

## **PREFACE ITEM**

APPLICATION NO. 13/0873/OUT  
APPLICANT(S) NAME: Llanover Estates  
PROPOSAL: Proposed residential development (8 dwellings)  
LOCATION: Land at Park Road, Newbridge

The above outline planning application for a residential development comprising 8 dwellings (4 detached, 4 semi-detached) was granted planning permission subject to a Section 106 Agreement at Planning Committee on 9<sup>th</sup> July 2014. The Section 106 Agreement sought to secure 10% affordable housing on the site, i.e. 1 dwelling, in accordance with Policy CW11 (Affordable Housing Planning Obligation) of the Caerphilly County Borough Council Local Development Plan up to 2021 – Adopted November 2010. However, the applicant has submitted the relevant information to challenge the affordable housing requirement by way of the Development Appraisal Toolkit (formerly known as the Three Dragons Toolkit).

This submitted information has been analysed and it demonstrates that the provision of affordable housing on the site is not viable. Therefore the application is being reported back to Planning Committee with the recommendation that planning permission be granted without the requirement for any affordable housing onsite. As the Section 106 agreement relates only to the provision of affordable housing, it is no longer necessary.

**RECOMMENDATION** – The planning permission be GRANTED subject to conditions without the requirement for a Section 106 Agreement to secure an element of affordable housing as part of the development.

## Appendix

| Code No. and Date Received | Name and Address of Applicant  | Description and Location of Proposed Development   |
|----------------------------|--|--|
| 13/0873/OUT<br>21.01.2014  | Llanover Estate<br>Mr M Lennon<br>23A Gold Tops<br>Newport<br>NP20 4UL | Erect housing development<br>(eight dwellings)<br>Land At<br>Park Road<br>Newbridge<br>Newport |

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is located on land to the east of Park Road, Newbridge.

Site description: Vacant sloping grassland.

Development: Outline permission is sought for the erection of 8 dwellings consisting of four detached dwellings, and four semi-detached properties.

All matters apart from access are reserved. An indicative layout has been submitted that shows the proposed dwellings equally spaced across the site from south to north.

The site access would be off Park Road, between Plots 2 and 3 towards the southern end of the site.

### Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):  
Height: 7.86 - 12.45 metres, Length: 9.35 - 9.56 metres, Width: 5.23 - 8.1 metre.

Materials: No details provided.

Ancillary development, e.g. parking: The indicative layout shows off-street parking proposed within the curtilage of each dwelling.

### PLANNING HISTORY

No previous planning history.

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POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: SP5 (Settlement Boundaries), SP7 (Planning Obligations), SP15 (Affordable Housing Target), CW2 (Amenity), CW3 (Design Considerations - Highways) and CW11 (Affordable Housing).

NATIONAL POLICY Planning Policy Wales and TAN12 (Design).

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? The site is not within a coal mining referral area.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - Provides advice to the developer regarding drainage onsite.

Dwr Cymru - Provides advice to the developer regarding sewerage and drainage.

CCBC Housing Enabling Officer - Requests 10% (1 dwelling) affordable unit to be secured by way of Section 106 Agreement.

Police Architectural Liaison Officer - No objection subject to advice.

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Countryside And Landscape Services - Raises no objection, but mentions the difficulties in establishing a suitable landscaping scheme on such steep gradients. However, such details can be agreed at reserved matters stage.

Senior Arboricultural Officer (Trees) - No tree onsite.

Principal Valuer - No comment.

### ADVERTISEMENT

Extent of advertisement: 32 neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Two responses were received.

Summary of observations: - Highway safety concerns regarding proposed entrance and speed of vehicles using Park Road.

### 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.

Is this development Community Infrastructure Levy Liable? This is an outline application. The CIL regulations require that CIL liabilities are calculated when reserved matters applications are submitted as until the reserved matters stage it is not necessarily clear as to the exact level of CIL liable floorspace.

### ANALYSIS

Policies: The application site is located within the Settlement Boundary, and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise.

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Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. It is considered that the proposed development has been designed to accord with this guidance as the site is bounded to the east, north and west by existing residential development and to the south by open space and allotments gardens; a relatively low density is proposed; and the proposed use will not detrimentally impact on the amenity of neighbouring properties. Adequate privacy distances are maintained between the proposed houses and the existing properties to the west, which are at least 21 metres away, and the properties to the east, which are over 30 metres away.

Given the steep topography of the site, significant earth works are proposed along the eastern edge of the site, backing onto the rears of the properties along Ashfield Road. In places the existing ground level will be increased by up to 6-7 metres, with the land battered at an angle of up to 45 degrees in place, i.e. a gradient of 1 in 1. However, this 'bank' is located at least 15 metres from the rear elevations of the nearest properties, and therefore it is not considered that such a landscape feature will have an unacceptable overbearing impact on the properties below.

Policy CW3 of the Local Development Plan relates to Highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager raises no objection to the proposed development subject to conditions relating to visibility splays for vehicles exiting the site and parking provision within the site. Therefore it is considered that the proposed development satisfies Policy CW3.

Policy CW11 states that on sites accommodating 5 or more dwellings, or exceeding 0.15 hectares in gross site area, an element of affordable housing will be required. For the Newbridge area, the target for affordable housing is 10%. Therefore of the eight proposed dwellings, one unit will need to be an affordable unit. This will be controlled by way of the 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.

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## Appendix

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(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, one house out of eight is considered reasonable.

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

Comments from public: The Transportation Engineering Manager raises no objection to the proposed access onto Park Road subject to a condition requiring an adequate visibility splay to be provided and maintained at all times.

Other material considerations: None.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement in relation to affordable housing. 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 appearance, landscaping, layout and scale; (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 appearance, landscaping, layout and scale 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.

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## Appendix

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- 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) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before any of the residential units to which they relate is occupied and thereafter they shall be maintained free of obstruction for the collection of refuse, recycling, food and garden waste.  
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.
- 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) Before any soils or hardcore that 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' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. 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.
- 08) 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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- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.  
REASON: In the interests of the amenity of the area.
- 10) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.  
REASON: In the interests of the amenity of the area.
- 11) 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. The scheme shall include all non-mains drainage and where appropriate demonstrate that permeability tests have confirmed the suitability of the ground on site for soakaway(s) that can be situated such that their discharge will not affect adjacent land, structures or highways. 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.
- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.  
REASON: In the interests of the visual amenity of the area.
- 13) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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- 14) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.  
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 15) The proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 90m. No obstruction or planting when mature exceeding 0.6m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.  
REASON: In the interests of highway safety
- 16) Prior to beneficial occupation of the development a pedestrian link shall be provided between the rear of the development and the adopted lane which lies to the east of the site, in a manner to be agreed in writing with the Local Planning Authority,  
REASON: In the interests of highway safety.
- 17) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining works on site full engineering details and structural calculations for the proposed retaining works, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining works additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.  
REASON: In the interests of highway safety.

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- 18) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.  
REASON: In the interests of highway safety.
- 19) The gradient for the proposed access shall be no steeper than 1:20 for the first 15m and 1:12 thereafter, unless otherwise agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 20) Parking throughout the development shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 Car Parking Standards.  
REASON: To ensure adequate off-street parking provision to serve the development.
- 21) The internal carriageway shall have a minimum width of 5.5m for the entirety of its length.  
REASON: In the interests of highway safety.
- 22) Provision shall be made to provide replacement parking within the curtilage of the site for the spaces lost by the demolition of the 4 garages which currently occupy the site, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be completed before the development hereby approved is first occupied and in accordance with details to be agreed with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 23) 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 completion 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.

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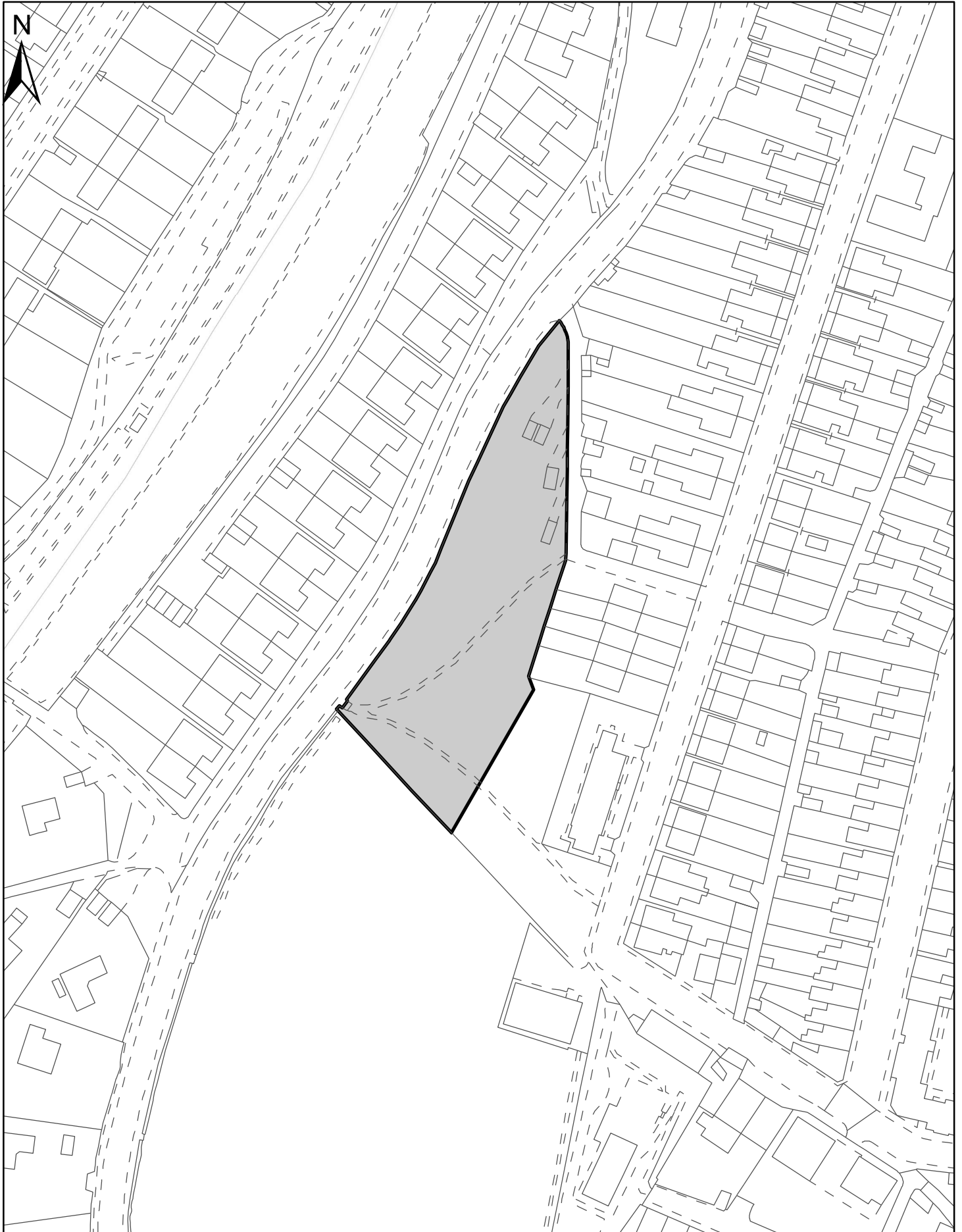
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Advisory Note(s)

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: Policy CW2, CW3 and CW11.

Please find attached the comments of Welsh Water, Senior Engineer (Land Drainage), Transportation Engineering Manager, Head of Public Protection, Police Architectural Liaison Officer, Housing Enabling Officer and Council's Landscape Architect that are brought to the applicant's attention.

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