

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0617/OUT 05.08.2016	Mr M Howell Gelliwen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect 16 dwellings Land South Of The Glade Wyllie Blackwood

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on land to the south of the existing residential development known as The Glade in Wyllie.

Site description: Vacant land adjacent to existing residential development.

Development: Outline planning permission is sought to erect 16 dwellings with associated access and refuse vehicle turning facilities. All matters are reserved at present but the submitted plan shows a road extending southwards with dwellings on either side.

Dimensions: Scale parameters for each dwelling are indicated as:

Height: Maximum - 12m, minimum - 9m;

Width: Maximum - 10.5m, minimum - 8m;

Length: Maximum - 10.5m, minimum - 8m.

The site has an area of 0.8 hectares.

Materials: Not specified.

Ancillary development, e.g. parking: Access road with two refuse vehicle turning heads.

PLANNING HISTORY 2005 TO PRESENT

09/0908/FULL - Alter site road and turning area - Granted 30.04.10.

14/0607/FULL - Erect two detached houses, access road and turning head - Granted 06.11.14.

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POLICY

LOCAL DEVELOPMENT PLAN

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

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? Yes.

Was an EIA required? No.

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

CCBC - 21st Century Schools - No comments.

Head Of Public Protection - No objection subject to conditions in respect of contamination.

CCBC Housing Enabling Officer - Development triggers affordable housing requirement at 10%, i.e. 2 dwellings.

Senior Engineer (Land Drainage) - No objection subject to condition and advice to developer.

Minerals Officer – No comments.

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Countryside And Landscape Services - No objection to the proposal subject to amended layout removing plots formerly identified as Plots 1-11. These plots have been re-located as part of the amended layout.

Outdoor Leisure Development Officer - Requests area of open space be provided in line with the requirements of Policy CW10 of the adopted LDP. This matter can be controlled by way of condition.

Head Of Public Services - Provides advice to the developer regarding refuse collection.

Transportation Engineering Manager - No objection subject to conditions concerning access and parking.

Dwr Cymru - Provides advice to the developer and request condition relating to drainage.

Police Architectural Liaison Officer - No response.

Wales & West Utilities - No comments.

Western Power Distribution - No comments.

Strategic & Development Plans - Provides planning history for the application site, and outlines the Council's current position in relation to the Joint Housing Land Availability Study (2016), which indicates the Council has a 1.5 year land supply. Based on this significant shortfall no objection is raised to the proposal subject to the proposal complying with all other material planning considerations and relevant planning policies.

ADVERTISEMENT

Extent of advertisement: Nine neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: Five objections were received.

Summary of observations:

- Existing road serving site incapable of taking additional traffic generated by proposed development;
- Disruption to existing residents caused by heavy plant machinery during construction;
- Noise and pollution during works;
- Detrimental impact on character of village;

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- Lack of turning head to serve existing development
- Outside settlement boundary as defined in Local Development Plan;
- Unacceptable linear development;
- Appropriate land has been allocated elsewhere in the village of Wyllie, i.e. the site known as 'Land at Pen-y-Cwarel Road (allocated in LDP for housing).

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?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. New residential floor space in the Mid Viability Zone chargeable at a rate of £25 per square metre of internal floor space (to be calculated at reserved matters stage).

ANALYSIS

Policies: This is an outline application with all matters reserved for the erection of 16 houses on the southern edge of Wyllie. The application has been considered in accordance with local plan policies and national planning guidance as referred to above. The main issues considered to be relevant to the determination of this planning application are the relationship of the application site to the existing settlement boundary, its compatibility with surrounding land uses, and highway safety.

The application site is located outside of the defined settlement boundary, that bounds the site along its northern. Therefore the site is currently classed as open countryside, and therefore the development is contrary to Policy SP5 of the Local Development Plan (LDP).

Policy SP5 (Settlement Boundaries) states:-

"The Plan defines settlement boundaries in order to:

A Define the area within which development would normally be allowed, taking into account material planning considerations;

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- B Promote the full and effective use of urban land and thus concentrate development within settlements;
- C Prevent the coalescence of settlements, ribbon development and fragmented development;
- D Prevent inappropriate development in the countryside."

Technical Advice Note (TAN) 1 relates to Joint Land Availability Studies which are required in order to monitor the provision of market and affordable housing. Under TAN 1 Local Planning Authorities have a duty to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing.

Paragraph 5.1 of TAN1 states:

"The results of the Joint Housing Land Availabilities Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies. In addition, local planning authorities must take steps to increase the supply of housing land."

The Council's housing land supply, as agreed in the latest Joint Housing Land Availability Schedule is only 1.5 years, compared with the requirement in Planning Policy Wales and TAN 1 to maintain a 5 year supply. The housing land supply is a material consideration in planning applications and the deficit in Caerphilly County Borough Council's housing land supply and remedying this shortfall should be considered a high priority in the determining suitable planning application, such as this one. For these reasons, although the 16 proposed dwellings are located outside of the defined settlement boundary, the lack of a 5 year housing land supply is a material planning consideration, and adds considerable weight in support of the proposed development.

In reference to the criteria contained in Policy SP5, the development as originally proposed, i.e. 24 detached dwellings arranged in a linear layout was considered to represent ribbon development contrary to Policy SP5. The applicant has amended the scheme to 16 dwellings located either side of the access road, thereby overcoming the ribbon development objection. It is considered that the 16 dwellings now represents a far more effective use of land in accordance with this policy. Whilst it would inevitably encroach into the countryside, the extent of the development has been determined to a degree by the existing terrace on the opposite side of the valley, i.e. Nos. 1-30 Pontgam Terrace.

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Policy SP7 (Planning Obligations) states:-

"The Council will seek to secure Planning Obligations (S106 Agreements) where they are necessary to remove obstacles to planned development, meet local needs and make development more sustainable. Such obligations will include:

- A Infrastructure for walking, cycling, public transport, parking;
- B Schools and ancillary facilities;
- C Community facilities;
- D Strategic highway improvements in the Northern and Southern Connections Corridors;
- E Flood defence measures required to mitigate the risk of flooding;
- F Formal and informal open and leisure space;
- G Affordable housing; and
- H Other facilities and services considered necessary."

A Section 106 Agreement will form part of any planning permission to secure the required element of affordable housing, 10% in this instance (2 dwellings based on the proposed 16 units). The development site is also CIL liable at a rate of £25 per sq. metre of internal floor area. Such monies will contribute to the above local needs and will be calculated at reserved matters stage.

SP15 (Affordable Housing Target). The Council will seek to deliver through the planning system at least 964 affordable dwellings between 2006 and 2021 in order to contribute to balanced and sustainable communities. The proposed development will contribute 2 dwellings (depending on the reserved matters) towards this target.

Policy CW2 (Amenity) states that:-

"Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

- A There is no unacceptable impact on the amenity of adjacent properties or land;
- B The proposal would not result in over-development of the site and/or its surroundings;
- C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use;
- D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development."

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The proposed development is bounded to the north by existing residential development, and the development of the site will not have an unacceptable impact on the amenity of these surrounding residential developments. Furthermore, the site benefits from established hedgerows/tree lines along its eastern edge that will soften the impact of the proposed development in the landscape, particularly from the other side of the valley. A landscaping condition may be attached to a reserved matters application to ensure this is the case. The proposed development is of a reasonable density given its edge of settlement location, and therefore it is not considered that the development represents an over-development of the site.

CW3 (Design Considerations - Highways) states:-

- "A. The proposal has regard for the safe, effective, and efficient use of the transportation network;
- B. The proposal ensures that new access roads within development proposals are designed to a standard that:
 - i. Promotes the interests of pedestrians, cyclists and public transport before that of the private car, and
 - ii. Safely and effectively accommodates the scale and nature of traffic, which those roads are intended to serve
- C. Parking, appropriate servicing and operational space have been provided in accordance with the CSS Wales Parking Standards 2008;
- D. Where access onto a highway is required the proposal takes account of the restrictions relevant to the class of road as designated in the road hierarchy ensuring movements and speeds are controlled through appropriate design, in order to ensure highway safety and amenity."

The Transportation Engineering Manager is satisfied with the proposed access to the development site, and road network within the development, and raises no objection subject to conditions.

CW10 (Leisure and Open Space Provision) states:-

"All new housing sites capable of accommodating 10 or more dwellings or exceeding 0.3ha in gross site area will be required to make adequate provision for:

- A. Well-designed useable open space as an integral part of the development; and
- B. Appropriate formal children's play facilities either on or off site and
- C. Adequate outdoor sport provision either on or off site,
- D. To meet the needs of the residents of the proposed development."

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Although no open space is shown on the submitted plans, the layout of the development is a reserved matter and therefore a condition will be attached to the planning permission requiring details of a local area of play be provided as part of any reserved matters application, in accordance with Policy CW10.

CW11 (Affordable Housing Planning Obligation) 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 area."

The application site is located within the area defined as the Rest of Caerphilly (including Newbridge) Area which has an affordable housing target of 10%.

A Section 106 Agreement will be required to secure the requirement of the Housing Enabling Officer, i.e. the provision of 10% affordable housing onsite, which equates to 2 dwellings on the basis of the submitted plans, and 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 and that can only be secured through a S106 Agreement.

(b) It is directly related to the development.

The 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.

The amount of affordable housing is based on the requirements set out in the LDP which has been through an examination and been adopted.

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

Comments from public:

1. Existing road serving site incapable of taking additional traffic generated by proposed development - The Transportation Engineering Manager does not raise objection to the proposal based on the existing road network serving the site.

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2. Disruption to existing residents caused by heavy plant machinery during construction - Although it is inevitable that such vehicles will pass existing dwellings during construction this reason would not warrant a refusal of planning permission.
3. Noise and pollution during works - If the development were to result in noise or pollution during construction works, the Council's Environmental Health department have appropriate powers to remedy such issues.
4. Detrimental impact on character of village - It is not considered that the proposed development would detract from the character of the existing village given its modest scale and relationship to existing The Glade development.
5. Lack of turning head to serve existing development - This is an ongoing enforcement matter and the determination of the current application will determine the best course of action to remedy this issue.
6. Outside settlement boundary as defined in Local Development Plan - This issue has been addressed above. Given the lack of a 5-year housing land supply, it is not considered that the settlement boundary issue outweighs the requirement for new housing in this instance.
7. Unacceptable linear development - It is considered that the amended layout (received 05.10.2016) overcomes this issue.
8. Appropriate land has been allocated elsewhere in the village of Wyllie, i.e. the site known as 'Land at Pen-y-Cwarel Road (allocated in LDP for housing) - Land adjacent to Pen-y-Cwarel Road (H1.50) is identified in the Adopted LDP for the provision of 56 houses within the residential settlement of Wyllie. The 2016 Joint Housing Land Availability Study categorises H1.50 as 'category 3', indicating that the site is unlikely to come forward in the 5 year period and should not be used in determining the 5 year housing land supply calculation. On this basis it is not considered that a 'Settlement Strategy' argument outweighs the need for new housing.

Other material considerations: In the recently allowed (May 2016) appeal decision of Land at Cwmgelli, Blackwood (Appeal Ref: APP/K6920/A/15/3137884), a site considered to be very similar to the application site, i.e. located at the edge of settlement, within a green wedge, and identified as a Candidate site for housing in the Deposit LDP, the Inspector made the following comments:

"The proposed development conflicts with national and local policies relating to the protection of the countryside and Green Wedges. Planning Policy Wales states that substantial weight should be given to any harmful impact that a development would have on a Green Wedge and inappropriate development should not be allowed except in very exceptional circumstances. It is necessary, therefore, to consider whether there are any very exceptional circumstances to overcome the harm to the Green Wedge."

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"The Council cannot demonstrate a 5 year housing land supply and has not been able to do so since the LDP was adopted. 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."

"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 described above."

The above appeal decision is significant to the application site given the similarity in terms of its location, i.e. edge of settlement, as well as the Inspector referring to the Council's 1.9 year housing land supply as representing very exceptional circumstances (now at 1.5 years). It is accepted that the development will encroach on the countryside, however, given the lack of an adequate housing land supply it is not considered that this encroachment into the countryside outweighs the need to provide additional housing in accordance with Technical Advice Note (TAN) 1.

RECOMMENDATION that (A) The application is Deferred to allow the completion of a Section 106 Agreement as set out in the report. On completion of the Agreement (B) that Permission be GRANTED

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.

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- 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.
- 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.

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- 08) The details submitted in respect to Condition 01) shall provide for open spaces and play areas to include the provision of a Locally Area of Play (LAP). These details shall be submitted and agreed in writing with the Local Planning Authority and thereafter implemented prior to the occupation of any dwellings that adjoin or overlook those areas of formal play.
REASON: To ensure that the site is provided for in respect to formal play provision.
- 09) The development shall be carried out in accordance with the following approved plans and documents:
Drawing Number: 160211/AR/FE/102, Revision P03, General Arrangement: Site Layout Plan as Proposed, received 05.10.2016.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Advisory Note(s)

Please find attached the comments of Senior Engineer (Land Drainage) and Dwr Cymru/ Welsh Water 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:
Policy CW2, CW3, CW6, CW10, CW11.

