

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0510/OUT 25.06.2016	Mr M Pope 9 Penallta Villas Ystrad Mynach Hengoed CF82 7GH	Erect a residential self-build dwelling Plot 5 Land Adjacent To Islwyn Indoor Bowls Centre Gelli Lane Pontllanfraith Blackwood

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is located adjacent to Islwyn Bowls Club. The site is accessed via Gelli Lane, Pontllanfraith, Blackwood.

Site description: The site is a large undeveloped area of open space bounded by mature trees within the settlement boundary of Blackwood. The topography of the site is relatively flat.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of one dwelling and the creation of a vehicular access leading off Gelli Lane to serve the frontage of the site.

Dimensions: The total area of the plot measures approximately 840 square metres. The proposed dwelling will have minimum dimensions of 11 metres in width by 11 metres in depth and 9 metres in height whilst the maximum dimensions are 12.5 metres in width by 15 metres in depth and 10.5 metres in height.

Materials: Not specified.

Ancillary development, e.g. parking: Vehicle turning head with access road to the north of the site.

There are four other applications in for four single dwellings on the remainder of the site.

### PLANNING HISTORY 2005 TO PRESENT

P/06/0083 - Erect storeroom extension added onto new extension to provide storage and alleviate noise from main hall - Granted 03.03.16.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement boundary of Blackwood.

Policies: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), CW7 (Protection of Open Space), CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligations), CW15 (General Locational Constraints) and advice contained within the council's adopted supplementary planning guidance LDP 5 (Car Parking Standards), LDP6 (Building Better Places to Live) and LDP 7 (Householder Developments).

NATIONAL POLICY Planning Policy Wales Edition 8 (January 2016) and TAN 12: Design (March 2016).

### 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? Not an issue in respect of this planning application.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provide advice.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - Development triggers affordable housing policy in 25% area.

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Police Architectural Liaison Officer - No comments.

### ADVERTISEMENT

Extent of advertisement: A site notice was erected near the application site and nine neighbours were notified by letter.

Response: None.

Summary of observations: Not Applicable.

### 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 implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site lies within the mid-range viability area where CIL is charged at a rate of £25 per square metre, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: As the application site is located within the Settlement Boundary as identified in the Adopted LDP, the presumption is in favour of development providing material planning considerations do not indicate otherwise. In this instance, those material planning considerations are the compatibility of the proposed use with surrounding land uses, the effect of the development upon the character of the surrounding area, and also the impact on highway safety.

In policy terms, the development of the site would be consistent with Policy SP5 of the LDP i.e. it promotes the full and effective use of urban land and serves to concentrate development within the existing settlement.

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Policy CW2 of the LDP sets out criteria relating to amenity. It states that development should not have an unacceptable impact on the amenity of adjacent properties or land; should not result in the over-development of the site and/or its surroundings; and the proposed use is compatible with the surrounding land-uses.

It is considered that the proposed development accords with all of these criteria, as the proposed use is residential in a primarily residential area; the development sits towards the front of the site to allow access/parking and a large rear amenity space to take advantage of the shape of the plot; and the proposal will not detract from the amenity of the surrounding area.

Policy CW3 of the LDP sets out criteria in terms of highway design considerations. This Council's Transportation Engineering Manager has raised no objection to the development subject to conditions being access and vision splays as future residential exit the site. Appropriate levels of off-street parking will be agreed at reserved matters stage.

Policy CW10 states that for site with a gross site area of over 0.3 hectares, developers should make provision for useable open space to serve the development. As the application has been submitted with a further four applications on the adjoining land, each enjoying large private amenity areas, it is not considered necessary to require on-site public open space to serve the proposed development.

Policy CW11 relates to Affordable housing planning obligations, and states:

Legal agreements will be required to ensure that there is provision of an element of affordable housing, in accordance with an assessment of local need, for all allocated and windfall housing sites that:

- A. Accommodate 5 or more dwellings or
- B. Exceed 0.15ha in gross site area, or
- C. Where the combined product of adjacent housing site proposals would exceed the thresholds set in A or B above.

Where there is evidence of need, the Council will seek to negotiate the following affordable housing targets of: 25% in the Northern Connections Corridor (excluding Newbridge) and

As the current application, along with the four other applications currently being considered on the adjoining land, proposes 5 dwellings on a site exceeding 0.15ha in gross area, the proposal triggers the above Policy.

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However, it has come to light that on smaller, self-build sites of less than 10 dwellings, it is often difficult to secure on-site provision of affordable housing in accordance with the above policy, given the various land owners and subsequent difficulties with associated Section 106 legal agreements.

Based on these encountered difficulties, the Council is in the process of updating LDP1: Affordable Housing Obligations. Paragraph 9.2.1 of the draft document relates to off-site provision of affordable housing, and states that off-site provision of affordable housing, to be secured by way of a commuted sum, may include circumstances where the development is for a self-build scheme where the overall number of plots is less than 10.

As the application site is located within the 'Northern Connections Corridor' area in accordance with Policy CW11, the overall scheme would require the provision of 1 affordable unit. This contribution to off-site provision of affordable housing would be in the form of a commuted sum of £55,328 (final figure to be confirmed) that would be secured by way of a Section 106 Agreement. Given that the cumulative five plots are to be developed by individual self-builders, a Section 106 Agreement to secure each payment of £11,065.60, appears to be the best method to secure this contribution. The developer has agreed to make such a contribution by way of a Section 106 Agreement.

A Section 106 Agreement will be required to secure the requirements of the Housing Officer, and that must meet the following tests:

(a) It is necessary to make the development acceptable in planning terms.

Policy CW11 requires the provision of affordable housing.

(b) It is directly related to the development.

Affordable housing can only be secured as part of a housing development.

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

In view of the need for affordable housing and the planning commitment to securing such provision, a commuted sum to provide one affordable unit off-site by way of a commuted sum is considered reasonable.

Based on the above considerations, the proposed development accords with relevant national and local planning policies, and is recommended for approval subject to the applicant entering into a Section 106 Agreement to make a commuted sum towards affordable housing provision in the area.

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Comments from consultees: No objection subject to conditions and advice.

Comments from public: None.

Other material considerations: None.

Recommendation:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

- 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) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale 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.

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- 05) Prior to the commencement of works on site a scheme of land drainage 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.
- 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) 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.
- 08) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.  
REASON: In the interests of highway safety.
- 09) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety.
- 10) 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.

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- 11) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.
- 12) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt, in order to exclude the woodland belt from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwelling hereby approved is first occupied.  
REASON: To ensure the protection of bat foraging habitat.
- 13) 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 property at Plot 5 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is 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).
- 14) 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 property at Plot 5 Land Adjacent to Islwyn Indoor Bowls Club, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is 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).

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: Policy CW2, CW3, CW6.

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Please find attached the comments of Council's Ecologist, Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water, Head of Public Protection, Transportation Engineering Manager that are brought to the applicant's attention.

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