

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0642/OUT 27.07.2016	Messrs L Ross & S Edwards 5 Cinnabar Drive Libanus Fields Pontllanfraith Blackwood NP12 2FT	Erection of residential development (indicative 25 dwellings) and associated infrastructure Old Highways Depot Pontlottyn Link Road Pontlottyn CF81 9QZ

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site lies adjacent to the A469 of the Pontlottyn settlement.

Site description: The site is currently in use as a pallet refurbishing depot. It is a raised plateau sitting above the link road and is screened from it by a landscaped embankment.

Development: Residential development is proposed.

Dimensions: The site is approximately 0.9 hectare in size and an illustrative layout showing 25 plots has been provided. The entrance to the site is from the existing access onto the link road.

### PLANNING HISTORY 2005 TO PRESENT

None.

### POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is within the settlement boundary and is allocated for residential use.

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Policies:

SP1 Development in the Heads of the Valleys Regeneration Area, SP5 Settlement Boundaries, CW2 Amenity, CW10 Leisure and Open Space Provision, CW11 Affordable Housing Planning Obligation and HG1.7 Former Depot South of Pontlottyn Link Road.

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? - Yes.

Was an EIA required? - No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? - Yes - It is in a high risk area, but the Coal Authority has not raised any objections.

CONSULTATION

The Coal Authority - No objection. The Authority concurs with the recommendations of the submitted Desk Study, that explains intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Countryside And Landscape Services - No objection subject to detailed landscaping at reserved matters, together with a management plan. Landscaping guidance is provided. It is pointed out that the illustrative layout is dominated by car parking. Conditions are recommended to enhance biodiversity (bats and birds).

Principal Valuer - No comments.

Head Of Public Protection - No objection is raised subject to conditions requiring the control of the construction with regard to contamination and the provision of a noise barrier at the boundary with the road.

CCBC Housing Enabling Officer - No objection subject to the provision of 10% affordable housing in accordance with a specified mix.

Senior Engineer (Land Drainage) - No in principle objection is raised. It is suggested that the site could be susceptible to ground water flooding and further information should be provided. A condition is recommended to require a scheme for the disposal of surface water and land drainage. Drainage advice is provided.

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Transportation Engineering Manager - No objection subject to the provision of parking in accordance with parking standards at reserved matters.

Dwr Cymru - No objection.

Police Architectural Liaison Officer - No objection.

Strategic & Development Plans - It is explained that the area is a location within the Heads of the Valleys Regeneration Area where LDP policy encourages the provision of housing and it is argued that the a requirement for affordable housing is contrary to regeneration at this point in time.

### ADVERTISEMENT

Extent of advertisement: The application has been advertised on site, in the press and 13 neighbouring properties have been consulted.

Response: No response has been received.

Summary of observations: None.

### 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?  
It is not anticipated that the proposed development will have a material impact upon crime and disorder.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? No - This application is made in outline and CIL is liable at reserved matters.

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## ANALYSIS

### Policies:

The application site is within the settlement boundary in accordance with policy SP5 and is identified in the Local Development Plan for residential development (HG1.07). The site enjoys an existing highway access and will be adjacent to an existing residential estate with which it will be compatible in accordance with policy CW2. The principle of the proposed development is therefore accepted.

Policy CW11 requires the provision of affordable housing on sites capable of accommodating 5 or more dwellings. The County is divided into different zones where the target for affordable housing varies to levels that are commensurate with the market conditions. The application site lies within the Heads of the Valleys Regeneration Area (HOVRA) where the target amount of affordable housing is 0%. The Housing Enabling Officer has recommended an affordable housing provision based on need because policy CW11 does leave room for the targets to be varied if it is found to be found appropriate. However CW11 also explains that whilst targets are indicative, site specific requirements will depend amongst other things on market conditions. Strategic Planning point out that the Local Housing Market Assessment (LHMA), published in July 2015, identified that the average house price in the ward of Pontlottyn is the second lowest of all wards in the County Borough at £71,333 and it remains the conclusion of the LHMA that the Heads of the Valleys housing market should include the ward of Pontlottyn. The LHMA acknowledges that the Heads of the Valleys area is one that is characterised by lower house prices and generally lower demand for housing than other parts of the County Borough. It is also a nil CIL zone. The monitoring of the LDP through the Annual Monitoring Report does not identify that there has been a significant improvement in viability since previous studies were undertaken and therefore it remains the conclusion that the Heads of the Valleys as a market area is not viable for affordable housing. Therefore the recommended 10% is not considered to be in accordance with the LHMA because it is within the second lowest average house price area.

In addition to the policy discussion above it is also to be noted that because the site is within the HOVRA it should be considered with regard to Policy SP1, which explains that within the regeneration area residential development should be promoted to address problems in this region and drive forward new housing in villages where there is need to diversify, in order to retain existing populations and to regenerate communities. This again supports the affordable housing contribution of 0% as discussed above regarding policy CW11.

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The LDP at section C paragraph 3.70 further underlines how the HOVRA is to be implemented and delivered by explaining that "Low land values and weak demand mean that significant contributions from planning obligations are unlikely." Again with the second lowest average house prices in this area significant planning obligations should remain unlikely until economic circumstances change.

Policy CW10 requires the provision of useable public open space on sites greater than 0.3 hectare. The submitted layout is illustrative and does not show a space dedicated to public use, therefore a condition should be imposed to require useable open space at reserved matters. Similarly the illustrative layout does not detail the space necessary for the kerbside collection of waste and it is somewhat dominated by car parking spaces, these details too should be addressed at reserved matters.

Comments from Consultees:

The Senior Engineer (Land Drainage) raises no objection in principle. It has been pointed out that the site is in a location where there has been ground water flooding. That reference to flooding relates to NRW data based information that cover 1km squares and is not site specific. The application site is a raised brownfield plateau with existing buildings and covered almost entirely with compacted surface. Therefore it is considered that a condition may be imposed to require details of drainage at reserved matters.

The Housing Enabling Officer has recommended a provision of 10% affordable housing, however as explained above the site lies in the heart of the area rated for 0% affordable provision and also has one of the lowest average house prices. Strategic Planning therefore have explained that in the absence of any specific reason for not varying the 0% target in accordance with policy CW11 the recommended provision should not be imposed. The development should therefore be allowed in accordance with SP1 which on balance carries the weight directed towards reviving the HOVRA.

All other consultees raise no objection subject to conditions.

Comments from public: None.

RECOMMENDATION that Permission be GRANTED

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This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale 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) 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.
- 03) 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.
- 04) 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 occupation of more than 20% of the dwellings approved 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.
- 05) Notwithstanding the submitted illustrative layout, at reserved matters a layout shall be submitted that indicates the provision of adequate equipped open space, the provision of space for the kerbside collection of refuse/recycling and which reduces the dominance of car parking in the street scene.  
REASON: The illustrative layout is not adequately detailed at this outline stage.

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- 06) The development hereby approved shall not commence until a scheme for the disposal of surface water and land drainage, together with details of its future maintenance, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be submitted at reserved matters and it shall be implemented in accordance with the agreed details prior to the occupation of any part of the development to which it relates and it shall be maintained thereafter as agreed.  
REASON: To ensure that drainage from the proposed development does not cause or exacerbate any adverse conditions within the site, to adjoining properties or the environment and existing infrastructure with regard to flood risk.
- 07) 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.
- 08) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 09) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Old Highways Depot, Pontlottyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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- 10) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new properties at Old Highways Depot, Pontlottyn, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 11) 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.
- 12) This outline application does not indicate the importation of any soils or hardcore. If at reserved matters such materials are to be imported and they 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', the applicant shall submit a scheme for their importation and testing for contamination. 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.
- 13) The reserved matters details to be submitted shall include an acoustic barrier at the boundary of the site designed to mitigate the impact of noise from employment uses to the east of the application site. The agreed barrier shall be erected before the dwellings hereby approved are occupied.  
REASON: To ensure adequate noise mitigation for the benefit of the residential occupants.
- 14) Prior to the submission of the reserved matters a scheme of intrusive site investigations for shallow coal workings shall be undertaken and the results together with any necessary remedial measures shall be submitted for approval at reserved matters. The development shall be carried out thereafter in accordance with any agreed remedial measures.  
REASON: To inform the reserved matters with regard to any shallow coal workings.

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Advisory Note(s)

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, CW4, CW5, CW6 and CW10.

Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect.

Landscaping

The Council's Landscape Architect advises that with regard to the landscaping scheme to be submitted at reserved matters, it should contain a contamination report and analysis of ground conditions on the eastern and southern embankments, it should assess and comment upon their compaction, the presence of soil forming material, pH and nutrient status, the suitability for tree/shrub planting and grass seeding and if required a method of remediation. A soft landscaping plan at a scale of 1:200, which clearly identifies the positions of all areas of proposed planting. The Latin species name and variety of all proposed plants. The height or pot size of proposed trees and shrubs at time of planting, planting densities or proposed spacing between plants of the same species, the number and species of plants for each area and the sub-division/juxtaposition of species within a planting bed or a planting matrix for larger areas of native/semi native planting. Details of proposed grass seed/turf mixtures will also be required. The soft landscape plan should also provide details of topsoil areas and depths, the tree pit design, proposed method of tree staking/guying trees, proposed mulches, ameliorants. Please be aware that the Authority will require evidence that specimen trees within the development will have access to sufficient volumes of soil to allow the successful establishment and projected life span of the proposed species.

A Management Plan will also be required which identifies and prescribes maintenance operations covering a 5 year post planting period for all areas of soft landscaping outside individual plot boundaries.

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Planning Requirements Relating to Drainage & Flood Risk Management

General Requirements:

When submitting a scheme for drainage the applicant should consider the following, please note that these recommendations should not be regarded as exhaustive, and each application will be considered on a site specific basis:

a. The applicant should incorporate Sustainable Drainage principles into their drainage design where possible, to minimise the impacts to existing/proposed drainage infrastructure/receiving watercourses. Particular reference should be given to the requirements and advice contained within the following documents:

i. Recommended non-statutory standards for sustainable drainage (SuDS) in Wales - Published by Welsh Government, January 2016.

ii. The SuDs Manual C753, Published by Ciria, 2015.

iii. Code of practice for surface water management for development sites, BS 8582:2013.

iv. Rainfall Runoff Management for Developments, Published by the Environment Agency - Report SC030219.

v. Sewers for Adoption 7th Edition, published by Wrc plc, August 2012.

vi. Technical Advice Note 15: Development and Flood Risk, Published by Welsh Government, July 2004.

b. A detailed drainage strategy should be provided which demonstrates the proposed surface water drainage complies with the discharge hierarchy specified within Part H of the Building Regulations/Sustainable Drainage hierarchy. As much of the runoff as possible should be discharged to each hierarchy element before a lower hierarchy element is considered. Collection and infiltration methods of drainage are required to be considered in the first instance.

c. Soakaways will only be permitted if the applicant can satisfy the authority that permeability tests have been carried out that comply with the requirements of BRE Digest 365 (2016). A feasibility report including test reports and calculations is required which demonstrates that the use of soakaways or other infiltration systems will not adversely affect the development, adjacent land, structures or highways. Soakaways should be designed to a minimum storm return period (RP) of once in ten years (with consideration given to an appropriate factor of safety).

d. Any proposal to discharge surface/ground water flows to existing watercourses is likely to be limited to minimum rates of discharge which will be determined by this authority. The applicant should indicate how these requirements will be met. These details shall indicate how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15 (TAN15).

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Planning Requirements Relating to Drainage & Flood Risk Management

e. Development layout should take into account exceedance of the drainage system by demonstrating safe overland flows paths and flood routing. Runoff for the 1 in 100 RP event (plus climate change allowance) should be managed within the site at designated temporary storage locations and not adversely affect the development or surrounding infrastructure.

f. It is recommended the applicant open early dialogue with Dwr Cymru Welsh Water (DCWW) with regards to foul/ surface water drainage arrangements and secure the necessary permissions/ adoption agreements, where interaction with DCWW infrastructure is proposed.

g. The applicant must ensure that during the development period and thereafter that surface water, groundwater, soil and other site debris is contained and dealt with within the curtilage of the site and is prevented from running on to or being otherwise deposited on adjacent land or highways. This may entail the installation of permanent or temporary cut off drainage.

h. The applicant should also demonstrate that appropriate pollution control measures are in place prior to discharge and confirm the proposals for adoption and long-term maintenance of the drainage system, where appropriate.

i. Please note that no discharge of surface water from the proposed development including driveways will be permitted to drain to the public

highway or any highway drain. If the applicant intends to discharge surface water runoff from new highway areas submitted for adoption to the local

highway drainage system he may be required to demonstrate that this system has adequate capacity to deal with anticipated additional flows generated by

the proposed development. Permission to discharge to the existing highway drainage system may be conditional on the applicant carrying out upgrading

works at their own expense or connecting to a point of adequacy within the system.

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