

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0931/OUT 24.04.2017	Ms L Cochrane GelliWen Farm Bedwellty Road Markham Blackwood NP12 0PP	Erect new residential development for 9 no. 4-bedroom detached dwellings (Phase 2) Land Opposite Highcrest Garage James Street Markham Blackwood

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: Land situated along the south-western boundary of Markham, on land opposite Highcrest Garage.

Site description: Relatively flat agricultural land.

Development: Nine dwellings are proposed as part of a scheme for a total of thirty six dwellings. The dwellings are shown around a 'T' shaped internal estate road, with private drives located at either end. An indicative access point is shown along the eastern boundary of the site, opposite the existing health centre.

### Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):  
Width: 7.0 - 12.0 metres;  
Length: 7.5 - 10.5 metres;  
Height: 9.0 - 12.0 metres.

Materials: To be agreed at reserved matters stage.

Ancillary development, e.g. parking: Off-street parking is shown serving each dwelling.

### PLANNING HISTORY 2005 TO PRESENT

16/0616/OUT - Erect residential development for 31 no. 4 bedroom detached dwellings & 5 no. 3 bedroom detached dwellings with associated community building, ecology pond & external recreation space - Not yet determined.

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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), CW10 (Leisure and Open Space Provision), 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 and TAN 12: Design.

### ENVIRONMENTAL IMPACT ASSESSMENT

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

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

Strategic & Development Plans - Comments that whilst the site is located outside of the defined settlement boundary, the proposal represents a logical extension of the existing settlement. This position is strengthened by the Council's current lack of a 5-year housing land supply.

Head Of Public Protection - No objection subject to a condition requiring gas monitoring be undertaken prior to commencement of the development given the proximity of the site in relation to a former landfill.

CCBC Housing Enabling Officer - Requests 25% affordable housing provision. However as the application is located within the lower viability Heads of the Valley Regeneration Area, it is not considered viable to request the provision of affordable units.

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

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Head Of Public Services - Provides advice regarding kerbside collection of refuse.

Transportation Engineering Manager - No objection subject to conditions.

Dwr Cymru - Provides advice to the developer.

Wales & West Utilities - Provides advice to the developer.

Parks And Open Spaces - Requests provision of play facilities in accordance with Policy CW10 of the LDP.

Countryside And Landscape Services - No objection subject to ecological conditions.

The Coal Authority - No objection based on submitted coal mining risk assessment subject to condition.

#### ADVERTISEMENT

Extent of advertisement: 18 neighbours were consulted and a site notice was displayed near the application.

Response: 3 objection letters were received.

Summary of observations: - Highway safety concerns.

#### 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? A phase 1 habitat survey was carried out and recommendations were made in relation to japanese knotweed eradication, reptile clearance mitigation scheme, bird breeding season clearance works, and protection of trees along the boundary of the site due to potential for bat roosts. These matters will be covered by way of appropriate condition.

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## COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? As the application site is located in the Lower Viability Zone no CIL will be payable as and when the reserved matters application is submitted.

## ANALYSIS

Policies: This is an outline application with all matters reserved for the erection of 9 (36 total) houses on the south-western edge of Markham, on land opposite Highcrest Garage. The application has been considered in accordance with national and local planning policy, and in conjunction with the three other applications on the adjoining land, 16/0930/OUT, 16/0932/OUT and 16/0933/OUT, all of which each proposes 9 dwellings.

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 north-eastern. 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;
  - 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.

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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 9 (36 total) 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.

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."

The proposed development is bounded along its eastern boundary by a garage, health centre and residential properties, 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 several trees along its western and southern boundaries.

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A condition will be attached to the permission requiring these boundaries be planted up to reinforce this natural boundary and soften the appearance of the development in the landscape when viewed from the west and south. 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:
  - Well-designed useable open space as an integral part of the development; and
  - Appropriate formal children's play facilities either on or off site and
  - Adequate outdoor sport provision either on or off site,
  - To meet the needs of the residents of the proposed development."

Areas of open space are shown on the submitted plans (primarily within the area identified as Phase 1), but as the layout of the development is a reserved matter, a condition will be attached to the planning permission requiring details of a local area of equipped play be provided as part of any reserved matters application, in accordance with Policy CW10.

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Comments from Consultees: The Transportation Engineering Manager raises no objection subject to conditions relating to highway safety and parking provision.

The Head of Public Protection raises no objection subject to a condition requiring gas monitoring be undertaken prior to the commencement of works given the proximity of the site to a nearby landfill.

Based on the submitted Phase 1 habitat survey, the Council's Ecologist requests further survey in relation to potential bat roosts and reptiles onsite. It is considered that these matters can adequately be controlled by way of appropriate condition.

The Strategic Development Plans team consider that the fact that the site lies outside the settlement boundary and that the proposal contravenes Policy CW15 of the LDP needs to be balanced against the County Borough's lack of a five-year housing land supply. The location of the site immediately adjacent to the developed edge of the existing settlement and the notion that this proximity, as well as its scale, would constitute a logical extension of the settlement weighs in its favour. Furthermore, it is considered that the proposed application, along with the other three applications on the adjoining land, would provide 36 houses that would contribute significantly to increasing the supply of housing in the Heads of the Valleys area.

Comments from public: The Transportation Engineering Manager raises no objection to the proposal subject to conditions. Therefore it is not considered that the development will have a detrimental impact on highway safety subject to relevant conditions.

Other material considerations: None.

RECOMMENDATION 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 and surface water drainage within the site 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 it relates is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) Prior to the commencement of the development, appropriate gas monitoring must be undertaken in accordance with CIRIA C665. A scheme of any such gas protection measures that are required must be submitted to and approved in writing by the Local Planning Authority prior to construction of the dwellings hereby approved. Any such mitigation measures must be installed, in accordance with the approved design measures and validated prior to occupation of any of the approved dwellings.  
REASON: In the interests of public health.

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- 07) No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
- (a) Risk assessment of potentially damaging construction activities.
  - (b) Identification of "biodiversity protection zones".
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - (f) Responsible persons and lines of communication.
  - (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - (h) Use of protective fences, exclusion barriers and warning sign.
- All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.  
REASON: In the interests of protecting the biodiversity of the environment.
- 08) The site shall be served by the vehicular access identified on drawing number 160211/AR/PL/501 P1 received 16.12.2016. There shall be no other vehicular or pedestrian access to the highway along the eastern side of the site.  
REASON: In the interests of highway safety.
- 09) The site boundary fronting James Street shall be set back and a 2.0m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing by the Local Planning Authority and completed prior to beneficial occupation of the development.  
REASON: In the interests of highway safety.
- 10) James Street shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence and completed in materials as approved by the Local Planning Authority before the development is brought into beneficial use. The improvement shall be in the form of the installation of a ' Village Gateway' style feature located at a suitable location on James Street to assist reducing traffic speeds when entering the village.  
REASON: In the interests of highway safety.

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- 11) 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 70 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.
- 12) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan, received 31.10.2016;  
Drawing Number 160211/AR/PL/501, Revision P02, General Arrangement Site Layout Plan (Amended) as Proposed, received 31.05.2017.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 13) The details submitted in respect to Condition 01) shall provide for open spaces and play areas to include the provision of a Locally Equipped Area of Play (LEAP). 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.
- 14) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.  
REASON: In the interests of health and safety.

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 and CW4.

