...It is important also to note that there are existing dwellings located at a similar distance to the proposed dwellings that would be equally affected by this unrealistic scenario.”

Loss of Jobs at the Adjoining Business/ Perceived Lack of Security: Whilst this matter was raised by the occupier of the neighbouring unit, no evidence was submitted to support why the new development should be any more of a threat than the existing housing in the locality, and the other occupiers of that unit. The inspector concluded, “In these circumstances, the weight to be given to this matter is very low.”

The Adequacy of the Proposed Pedestrian Link to North Road: The inspector was satisfied that the proposed route was acceptable, and there was an alternative along the A467.

Five-year housing land supply: The inspector commented, “In situations where housing land supply is less than five years TAN 1 confirms that this should be treated as a material consideration in determining planning applications for housing and that the need to increase supply should be given considerable weight when dealing with planning applications, provided the development would otherwise comply with national planning policies...The proposal would add to the supply of housing land...”

The other point of note is that the inspector was of the view that, “The site is in a sustainable location on a main road with as good access to facilities and public transport as many other parts of Newbridge.”

4.3 Land at Cwmgelli

Countryside/Green Wedge: The inspector commented, “The latest Joint Housing Land Availability Study concluded that the Council could only demonstrate a 1.9 year housing land supply. Technical Advice Note 1; Housing (TAN 1) advises that where land supply falls below 5 years, considerable weight should be given to increasing supply subject to development plan and national policies being met. As stated above that is not the case here but, in my view, the extent of the shortfall weighs heavily in favour of development that can proceed without causing harm to its surroundings.” He went on to conclude that green wedges should be subject of review as advised by Planning Policy Wales, the LDP review shows the site as allocated for housing, questions of prematurity did not weigh against the scheme because it did not go to the heart of the plan, and housing was required now whereas the LDP review would not be adopted unit 2017.

Heritage: In view of the impact of the Chartist Bridge on the site, and the topography of the site the inspector was of the view that the setting of the listed buildings in the area would be preserved.

Minerals: In view of its location, the site is unlikely to be developed for this purpose.

Overall, the inspector came to the following conclusion, “The Council can only demonstrate a 1.9 year housing land supply. This is well short of what should be provided and the proposed development would provide much needed housing and affordable housing. The emerging LDP is seeking to address the current housing shortfall but, if found sound, won’t be adopted for at least 18 months. It is acknowledged that the site lies in a sustainable location and I consider that the development can proceed without causing unacceptable harm to its surroundings. In my view, there is an overriding need for this development and these factors combine to constitute the very exceptional circumstances to outweigh the conflict with national and local policies...”

4.4 Conclusion

There are a number of broad conclusions to be drawn from these two decisions:

1. The importance of evidence to support a reason for refusal: the Local Planning Authority had no evidence of its own that the development at Newbridge would cause a loss of jobs or a reduction in security at the neighbouring premises.
2. The need to take a reasonable approach in determining any applications, and to not base decisions on unrealistic scenarios: the industrial building at Newbridge has co-existed with neighbouring housing for some 20 years, and the proposed development would have had a similar relationship.
3. The importance of the housing land supply in the decision making process, and the need for the LPA to take steps through granting planning permission for housing development to make up for the deficiency in advance of the adoption of a reviewed LDP.

5. EQUALITIES IMPLICATIONS

- 5.1 None. This report is for information and review, rather than for decision making purposes.

6. FINANCIAL IMPLICATIONS

- 6.1 None.

7. PERSONNEL IMPLICATIONS

- 7.1 None.

8. CONSULTATIONS

- 8.1 None.

9. RECOMMENDATIONS

- 9.1 That the comments in the report are noted.

10. REASONS FOR THE RECOMMENDATIONS

10.1 This report is for information and review, rather than for decision making purposes.

11. STATUTORY POWER

11.1 Not applicable in this case because this report is for information and review, rather than for decision making purposes.

Author: Tim Stephens, Development Control Manager

Background Papers: Inspectors' decision letters attached to this report.

Appendices:

Appendix 1 Inspector's decision notice Newbridge

Appendix 2 Inspector's decision notice Cwmgelli