



Planning Statement:
Land Rear of 40 Victoria Road
Fleur De Lis

On behalf of:
Mr. A & Mrs. S Carrafa

Prepared By:

**Hannaby Planning
Solutions Ltd**

November 2023

Applicant: Mr. & Mrs. Carrafa

Location: Land Rear of 40 Victoria Road Fleur De Lis

Proposal: Full planning application the demolition of 40 Victoria Road, Fleur De Lis, the erection of 5 detached dwellings on land at the rear of 40 Victoria Road and the formation of a new access onto Victoria Road.

Disclaimer: This report has been prepared for the use the applicants and Caerphilly Council and may not be relied upon by any other party.

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Appendix 1: Indexed Cost Plan

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1. Introduction:

1.1. Background

- 1.2. This Planning Statement has been prepared by Hannaby Planning Solutions Ltd on behalf of Mr & Mrs Carrafa in support of a FULL planning application to Caerphilly Council for residential development of 40 Victoria Road, Fleur De Lis and land at the rear, as shown edged in RED on the submitted site location plan, with other land in the ownership of the applicants edged BLUE.

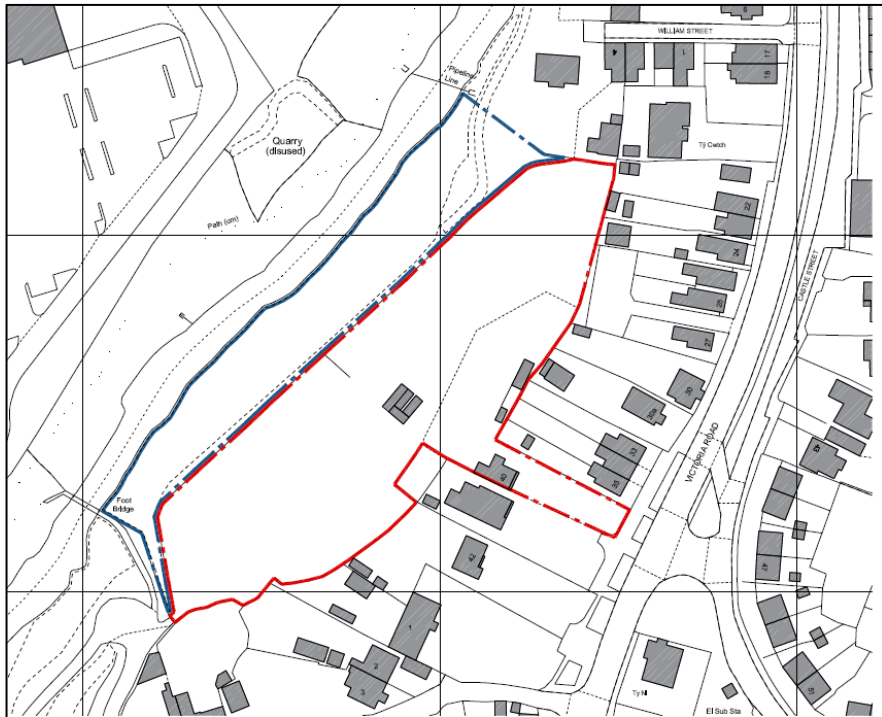


Figure 1: Site location edged red

- 1.3. All drawings in this report are for illustrative purposes only. The drawings which constitute the application are submitted separately and are listed below and in the covering letter.
- 1.4. This document sets out details of the proposals for the site and how they are consistent with relevant national and local planning policies to demonstrate the justification for the grant of outline planning permission. It should be read in conjunction with the suite of application documents.
- 1.5. The proposal is for:
'the demolition of 40 Victoria Road, Fleur De Lis, the erection of 5 detached dwellings on land at the rear of 40 Victoria Road and the formation of a new access onto Victoria Road.'
- 1.6. The proposed houses comprise of 1no. 5 bedroom detached dwelling and 4no. 4 bedroom detached dwellings.

- 1.7. The new vehicular and pedestrian access is to be formed onto Victoria Road, which connects to Maesycwmmmer and Ystrad Mynach to the south and Blackwood to the north.
- 1.8. The applicants' vision is to create a high quality small scale scheme of an appropriate design and scale within the village context to:
- demolish the existing house
 - create a legible and attractive entrance
 - form a new pedestrian and vehicular access off Victoria
 - provide parking within the curtilage of all properties
 - protect the trees within and surrounding the site
 - ensure the Oak and Maple within the centre of the site remain significant landscape features within the development
 - protect existing residents from overlooking or loss of privacy
 - compliment the character and appearance of the local area
 - limit scale and massing to 2 storey
 - provide much needed housing
 - provide ecological/biodiversity enhancements
 - provide a SuDS drainage scheme for sustainable drainage and biodiversity benefit.
 - provide a high quality landscaped setting with new native trees, hedge planting and a landscaped entrance/frontage
 - Provide a safe environment

Without adversely impacting on:

- highway safety
- the character of the village
- trees
- the amenities of adjoining residents
- local drainage
- protected species
- local environmental considerations

1.9. Content of the Application

- 1.10. A FULL planning application is submitted and this Statement forms one of a composite suite of documents submitted as part of the application, the others being:

- Design & Access Statement;
- Primary Ecological Appraisal;
- Bat Dusk Emergence Survey Report;
- Coal Mining Risk Assessment;
- Noise Assessment Report;
- Topographical plan (Ref: 19661);
- Arboricultural Report;
- Tree Constraints Plan;

- Demolition Plan (Ref: HPS001);
- Site Location Plan (Ref: N345-A1.1 Rev A);
- Existing Site Layout (Ref: N345-A1.2 Rev B);
- Proposed Site Layout (Ref: N345-A1.3 - Rev D);
- Proposed Context Elevations (Ref: N345-A1.4 - Rev A);
- House Type 1 - Floor Plans (Ref: N345-A1.5 - Rev A);
- House Type 1 - Elevations (Ref: N345-A1.6 - Rev A);
- House Type 2 - Floor Plans (Ref: N345-A1.7 - Rev A);
- House Type 2 - Elevations (Ref: N345-A1.8 - Rev A);
- House Type 3 - Floor Plans (Ref: N345-A1.9 - Rev A);
- House Type 3 - Front and Rear Elevation (Ref: N345-A1.10 - Rev A);
- House Type 3 - Side Elevation (Ref: N345-A1.11 - Rev A);
- Proposed Site Sections (Ref: N345-A1.12 - Rev B);
- Perspective View - Site Entrance (Ref: N345-A1.13 - Rev A);
- Perspective View - Plots 1-3 (Ref: N345-A1.14 - Rev A);
- Perspective View - Plots 4-5 (Ref: N345-A1.15 - Rev A);
- Highway & Parking Layout (Ref: N345-A1.16 - Rev A);
- Proposed Phasing Plan (Ref: N345-A1.17 - Rev C);
- Flood Consequences Report (Ref: 17341 - R01)
- Proposed Drainage Strategy (Ref: 17341 - DSR - 03 – complete)
- Existing Sewer Easement (Ref: 17341_SK01_r02)
- Proposed Drainage Layout (Ref: 17341/C500/Rev 04);
- Proposed Drainage Catchments Plan (Ref: 17341/C503/Rev 03);
- Proposed Drainage Details (Ref: 17341/C505 Rev 01);
- Proposed Landscaping Plan (Ref: 17341/C3000/Rev 03)
- Planting Schedule (Ref 17341 /PS01-R01);
- Pre-application Consultation Report.

2. The Site and Context:

2.1. Site Location and Surroundings

- 2.2. The site falls within the jurisdiction of Caerphilly Council and lies within the settlement development boundary.
- 2.3. The site is 0.728ha and is located on the western side of Victoria Road, south of William Street and north of Twyn, Fleur De Lis, at the rear of numbers 22-42 Victoria Road.
- 2.4. Fleur De Lis is a small former colliery village about 7 miles north of Caerphilly which lies within a cluster of similar villages that straddle the

Rhymney River; including Pengam to the north, Blackwood to the east and, Tir-y-Berth, on the other side of the river, to the west.

- 2.5. The village has a very mixed architectural character with no prevailing style, comprising housing styles from the 19th century onwards. The majority are 2 storeys and are a mixture of terraced, semi-detached and detached houses with an eclectic mix of building lines and styles. There are also a wide range of building materials used on walls and roofs with a wide variety of window/door styles and materials.
- 2.6. To the north of the application site buildings are predominately lined up along the road frontage, whilst to the south they are set back over 30m. On the opposite side of Victoria Road, the buildings front Castle Street but do not follow a defined building line.
- 2.7. Number 40 Victoria Road is a modest 2 bedroom detached house with no bathroom at first floor level and only a WC at ground floor level. The application site area is an irregular shape, forming part of a larger 1.1ha landholding lying at the southern end of the village on the western side of the B4252, Victoria Road at the rear of numbers 22-42 Victoria Road with a frontage to Victoria Road provided by number 40, although it is set back from the highway by over 30m.
- 2.8. The application site is an enclosed field at the rear of a dwelling house which, although relatively flat, gently slopes from east to west and from north to south. The open field is not separate from the residential curtilage and there are a series of domestic outbuildings across the site.
- 2.9. Running alongside the western boundary of the application site is a wooded area that forms part of the land ownership which slopes steeply down to the Rhymney River.
- 2.10. The character of the immediately surrounding area is predominately residential although to the south west lies car dismantlers and across the river to the west lies the Tir-Y-Birth industrial estate which incorporates a number of commercial activities.
- 2.11. The site is neither protected from nor allocated for development within the adopted Development Plan. The proposed site is outside of a Conservation Area and there are no heritage assets within the immediate vicinity or that will be affected.
- 2.12. The extent of the application is clearly indicated on the Site Location drawing which accompanies the Planning Application.

2.13. The primary frontage of the site is to Victoria Road but there is no pedestrian or vehicular access from it. There is, however, a gateway and access onto Tywn at the southern extremity of the site.

2.14. Landscape

2.15. Sensitive landscape features within the site are comprised of the 2 significant trees within the centre of the site (which would have been felled if the previous permission were implemented); T1, a 15m high category B Oak in fair condition and T43, a 16 m high category B Norway Maple tree in fair condition. The oak tree is protected along with the adjoining woodland by TPO 50/09/CCBC. The woodland is an Ancient Semi-Natural Woodland and beyond it to the west is a Site of Importance for Nature Conservation (SINC reference NH3.1 River Rhymney).

2.16. The application site is not prominent and has no public use. It is screened from the east and north by existing housing and from the west by the adjoining woodland and fall in land levels. It therefore provides limited visual amenity to the public only as they pass by along Tywn to either visit the car dismantlers or walk across the footbridge over the Rhymney River.

2.17. Planning History:

08/1355/FULL - Construct residential development - Granted 31.07.13.

12/0714/TPO - Cut back the small twigs of two trees that are protruding through the boundary fence - Granted 26.10.2012.

18/0593/NCC - Vary condition 1 of planning consent 08/1355/FULL (Erect residential development) to extend development for a further five years from 31st July 2018 - Granted 04.09.18.

21/1101/FULL - Remodel existing house to include single storey front extension, rear ground and first floor extension and second floor loft extension together with proposed dwelling with access arrangements and associated works – Refused - 07.01.2022.

SPA/22/0057 – Pre-application enquiry - erect single storey front extension and two and single storey rear extensions, raise roof height and develop a dormer and create new pedestrian and vehicular access and parking arrangements for 3 vehicles.

SPA/22/0131 - Pre-application enquiry - Demolish existing dwelling and erect 5 detached dwellings and create new pedestrian and vehicular access onto Victoria Road.

- 2.18. Planning permission **18/0593/NCC** is no longer extant as it expired on 4th September 2023 following the previous land owner's unsuccessful attempts to sell the site due to the site's challenging ground conditions.
- 2.19. The LPA response to the pre-application enquiry (**SPA/22/0131**), in February 2023, confirmed that the principle of residential development is in accordance with LDP policy SP5.
- 2.20. The LPA response noted that the proposed density is significantly lower than 30 dwellings per hectare and lower than the previous consent (which was still extant at that time). However, the advice also noted that the density of the area varies considerably and commented that a lower density would be more realistic.
- 2.21. Subsequent correspondence and discussions with the LPA in March 2023 confirmed that the Local Planning Authority would support five dwellings subject to satisfying all other material considerations.
- 2.22. The design and layout of the scheme has evolved further in direct response to the feedback from the LPA and its consultees. Specific comments were made by the LPA and its consultees about access, parking and turning arrangements, landscaping, waste and recycling points, privacy of adjoining residents, design, ecology, potential noise issues, drainage and affordable housing. All of these comments have been addressed in the proposed scheme.

3. Proposed Development:

3.1. Proposals

- 3.2. The proposed development is based on a thorough and detailed analysis of the site, its context and the views of the LPA and its consultees; which has been developed into an application for Full Planning Permission.
- 3.3. The proposals are for the residential use of the site and include the following key details:
1. Demolition of 40 Victoria Road;
 2. Erection of 5 detached 2 storey dwellings at the rear of 40 Victoria Road of a scale and massing to compliment the urban grain:
 - Phase 1 - 1no 5 bed self-build house;
 - Phase 2 - 4no 4 bed houses.
 3. The housing will be set back into the site with mature trees retained which breaks up and punctuates the built form.

4. Formation of a new vehicular and pedestrian access from the B4252, Victoria Road within the 30mph speed limit area with appropriate visibility sight lines.
5. Parking provision within the curtilage of all properties.
6. SUDS drainage scheme including a drainage pond for sustainable drainage and biodiversity benefit.
7. Additional biodiversity/ecological enhancements in the form of trees, hedges, bat and bird boxes.
8. Landscaping framing the proposed access road and around the new built development.
9. The felling of no trees within and around the site as a consequence of the development.

3.4. Topography:

- 3.5. The application site is relatively flat, gently sloping from east to west and from north to south with the adjoining woodland falling more sharply down towards the river.
- 3.6. Proposed floor levels will follow the existing levels across the site and the ridge heights of the new dwellings will fit in behind the existing street scene and will not form an intrusive or dominant feature

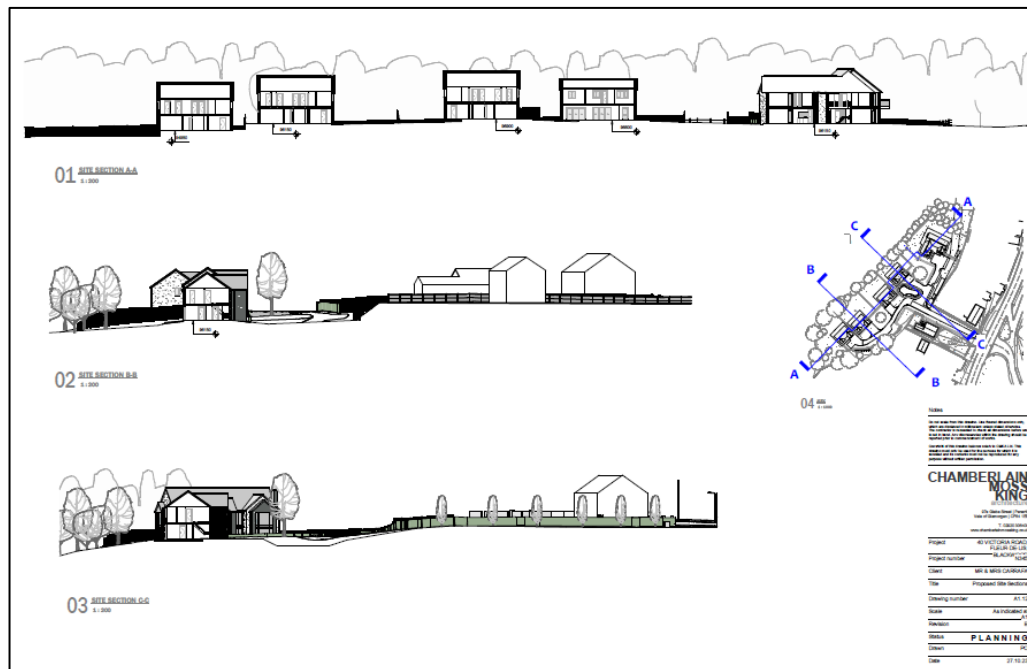


Figure 2: Sections across the site

3.7. Housing Density:

- 3.8. The proposed density is approximately 6.9 dwellings per hectare, which is less than the nationally recommended 30 dwellings per hectare. However, the density of the area varies considerably and the immediate vicinity is characterised by a lower density. It can be seen from Figure 3 below that

plot layout and size varies considerably in the village but the proposed plot sizes are not dissimilar to those in the immediate vicinity.



Figure 3: Proposed Layout in context

- 3.9. Moreover, the application site includes a considerable number of trees around the perimeter and 2 significant trees in the centre of the site, which, if retained as proposed, affect the potential density of development. It is fair to say that the previous consent for 20 dwellings paid no regard to the protection of trees on site whereas the philosophy of the current proposals is to retain all trees and only fell trees where there is a sound arboricultural reason for doing so.
- 3.10. The pre-application advice (SPA/22/0131) noted that the density of the area varies considerably and stated that a lower density would be more realistic. In subsequent discussions it was clarified that the LPA would, in principle, support a proposal for 5 dwellings.
- 3.11. In addition, it has been demonstrated that the application has to be based on current land ownership which can only be served by an access of lower priority than Castle Street; a private shared drive.

- 3.12. Policy CW3, Appendix 16 of the adopted Local Plan and the Highway Authority only allow a maximum of 5 dwellings off a private drive; which has defined the amount and density of development.

3.13. Sustainability

- 3.14. National planning policy encourages local planning authorities to adopt proactive strategies to mitigate and adapt to climate change.

Sustainable Transport and Local Services

- 3.15. Fleur De Lis is considered a sustainable transport location capable of being accessed by a variety of modes of transport and is sufficiently close to local amenities to avoid a dependence on the use of cars.
- 3.16. Active Travel. The site is well located with a range of local facilities easily accessible via walking and cycling. These include: bus stops, convenience stores, a post office, a health centre, library, playing fields, church, public houses, hairdressers, primary and secondary school provision and a variety of employment uses.
- 3.17. The Rhymney Valley Linear Cycle Route - Heads of the Valleys to Bedwas / Caerphilly, Northern runs along the Victoria Road past the site.
- 3.18. Bus Services. The nearest bus stops are approximately 0.5 miles away to the north on Victoria Road opposite Gwent Court, to the east on the A4049 at Ysgol Gufyn Cwm Rhymni and to the south at The Angel Inn, Maesycwmmmer. These provide regular direct services to Bargoed, Caerphilly, Blackwood, Pontypridd, Newport and Cardiff with connections to further destinations.
- 3.19. Rail Services. The Pengam railway station, on the Rhymney to Cardiff line, is 1.2 miles away; with 40 direct trains from Pengam to Cardiff Central each day taking approximately forty-five minutes, running from 06.30 until 22.00. The trains also stop at Caerphilly and Cardiff Queen Street.
- 3.20. It has been demonstrated that the site is in a sustainable location with respect to the proximity to local facilities and the proximity of sustainable transport to access local and national destinations

Landscape and Ecology

- 3.21. The landscape design creates an attractive and biodiverse landscape through a range of features including:
- Protection of the existing trees within and surrounding the development
 - An infiltration (drainage) pond as part of a SuDS scheme which creates an attractive feature and periodically hold water thereby attracting a range of wildlife

- 'Rain gardens' within each plot as part of a SuDS scheme which creates an attractive feature and will attract a range of wildlife
- New native species hedges
- New native species trees

3.17. Ecological precautionary, mitigation and protection measures are recommended in the attached PEA and Dusk Emergence Survey; which includes the production of a CEMP, reptile surveys, using predominately native plants across the site, installing bird and bat boxes, a sensitive lighting strategy, pollution control and contingency measures to protect the water quality of the Rhymney River, protective fencing for trees and timing of vegetation clearance. These can be secured by planning conditions.

Energy and Resource Efficiency

3.18. Part L1A 2014 (Wales) came into force on the 31st of July 2014, which replaced TAN 22 and ensures the design and building of energy efficient sustainable dwellings are controlled via the Building Regulations.

3.19. The development will use sustainable construction methods and sustainable local materials where possible to deliver energy efficient heat and lighting, water efficient fittings and fixtures, rainwater harvesting and grey water recycling and waste recycling. Renewable energy will be incorporated into the development where possible to create comfortable homes with minimal running costs by the use of heat pumps, solar or other sources of energy and heat.

3.20. The proposed drainage strategy is designed to adoptable standards and follows SAB pre-application guidance.

3.22. The development will incorporate a SuDS drainage system for surface water runoff & permeable surfacing. In summary, the drainage in the site access road will drain into an attenuation basin and an infiltration grate. Individual driveways will be constructed from permeable paving. Roof areas will discharge into rainwater butts which overflow to a raingarden with crates below, before infiltration into the ground.

Waste Minimisation

3.21. All development generates waste. In new developments this is initially often as a result of site clearance, demolition and construction. Whilst this is transient; once occupied, the site will continue to generate waste. This can be addressed by both management and construction measures.

- 3.22. National policy seeks to protect both the environment and the health of the population by ensuring less waste is produced and, wherever possible, re-used. The sustainable design principles of waste minimisation are:
- reduce the generation of construction waste
 - reduce the amount of waste generated by occupation
 - re-use construction arisings
 - re-use waste on-site to reduce transport
 - use recycled materials

- 3.23. The design process has considered site clearance, layout, construction and occupation, and applied the above principles at each stage to minimise the generation of waste and ensure it is reused where possible.

Site Clearance:

- 3.24. There will be no clearance of trees. The only demolition required is the demolition of the existing dwelling and the proposed development will seek to re-use demolition materials on site where possible. Any topsoil stripped off to enable construction works will be stored for re-use on site.

Layout:

- 3.25. The layout has considered the access requirements of refuse and recycling vehicles and a refuse collection point is shown on the layout plans.

Construction:

- 3.26. Construction waste management promotes resource efficiency and ensure waste from the construction phase is minimised, re-used or recycled;
- Avoid unnecessary excavation and where unavoidable, use arisings on site for landscaping etc.
 - Use recycled materials where possible.
 - Imported materials will be recycled or locally sourced wherever possible, subject to availability
 - Provide SuDS drainage, water efficient fittings and fixtures, rainwater harvesting and grey water recycling
 - Materials for basic building & finishing will be responsibly sourced

Occupation:

- 3.27. Recycling will be provided by internal storage containers and external recycling provisions to encourage recycling and reduce waste.

3.28. Access and Parking

- 3.29. Although the primary frontage to the site is to Victoria Road there is no pedestrian or vehicular access from it as the previous access has been retained by the owner of number 41.

- 3.30. The previous permission for 20 houses included land at the front of 41 Victoria Road to provide a staggered junction with Castle Street junction opposite and avoid conflict between road users. The owner of number 41 has retained the land at the front of number 41 and therefore the previously approved access cannot now be formed.
- 3.31. The current application is based on the applicants' land ownership and includes a new access directly opposite the Castle Street. This would have the potential for vehicle conflict if the proposed new access were to have the same priority as Castle Street and to avoid that the new access onto the site must be one with a lower priority; a private drive. According to Policy CW3 and Appendix 16 of the adopted Local Plan, the Highway Authority allows a maximum number of 5 dwellings off a private drive.
- 3.32. A new 4.1m wide vehicular and pedestrian access is to be formed onto Victoria Road (B4252) within the existing 30mph speed restricted area(see plan N345-A1.16. Rev A). 2.5m x 43m visibility sight lines will be provided within land owned by the highway authority.

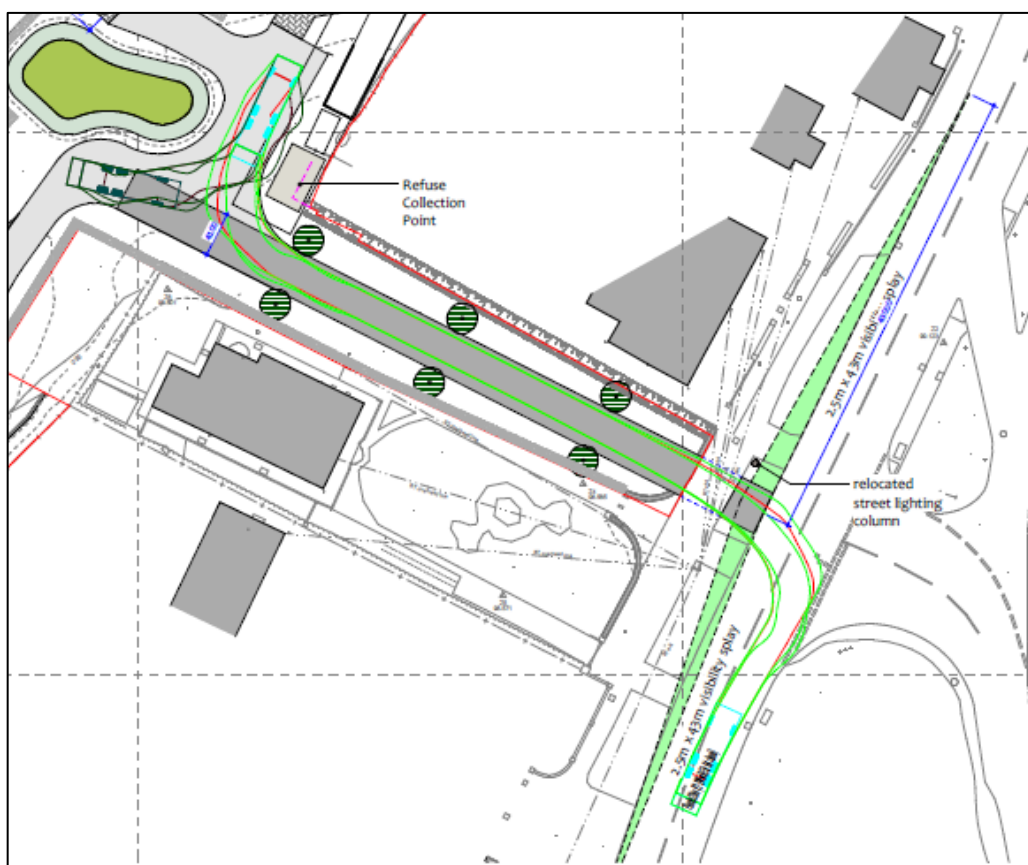


Figure 4: Proposed access arrangements

- 3.33. The access is of sufficient width to allow 2 vehicles to pass and incorporates turning facilities for all vehicles to enter and leave the site safely in forward gear. Swept paths are shown to confirm that it is suitable

for large vehicles as well as service, delivery and emergency vehicles (see Figure 4). A refuse collection point will be provided at this location.

3.34. An existing street lighting column will be relocated immediately to the north of its current position and placed outside the visibility sight lines.

3.35. The layout is designed so that the access drive winds between the existing trees without requiring them to be felled or impacting upon their RPAs and where the drive width has been reduced to 3.2m to protect the trees, passing places have been incorporated (see Figure 5).

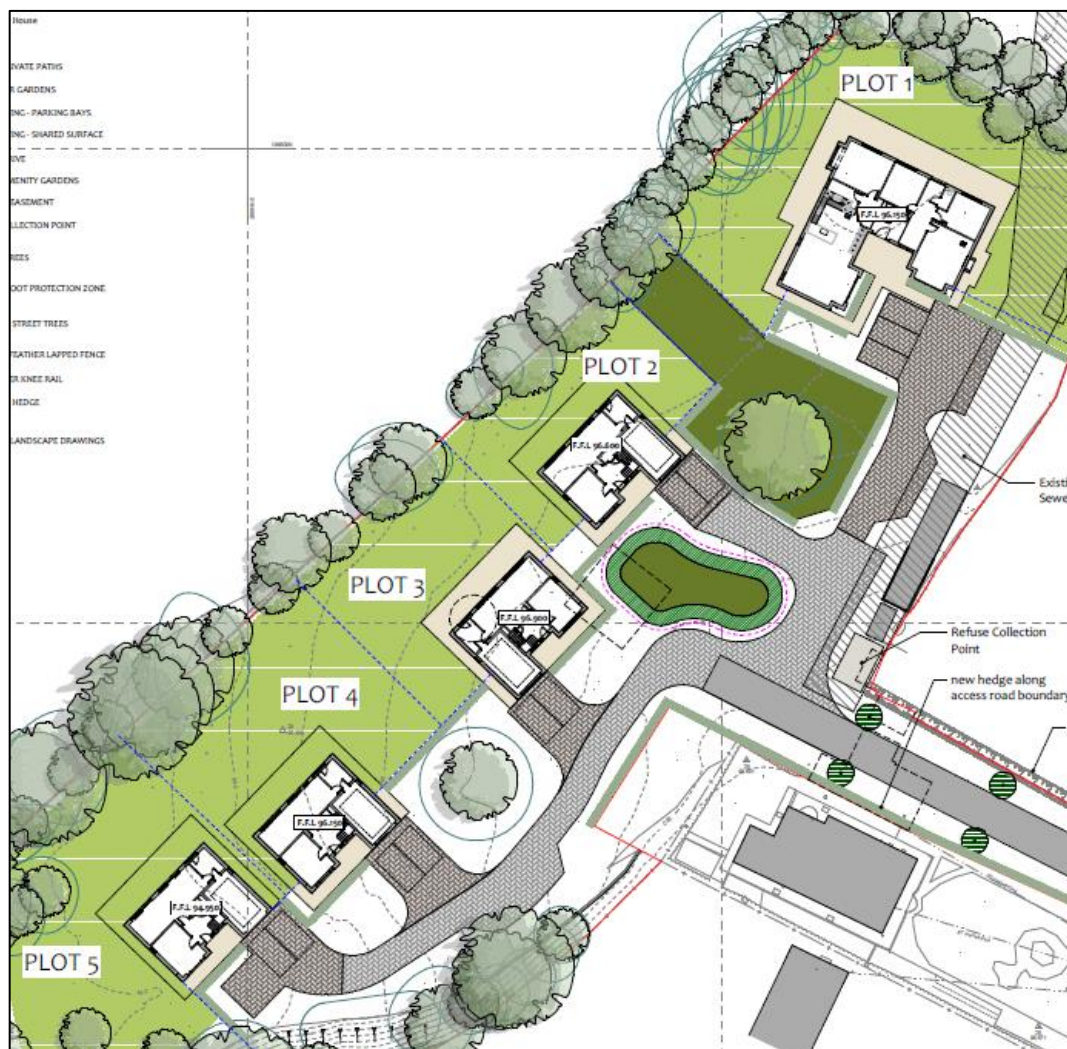


Figure 5: Proposed plot layout and driveways

3.36. All properties will have 3 parking spaces with plots 2-5 incorporating 1 of the spaces within an integral garage in accordance with the adopted parking standards.

3.37. Phasing and Demolition

3.38. The applicants' first step on obtaining planning permission will be to build plot 1 as a self-build project & sell their existing house. The next step will

be to carry out further, more detailed ground investigations relating to plots 2-5 that will determine the required ground stabilisation works and foundation design for these plots. This work is not necessary for plot 1 as the ground conditions under plot 1 are better and require no further investigation; as per the site investigation reports submitted with the previous planning permissions. Quotes for this work were considerable and, bearing in mind the planning history for the site, the applicants were reluctant to undertake this further work without the certainty of planning permission.

- 3.39. Therefore the development will be built in 2 phases; with phase 1 commencing once planning permission has been granted with the additional work needed for phase 2 carried out subsequently. Obtaining full planning permission for all 5 plots means that, once work has commenced on plot 1, the planning permission will remain extant whilst the additional investigation work is carried out for the other plots.
- 3.40. It is not the applicants' intention to demolish all 6 existing 'buildings' on site. The following plan shows the 6 existing buildings on-site that were identified in the Primary Ecological Appraisal:



Figure 6: Existing buildings on site

- 3.41. Figure 6 is an extract from the demolition plan which accompanies the application (Ref: HPS001) and confirms which buildings will be demolished in phase 1 and phase 2 and which will be permanently retained. The 6 buildings are identified on the above plan with the same references as used in the PEA report. Photographs of each one can be found on pages 26-30 of the PEA report and their positions are also identified on plan 6 of the PEA and plan 2 of the Dusk Emergence Survey Report.
- 3.42. Building 1 is the existing dwelling and will be demolished in phase 1 to enable access and drainage to be provided to serve plot 1 initially.
- 3.43. Building 2 is a wooden outbuilding in the centre of the site which will be used for equipment storage during phase 1 and only demolished on commencement of phase 2 following further bat emergence surveys.
- 3.44. Buildings 3-6 will be permanently retained as outbuildings for plot 1.
- 3.45. The proposed development will be built in two separate phases as delineated on the proposed phasing plan (Ref: N345-A1.17 C). Phase 1 is a self-build project and will include:
- the demolition of the existing dwelling (building 1- coloured red on Figure 6)
 - the formation of the new access and driveway to plot 1 and associated drainage
 - the erection of plot 1 and associated drainage
 - the formation of the attenuation pond and infiltration crate between plot 1 & 2
 - the connection of plot 1 to the existing sewer
 - phase 1 landscaping
- 3.46. Phase 2 will include:
- the demolition of building 2 (coloured orange on Figure 6)
 - the formation of the shared access to plots 3-5, the individual driveways to plot 2-5 and associated drainage
 - the erection of plots 2-5 and associated drainage
 - phase 2 landscaping including raingardens for plots 2-5
- 3.47. It is proposed that the site access road drainage, attenuation pond and infiltration crate will be become adoptable in Phase 2 by the SAB.
- 3.48. It is likely that once the additional site investigation work has been completed to define the required land stabilisation and foundation design for phase 2, it will be offered for sale with an extant consent for development by others.

4. National And Local Planning Policy

4.1. National Planning Guidance

Future Wales: The National Plan 2040 (Feb 2021);

4.2. Future Wales provides national spatial context for the delivery of development in Wales over a 20 year period (up to 2040) to ensure development contributes to the broader ambitions of the Welsh Government and to the well-being of communities.

4.3. Future Wales identifies three national growth areas which will focus on the delivery of employment, housing and infrastructure. The application site is within the Cardiff, Newport and the Valleys growth area.

Planning Policy Wales (Edition 11, 2021);

4.4. Planning Policy Wales (PPW) sets out national planning policies supported by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together provide the national planning policy framework for Wales.

4.5. Chapter 1 establishes a presumption in favour of sustainable development and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the policies of up to date Development Plans unless material considerations indicate otherwise; to ensure that social, economic, cultural and environmental issues are balanced and integrated. Therefore the presumption in favour of Sustainable Development gives primacy to National Planning policy over outdated Development Plans that were prepared in different circumstances.

4.6. Chapter 3 emphasises that good design is key to sustainable development and the design and access statement should demonstrate that it promotes inclusivity, energy efficiency, the efficient use of resources, minimises waste or pollution, high environmental quality, environmental protection and is an appropriate scale and good design.

4.7. It also encourages development that is accessible by a variety of means other than by car as this will help meet objectives for social inclusion and contribute to improved levels of health. PPW seeks to achieve this by locating development where there is good access by public transport, walking and cycling, near other related uses to encourage multi-purpose trips and reduce the length of journeys

- 4.8. Chapter 4 identifies the need for housing and encourages well designed, sustainable, mixed development on brownfield land to help regenerate local communities. Development sites should have good access to employment, retail and other services, provide good quality housing and safe, attractive environments places that uses land efficiently, provides housing at an appropriate density and is well integrated into the existing settlement pattern.
- 4.9. It also identifies the need to incorporate a mix of market and affordable house types to cater for identified housing needs for those who cannot afford market housing, in the interests of community regeneration and social inclusion. Affordable housing is defined as including social rented and intermediate housing.
- 4.10. Chapter 4 states that development plans must define affordable housing and identify affordable housing thresholds and expected development contributions, taking account of deliverability and viability, public subsidy, and other community benefit contributions sought by the LPA.
- 4.11. At paragraph 4.2.20 PPW states that development plans must include policies to make clear that developers will be expected to provide community benefits which are reasonably related in scale and location to the development and which also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.
- 4.12. Paragraph 4.2.21 goes on to say that it is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted.

Technical Advice Notes (TANs)

- 4.13. PPW is supplemented by a number of topic based Technical Advice Notes (TANs) which together are material considerations when determining planning applications. The following are relevant in this case:

TAN 2: planning and affordable housing (2006)

- 4.14. The TAN provides practical guidance on the role of the planning system in delivering affordable housing. It requires Local Authorities to set affordable

housing targets within the Development Plan and seek delivery in accordance with the target. Affordability is defined as the ability of households to purchase or rent a satisfactory property without any subsidy based on an assessment of the ratio of household income to the price of property to buy or rent that is available in the local area. It includes social rented and intermediate housing.

4.15. Paragraph 10.10 states that local planning authorities should treat affordable housing targets as indicative and there should be a strong expectation that a well-integrated mix of housing types and tenures will be provided but, where a developer can prove that a smaller amount of affordable housing is justified, it may be appropriate to reduce the amount of affordable housing to be provided.

4.16. TAN 2 presumes that affordable housing will be provided on site but accepts that there are occasions when it is inappropriate to do so, when an off-site financial contribution may be secured instead.

TAN 5: Nature Conservation and Planning (2009)

4.17. TAN 5 contains guidance regarding nature and geological conservation that should be taken into account by Welsh LPAs. It states that ignoring or inadequately addressing the potential of a development to affect important wildlife habitats or species could lead to delay in the processing of the application or refusal of permission.

4.18. Paragraph 4.3.2 states that applications should be carefully prepared with all material considerations addressed in the layout, design and related access, drainage and infrastructure. Landscaping proposals should show how the design enhances, avoids, mitigates or compensates for potential effects on nature conservation.

4.19. Section 6 of the TAN sets out the protection afforded to particular species of flora and fauna and paragraph 6.2.1 states that the presence of protected species is a material consideration in considering a development proposal that would be likely to result in disturbance or harm to either the species or its habitat.

TAN 10: Tree Preservation Orders (1997)

4.20. TAN 10 identifies the need to protect trees and the powers of the LPA to make TPOs for individual or groups of trees whose removal would have a significant impact upon the environment and its enjoyment by the public.

4.21. The TAN also confirms that the protection of trees is a material consideration in the determination of a planning application.

TAN 11: Noise (1997)

- 4.22. The TAN provides advice on how planning can be used to minimise the adverse impact of noise without unreasonable restrictions or added costs on development. In paragraph 10 it outlines the main considerations when determining planning applications for development which will be exposed to existing noise sources. It goes on to highlight potential mitigation measures and the use of conditions.

TAN 12: Design (2016)

- 4.23. TAN 12 states that the Welsh Government is committed to promoting sustainability through good design in all development, and provides detailed advice on how this may be facilitated by the planning system.
- 4.24. It goes on to state that good design requires a collaborative & inclusive, approach which embraces sustainability, architecture, place making, public realm, landscape, and infrastructure. It seeks to achieve a more holistic approach that places sustainable development at its heart.
- 4.25. Chapter 3 recommends that appreciation of the site's context, a clear vision and design objectives must be central to the design process, as well as engaging end users and stakeholders from the outset.
- 4.26. Chapter 4 sets out the approach to achieving good design; analysing and diagnosing problems to raise the quality of the area and deliver well designed, adaptable buildings with a high quality public realm, and active neighbourhoods by focussing on access and movement, character, community safety and environmental sustainability.
- 4.27. Chapter 5 contains specific guidance where design choices may be significant. Amongst other issues, it provides guidance relating to: inclusive design; transport and movement; landscape; biodiversity; housing design and layout; and resource efficient layout.
- 4.28. In terms of context, paragraph 5.5.1 recognises that the distinctive settlement patterns which characterise Welsh settlements have evolved partly in response to the country's landscape and topography, often with the built development following the topography in a linear pattern. The TAN recognises that the way in which the development relates to its urban context is critical and, because of this, an understanding of the topography, landscape and historic character is fundamental to the design.
- 4.29. Section 5.11 addresses housing design and layout and paragraph 5.11.3 advises that housing layouts should respect their 'local context and distinctiveness, including topography and building fabric,' with existing landmarks, established routes, mature trees and hedgerows retained within the development.

TAN 15: Development and Flood Risk (2004)

- 4.30. The TAN provides technical guidance in relation to development and flood risk and provides a framework within which risks arising from flooding and from additional run-off can be assessed. Managing flooding is important in order to achieve sustainable development, which includes guiding development to locations that are not at risk from flooding or managing the consequences of flooding where development is justified and the consequences are considered acceptable.
- 4.31. The TAN seeks out to achieve this by adopting a precautionary approach; guiding new development away from areas which are at high risk of flooding and providing advice on what uses are permissible in areas susceptible to some flooding. The guidance defines land as falling within one of three zones A, B and C (with C subdivided into C1 and C2) which are used to trigger the appropriate planning tests.

Technical Advice Note 18: Transport (2007)

- 4.32. The TAN provides planning advice with regard to transport issues and seeks, amongst other things, to:
- ensure new development will have good access to public transport, walking and cycling;
 - manage parking provision;
 - ensure that new development includes appropriate provision for pedestrians, cycling, public transport, traffic management and parking/servicing;
 - encourage development to be located near related uses to encourage multi-purpose trips.

4.33. Local Planning Policy

The Development Plan

- 4.34. The site and its surroundings are located within Caerphilly Council, where the development plan consists of the *Caerphilly County Borough Local Development Plan up to 2021*; adopted in 2010.
- 4.35.** The LDP sets out planning policies and proposals up to 2021, and divides the County Borough into three areas. The application site is located within the Northern Connections Corridor where policies guide new housing to previously developed land within existing towns and villages. The following policies are considered relevant to the proposed development:

Constraints Map:

- Development Referral Area – coal mining
- Sandstone Resource

Strategic Policies:

- **Policy SP2 Development Strategy - Development within the Northern Connections Corridor(NCC);**
Development in the Northern Connections Corridor will be targeted to settlements with good public transport links to encourage travel by sustainable modes.
- **Policy SP4 Settlement Strategy;**
- **Policy SP5 Settlement Boundaries;**
The application site is located within the Blackwood settlement boundary, which is one of the 5 principal towns.
- **Policy SP6 Place Making;**
Encourages the use of good design, sustainable transport, resource efficiency and the enhancing natural heritage features to encourage a sense of place and identity, whilst reflecting local distinctiveness.
- **Policy SP7 Planning Obligations;**
Where appropriate, the Council will seek obligations where they are necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind and reasonable in all other respects. Where sites are previously used land, the Council will take into consideration abnormal costs associated with redevelopment when negotiating planning obligations.
- **Policy SP10 Conservation of Natural Heritage;**
Natural Heritage covers geology, geomorphology, biodiversity, landscape and amenity value and includes natural features such as trees, woodlands, hedgerows and rivers.
- **Policy SP14 Total Housing Requirements;**
The Council made provision for up to 10,269 new dwellings in the County Borough between 2006 and 2021.
- **Policy SP15 Affordable Housing Target;**
The Council aimed to deliver at least 964 affordable dwellings between 2006 and 2021.
- **Policy SP21 Parking Standards.**

Countywide Policies:

- **Policy CW1 Sustainable Transport, Accessibility and Social Inclusion;**
Development proposals that are likely to generate a significant number of trips will only be permitted provided:

- A. *Walking and cycling are modes of travel which have been actively encouraged for short trips to and within the development and to nearby services and facilities, including public transport nodes, through the provision of appropriate infrastructure*
 - B. *Provision has been made for ease of cycling, including secure bike storage and cyclist facilities*
 - C. *It has been demonstrated that where a significant number of freight trips will be generated, the least environmentally damaging route will be utilised*
 - D. *The use of Green Travel Plans has been encouraged, where appropriate*
- **Policy CW2** *Amenity;*
Development proposals that are likely to generate a significant number of trips will only be permitted provided:
 - A. *Walking and cycling are modes of travel which have been actively encouraged for short trips to and within the development and to nearby services and facilities, including public transport nodes, through the provision of appropriate infrastructure*
 - B. *Provision has been made for ease of cycling, including secure bike storage and cyclist facilities*
 - C. *It has been demonstrated that where a significant number of freight trips will be generated, the least environmentally damaging route will be utilised*
 - D. *The use of Green Travel Plans has been encouraged, where appropriate*
- **Policy CW3** *Design considerations - Highways;*
Development proposals must satisfy the following highways requirements:
 - 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.

- **Policy CW4** *Natural Heritage Protection;*
Development proposals that affect locally designated natural heritage features, will only be permitted:
 - A. *Where they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL).*
 - B. *Within, or in close proximity to sites designated as Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), Regionally Important Geological Sites (RIGS), Green Corridors, or Local Priority Habitats and Species, where proposals either:*
 - i. *Conserve and where appropriate enhance the ecological or geological importance of the designation, or*
 - ii. *Are such that the need for the development outweighs the ecological importance of the site, and where harm is minimised by mitigation measures and offset as far as practicable by compensation measures designed to ensure that there is no reduction in the overall value of the area or feature.*

- **Policy CW5** *Protection of the Water Environment;*
Development proposals will only be permitted where:
 - A. *They do not have an unacceptable adverse impact upon the water environment, and*
 - B. *Where they would not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water)*

- **Policy CW6** *Trees, Woodland and Hedgerow Protection;*
Development proposals on sites containing trees, woodlands and hedgerows, or which are bordered by one of more such trees or hedgerows, will only be permitted provided that:
 - A. *Where arboricultural surveys are required, they are submitted and approved, including any mitigation, compensation or management requirements, as part of the planning application.*
 - B. *Root systems will be retained and adequately protected for the duration of all development activity on site.*

- C. *Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site.*
 - D. *Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate.*
- **Policy CW11 Affordable Housing Provision;**
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)*

The application site lies within the Northern Connections Corridor.

- **Policy CW15 General Locational Constraints.**
Development proposals will be considered against the following criteria, where they apply:
 - A. *Development proposals will not be permitted if they prejudice the implementation of wider comprehensive redevelopment or constrain the development of any adjacent site for its allocated land-use*
 - B. *Within settlement boundaries proposals for all types of development accord with the role and function of the settlement within which they are located*
- **Policy EM2 Employment Sites Protection**
The following sites are protected for employment uses, in line with their status in the employment hierarchy:
 - *EM 2.18 New Road, Tiryberth - Secondary site*
- **Policy TR1 Cycle Routes**
Land will be safeguarded to facilitate the following improvements to the cycle route network:
 - *TR1.8 Rhymney Valley Linear Cycle Route - Heads of the Valleys to Bedwas / Caerphilly, Northern*

The application site lies within the Northern Connections Corridor and the cycle route runs along the Victoria Road past the site.

Supplementary Planning Guidance

4.36. The following adopted Supplementary Planning Guidance have all been prepared within the context of the Caerphilly County Borough Local Development Plan up to 2021 (LDP) and are considered relevant.

LDP 1 Affordable Housing Obligations (updated 2020):

4.37. The SPG supplements Policy CW11 by providing guidance on how affordable housing will be delivered.

4.38. LDP Policy SP15 and supporting text identify an affordable housing target of at least 964 units to be delivered over the lifetime of the LDP. There are two main types of affordable housing as defined by TAN 2:

- social rented housing - where rent levels have regard to the Welsh Government's guideline rents and benchmark rents; and
- intermediate housing - where prices or rents are above those of social rented housing but below market housing prices or rents.

4.39. In accordance with Policy CW11, in the Northern Connections Corridor the LPA normally seeks 25% of affordable housing on sites with 5 or more units or that exceed 0.15ha. However, paragraph 5.3 recognises that, where there are significant abnormal development costs, the provision of affordable housing at these levels may result in the development of a site becoming unviable. In such cases the LPA will require an open book viability appraisal using the Development Viability Model (DVM) assessment tool.

4.40. Paragraph 6.2 confirms that self-build dwellings will be liable for an affordable housing contribution where the plot forms part of a larger site.

4.41. Where development is phased, paragraph 7.2 states that affordable housing should also be phased appropriately, with the timescales for the delivery of affordable units being set out in the Section 106 Agreement.

4.42. The SPG is clear that on site provision is preferred but acknowledges that an off-site financial contribution will be sought where the contribution would equate to less than one whole dwelling or where there are exceptional circumstances where it would be unfeasible; such as a self-build scheme of less than 10 units or other exceptional circumstances as considered appropriate by the LPA.

4.43. The commuted sum should be equivalent to the developer contribution if provided on site and the SPG states at paragraph 9.3.2 that the LPA will normally ask for a contribution based on the ACG of a 1 bedroom flat, calculated as follows:

ACG £ per unit x % SHG x N = £ financial contribution.

Where:

ACG= *Acceptable Cost Guidance per dwelling.*

% SHG= *Social Housing Grant rate (currently 58%) that will be funded by WG. The remaining amount (currently 42%) will be funded by an RSL or the LA.*

N= *Number of affordable housing units rounded to the nearest whole number.*

- 4.44. The commuted sum is to be paid prior to occupation of a specified percentage of units and will normally be required to be paid back by the LPA to the developer if unspent after 10 years. A costs calculator is included in Appendix 4 of the SPG

LDP 4 Trees and Development (Updated 2017);

- 4.45. The SPG puts the onus on the developer to retain, protect and incorporate individual trees, hedges or woodlands within development and provides guidance on the application of policies SP6(g), SP10 and CW6 in relation to retaining, protecting and providing trees within new development.

LDP 5 Car Parking Standards, Parts 1 & 2 (Updated 2017)

- 4.46. The SPG supplements policy SP24; setting out how the Wales Parking Standards will be applied across Caerphilly; specifying the appropriate parking standards for the proposal and site and confirming that the application site lies within parking zone 4.
- 4.47. Zone 4 includes suburban locations or smaller settlements with a range of local services within walking distance and regular public bus and rail transport.
- 4.48. Within zone 4, the proposed dwellings require 3 parking spaces per dwelling. Standard parking spaces should measure 2.6m x 4.8m and single garages require clear internal dimensions of 3m x 6m,.

LDP 6 Building Better Places to Live (Updated 2017)

- 4.49. The SPG sets out how the design requirements of TAN 12 should be applied in the case of new residential development and provides guidance on the issues a design and access statement should address, as well as providing detailed design requirements relating to residential development.

5. Planning Assessment

5.1. Material Considerations:

5.2. This section assesses the most relevant issues to the determination of the application which, in addition, are also addressed in the supporting documents submitted with this application. The main issues are:

- Principle of development
- Housing Land Supply
- Affordable Dwellings
- Sustainability
- Access
- Ecology
- Flood Risk and Drainage
- Landscape
- Noise

Principle of Development:

5.3. The starting point is the Development Plan as Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the policies of up to date Development Plans unless material considerations indicate otherwise.

5.4. In terms of national guidance PPW establishes a presumption in favour of sustainable development. Chapter 4 identifies the need for housing and encourages well designed, sustainable, mixed development on brownfield land with good access to local services that is well integrated into the existing settlement pattern in order to help regenerate local communities.

5.5. The Local Plan adopts a strategy that encourages well designed new housing in sustainable locations outside flood zones, well served by local services, facilities and sustainable transport, that will contribute to regeneration of local communities and include affordable housing.

5.6. Regulations require that a Local Plan should be reviewed "every four years from the date of its initial adoption" to consider whether it needs to be revised. As a result of a review in 2013/14, work commenced on the revision, but it was later withdrawn prior to being put on deposit; with a view to preparing a Strategic Development Plan for the Cardiff Capital Region, which is yet to materialise.

5.7. All reviews since 2013 have confirmed the need for a review of the Local Plan to address inadequate levels of housing delivery amongst other matters and the LPA accept that there is a currently shortfall in the 5 year housing land supply. As such, although it remains the current

Development Plan for Caerphilly, the Local Plan must be regarded as out of date and given less weight as a material consideration and the need for housing must be given greater weight.

- 5.8. It has been demonstrated that the proposed development is in a sustainable location within the Blackwood settlement boundary, which is one of the 5 principle towns and the proposal is in accordance with PPW and in accordance with LDP policies SP2, SP4, SP5 and CW15.
- 5.9. The scheme accords with National and Local Policies and though the Local Plan is a little dated, it does not raise any issues that would conflict with the proposed development.

Housing Land Supply:

- 5.10. The LPA has acknowledged that it does not have a 5 year housing land supply which should result in additional weight being given to the delivery of a policy compliant housing scheme.

Affordable Housing:

- 5.11. Affordable Housing and viability is dealt with in more detail in section 6 of the statement but, in summary, the position is as follows.
- 5.12. Affordable housing is defined in TAN2 paragraph 5.1 as:
"housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers."
- 5.13. In accordance with Policy CW11, the scheme will be expected to deliver up to 25% affordable housing. For a 5 dwelling scheme 25% equates to 1.25 units which, when rounded to the nearest dwelling, as advised in SPG LDP1 (Affordable Housing), results in a requirement for 1 dwelling.
- 5.14. An off-site financial contribution is offered because onsite provision would result in an isolated single dwelling creating inherent additional management and cost issues for an RSL. In addition, the development includes shared access, landscaping & drainage facilities that will require pro-rata payments from the 5 plots which would not be acceptable to an RSL. Therefore, a commuted sum is offered in lieu of the onsite provision.
- 5.15. Based on the SPG values and formula and the LPA requirement for a 2 person 1 bed social rented flat as set out in LDP1 paragraph 9.3.2, the following contribution will be required:

$$\mathbf{ACG \text{ £95,800} \times 58\% \text{ SHG} \times 1 = \text{£55,564}}$$

- 5.16. The proposed commuted sum of £55,564 is to be paid on completion of a specified number of units, as agreed with the LPA.
- 5.17. The considerable costs associated with the long access road, drainage infrastructure, land stability works and special foundations for plots 2-5 will place substantial burdens on cash flow at the early stages of the development.
- 5.18. Phase 1 will have to bear considerable initial development costs relating to the new access and the sustainable drainage infrastructure (the attenuation pond and infiltration crate) which will ultimately serve all 5 plots.
- 5.19. Before the start of phase 2 additional site investigation and foundation design works will be required and once phase 2 starts the land stability works will have to be carried out before any work can start on building the houses.
- 5.20. Therefore, taking into account that the skewed development costs, it is considered that the trigger point for payment should be in the latter part of phase 2: prior to the occupation of the 4th dwelling.
- 5.21. This will enable the proceeds of 2 plots to be realised following the erection of plot 1 with 40% of the overall development still remaining unsold and unoccupied until the affordable housing contribution has been paid; which should provide sufficient assurance and protection for the LPA.

Sustainability:

- 5.22. The Design and Access Statement which accompanies the application follows the guidance in TAN 12. The D&A sets out the aspirations for the development and indicates that a high quality of development is proposed. It also shows how the layout respects the character of the area, retains existing features and is well positioned to access local facilities and various modes of public transport.
- 5.23. Fleur De Lis is a well-connected and sustainable location with respect to the proximity to local facilities and sustainable transport to access local and national destinations. It is within easy walking distance of many local facilities and close to footpaths, cycle-paths, bus routes and rail services that serve both the locality and the wider area to avoid a dependence on the use of private cars, linking people to jobs, schools, health, other services in both local and national destinations;
- 5.24. Economic Sustainability: The site will generate local spend during the construction phase; bringing jobs in construction and economic benefits to the construction industry supply chain.

- 5.25. Social Sustainability: The site will provide 5 much-needed family houses and a 20% affordable housing contribution for the provision of much needed social rented housing in the area.
- 5.26. Additional residents will support the use of local schools, businesses, services and public transport which, whilst also of economic benefit, have significant social benefits.
- 5.27. Environmental Sustainability: The site is part of an open field adjoining the village that is unremarkable in terms of either its landscape contribution or its biodiversity. An analysis of the local context together with current design policy and guidance has shaped the proposals and, as a result, the main landscape and habitat features, such as trees and hedges, will not be adversely affected by the development in the interests of both the landscape character of the area as well as local biodiversity.
- 5.28. The application site has no public use and provides limited visual amenity to local residents as they pass by the site walking or driving along Twyn.
- 5.29. Although the existing site has a limited landscape impact, the proposed scheme will include additional planting that will increase its landscape impact in the street-scene.
- 5.30. The scheme offers a mosaic of different habitats. Additional native species trees and hedges as well as the creation of a new aquatic habitat and rain gardens will increase the biodiversity of the site, with the trees and hedges providing additional habitat and acting as wildlife corridors for foraging animals.
- 5.31. The development does not adversely impact on any wildlife interests but, in addition to the above, will also provide bat and bird boxes that will be beneficial to local wildlife.
- 5.32. The development will use sustainable construction methods to deliver energy efficient heat and lighting, water efficient fittings and fixtures, rainwater harvesting and waste recycling. Renewable energy will be incorporated into the development to create comfortable homes with minimal running costs by the use of heat pumps, solar or other sources of energy and heat. These matters will be addressed in detail at the construction stage.

Access:

- 3.49. The application site has an access off Tywn but the development is proposed to be accessed via a new access off Victoria Road within the 30mph speed restricted area. The submitted plans demonstrate that there

is capacity within the site and adjoining highway to form a vehicular and pedestrian access with appropriate visibility sight lines to serve the proposed development.

- 3.50. An existing street lighting column will be relocated immediately to the north of its current position and placed outside the visibility sight lines. This will require the consent of the Highway Authority and will be carried out at the applicants' expense. The relocation of the street lighting column can be secured by way of a Grampian style condition requiring that it be relocated prior to the access being brought into use.
- 5.33. All properties will have parking provision within their curtilage in accordance with policy as demonstrated by the submitted plans.
- 5.34. The site is well located with local facilities easily accessible via a range of transport options. Local bus stops, shops, playing fields, church and schools are all within a reasonable walking distance and the regular public transport services provide easy access further afield.
- 5.35. The impact of an additional 4 dwellings on background traffic levels at peak periods would be indiscernible on the immediate or wider road network and considerably less than the previous permission for 20 houses.

Ecology:

- 5.36. The main issue is to retain and ensure that existing trees are protected from damage during construction; which was a failing of the previous planning permission.
- 5.37. The proposed layout and landscape design creates an attractive and biodiverse landscape through a range of features including:
- Protection of the existing trees within and surrounding the development by locating development outside their RPAs
 - An infiltration (drainage) pond as part of a SuDS scheme which creates an attractive feature and periodically hold water thereby providing opportunities for a wide range of flora and fauna
 - 'Rain gardens' within each plot as part of a SuDS scheme which creates an attractive feature and will attract a range of wildlife
 - New native species trees and hedges to provide additional habitat and act as wildlife corridors for foraging animals
 - Roost boxes for bats and birds
- 5.38. Ecological precautionary, mitigation and protection measures as recommended in the attached PEA and Dusk Emergence Survey relating to a CEMP, reptile surveys, native plants, bird and bat boxes, a lighting

strategy, pollution control, protective tree fencing and vegetation clearance can all be secured by planning conditions.

- 5.39. As such the proposals will offer a mosaic of different habitats, upon which many creatures depend and result in an environmental gain for the locality.

Flood Risk and Drainage:

- 5.40. Housing is defined as '*highly vulnerable development*' by TAN 15. The Welsh Government Development Advice Map (DAM) identifies the application site within Zone A, which is land that is considered to be at little or no risk of fluvial or tidal/coastal flooding because there is neither record of flooding nor any geological reason why it should flood in the future and there is no need to consider flood risk further, other than from surface water runoff
- 5.41. The application site falls outside of the extreme flood extent from all sources apart from a small section to the north extent of the site, which is identified by the NRW Flood Map for Planning to be at risk from surface water and small watercourses; lying within Flood Zone 2 and 3.
- 5.42. The FRA considers that the site is at a Low Risk from surface water flooding with minimal or no anticipated associated consequences. All other potential sources of flooding are concluded to be either Very Low or Low Risk. Mitigation measures and recommendations within section 5 of the FRA ensure that any risks are residual, acceptable and manageable.
- 5.43. Accordingly, the FRA confirms that the proposed development can achieve national and local requirements through an infiltration led drainage strategy that is fully compliant with PPW and TAN15.
- 5.44. A Drainage Strategy Report, drainage layout plan and a landscaping plan associated with the drainage strategy accompanies the application.
- 5.45. As regards foul drainage, there is a suitable point of connection is available within the site to a combined DCWW sewer so that the site can be connected to existing foul drains.
- 5.46. A SAB pre-application enquiry was submitted to ensure that the drainage strategy is acceptable to the Drainage Authority and the submitted drainage strategy follows the guidance in the SAB response. A full SAB application will be submitted in parallel with the planning application and the implementation of the scheme.

Landscape:

- 5.47. The site does not lie within an area protected for its openness or landscape character such as a Special Landscape Area, Area of Outstanding Natural Beauty, National Park or Green Belt.
- 5.48. The site is part of a pleasant but unremarkable open field which has no public use and provides limited visual amenity. The main landscape features are the trees within and adjoining the site, none of which will be affected by the development.
- 5.49. In order to ensure that the scheme respects its local identity and distinctiveness, it has been designed to respect the built and natural context.
- 5.50. The plot layout has been amended through the design process and the individual dwellings have been designed to create a relationship with the existing trees within the site that ensures any impact from shading will be minimised; thereby avoiding any pressure to fell the trees in the future.
- 5.51. The site entrance will be defined by new native species hedge along its boundary with number 41 and, in addition, it is proposed to plant 3 native species trees such as Silver Birch (*Betula Pendula*) and/or Wild Cherry (*Prunus Avium 'Plena'*) on either side of the new access drive. These trees have a light canopy and will not create excessive shading of adjoining gardens.
- 5.52. Individual plots will be defined by 1.8m high feather lapped fences to the sides and between each of the dwellings, with a new native species hedge in front. Rear boundaries of the individual plots will remain as existing. The infiltration pond will be bounded by a 0.9m high timber knee rail.
- 5.53. This demonstrates that, although the existing site has a limited landscape impact, the proposed additional planting will enhance the landscape and street-scene.

Noise:

- 5.54. The accompanying Noise Report confirms that there is no indication that noise from the existing Tir-Y-Birth industrial estate will cause any issues for residents living in the new houses. It concludes that 'desirable' internal noise level targets for habitable spaces can be met with suitable glazing and ventilation specifications that are recommended in the report and which can be secured by conditions.

6. S106 and CIL

- 6.1. **S106 Issues:**
Affordable Housing Requirement
- 6.2. In providing affordable housing, whether on or off site, the developer effectively makes a financial contribution to subsidise the provision of affordable housing.
- 6.3. LDP1 sets out the typical costs for providing affordable housing, taking into account the differences in values in different areas, and what percentage of this should form the developers' contribution.
- 6.4. Affordable housing is defined in TAN2 (Planning and Affordable Housing) paragraph 5.1 as:
"housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers."
- 6.5. Policy CW11 sets out how affordable housing will be delivered and confirms that windfall sites in the Northern Connections Corridor of 5 or more dwellings or site areas of more than 0.15ha, such as the application site, will be expected to deliver up to 25% affordable housing, subject to negotiation with the LPA.
- 6.6. Supplementary Guidance LDP 1 (Affordable Housing) supplements Policy CW11 by providing guidance on how affordable housing will be delivered. The SPG is clear that on site provision is preferred but acknowledges that an off-site financial contribution will be sought where the contribution would equate to less than one whole dwelling or where there are exceptional circumstances where it would be unfeasible, as considered appropriate by the LPA.
- 6.7. In this instance an on-site provision would result in an isolated single dwelling being offered to an RSL with inherent management issues. As the development also includes shared facilities (access, landscaping & drainage) it would create additional difficulties for the RSL and its tenant. Therefore, a commuted sum is offered in lieu of the onsite provision.
- 6.8. The commuted sum should be equivalent to the developer contribution if provided on site and the SPG states at paragraph 9.3.2 that the LPA will normally ask for a contribution based on the ACG of a 1 bedroom flat, calculated as follows:

$$\text{ACG } \pounds \text{ per unit} \times \% \text{ SHG} \times \text{N} = \pounds \text{ financial contribution.}$$

Where:

ACG= Acceptable Cost Guidance per dwelling.

% SHG= Social Housing Grant rate (currently 58%) that will be funded by WG. The remaining amount (currently 42%) will be funded by an RSL or the LA.

N= Number of affordable housing units rounded to the nearest whole number.

- 6.9. The commuted sum is to be paid prior to occupation of a specified percentage of units and will normally be required to be paid back by the LPA to the developer if unspent after 10 years.
- 6.10. For this 5 dwelling scheme in the Northern Connections Corridor, a 25% contribution would equate to 1.25 units which, rounded to the nearest dwelling as advised in LDP1, a financial off-site contribution for 1 dwelling is required; representing a 20% contribution.
- 6.11. Based on the SPG values and formula ($ACG \text{ £ per unit} \times \% \text{ SHG} \times N = \text{£ financial contribution}$) and the LPA normal requirement for a 2 person 1 bed social rented flat, the following contribution will be required in the 25% viability area (ACG Band 3 rate of £95,800):
- ACG £95,800 x 58% SHG x 1 = £55,564**
- 6.12. The off-site financial contribution required is therefore £55,564, to be paid on completion of a specified number of units, as agreed with the LPA.
- 6.13. There are considerable costs associated with the development as a result of the long access road, the drainage infrastructure and the land stability works and special foundations for plots 2-5. These will affect cash flow for the development and place substantial burdens at the early stages of the development.
- 6.14. During phase 1 there will be considerable initial development costs relating to the creation of the new access road and the sustainable drainage infrastructure (the attenuation pond and infiltration crate) which will ultimately serve all 5 plots.
- 6.15. Before the start of phase 2 additional site investigation and foundation design works will be required. Once phase 2 starts the land stability works will have to be carried out before any work can start on plots 2-5.
- 6.16. Therefore, it is considered that, taking into account that the development costs are skewed toward phase 1 and the early parts of phase 2, the trigger point for the payment of the affordable housing contribution should be at a point in the latter part of phase 2.

6.17. The proposed trigger for payment is prior to the occupation of the 4th dwelling. This will enable 3 plots to be built, sold and occupied, with the proceeds from the sales contributing to the above costs. It will still mean that 40% of the development will remain unsold and unoccupied until the affordable housing contribution has been paid.

6.18. Viability:

6.19. PPW is clear that where developers are expected to provide community benefits the LPA must also take account of the economic viability of a site and ensure that the provision of the community benefits would not unreasonably impact on the delivery of the development.

6.20. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case and whether the viability evidence is up-to-date.

6.21. As a full viability assessment has not been carried out for the proposed development it is not expected that the LPA are in a position to take viability into account at this point. A full assessment has not been carried out as the full extent and costs of the groundworks and foundation details are not known without additional investigation works. These will be commissioned at a later date in the event that planning permission is granted.

6.22. In support of the previous permission a cost exercise was carried out in 2010 to identify the anticipated abnormal costs of developing the site. This cost plan has been updated by the original quantity surveyors (Lewis & Lewis). The cost indexed update is attached at Appendix 1.

6.23. The updated cost plan includes a variety of construction elements where 'abnormal' costs are identified, relating to 'work elements' (over £240k) and 'site abnormalities' (£490k). It is anticipated that the LPA may not agree to all of the identified work elements being taken into account as part of a planning viability exercise but, even if one simply considers the site abnormalities, the cost plan indicates a potential £490k of abnormal costs.

6.24. These works relate to the identified ground stabilisation works across the site to enable the previous scheme to be constructed. The previous scheme involved felling the existing trees within the site and construction of a 5.5m wide adoptable road with 2m wide footpaths. The current scheme proposes to retain the trees and construct a shared drive which will mean that the stabilisation works should be more limited in scope.

6.25. Accordingly, as the extent of the abnormal costs is not known a provision should be built into the S106 to enable the matter to be addressed at a

later stage by the LPA and landowner to consider whether a reduction in the affordable housing contribution needs be considered; with the final decision as to whether a reduction is justifiable resting with the LPA.

6.26. Community Infrastructure Levy (CIL):

- 6.27. CIL is a levy on each square metre of new floor-space created by the development, with different rates being charged for different types of development and in different areas, taking into account the impact of CIL on the viability of new development schemes.
- 6.28. The site is located within the mid-range viability zone for CIL for which market housing is charged at a rate of £25 per square metre for new residential development; which is also subject to indexation.
- 6.29. CIL is charged for the net additional floor-space remaining after existing floor-space has deducted. Regulation 40 (7) sets out formula for calculating the net floor-space, as follows:

$$Gr - Kr - \left(\frac{Gr \times E}{G} \right)$$

G = the gross internal area of the chargeable development;

GR = the gross internal area of the part of the chargeable development chargeable at rate R;

KR = the aggregate of the gross internal areas of the following—

- (i) retained parts of in-use buildings, and
- (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following—

- (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development, and
- (ii) for the second and subsequent phases of a phased planning permission, the value Ex (as determined under paragraph (8)), unless Ex is negative, provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

- 6.30. There is a mandatory exemption provided by Regulation 42A to the effect that CIL is not chargeable for self-build single dwellings, such as plot 1.

- 6.31. Therefore, as **G** and **GR** both relate to the gross internal area of the chargeable development, plot 1 should not be calculated as falling within either as it benefits from the above exemption. Therefore **G** and **GR** = the gross internal area of plots 2-5.
- 6.32. Where buildings are demolished to make way for new buildings, such as in this case, the charge will be based on the floor-space of new buildings less the floor-space of the demolished buildings. Therefore **E** = the combined floor-space of building 1 and building 2; both of which are to be demolished prior to the completion of the chargeable development.
- 6.33. The chargeable amount is set using the following formula:

$$\frac{\mathbf{R \times A \times Ip}}{\mathbf{Ic}}$$

R = the CIL Rate (£25 per square metre)

A = the deemed net area chargeable at rate R (as calculated using the formula at paragraph 5.13 above)

Ip = the index figure for the year in which planning permission was granted

Ic = the index figure for the year in which the charging schedule took effect

- 6.34. Once planning permission is granted the Council issues a liability notice, which sets out:
1. the amount that will be due for payment when the development is commenced,
 2. the payment procedure, and the possible consequences of failing to comply with the requirements of the Liability Notice.
- 6.35. The responsibility to pay CIL lies with the landowner and is transferred if the land is sold. A CIL demand notice is issued by the local authority once the LPA receive a commencement notice or a notice of chargeable development. Usually this means once the planning permission is made extant and started. However, in this instance the development is split into 2 phases.
- 6.36. There are provisions in the regulations relating to phasing so that CIL is applied to each phase of the development as if it were a separate chargeable development. The benefit is that different parts of the development can start without CIL becoming due on other parts of the development.
- 6.37. In this case phase 1 is a self-build plot and benefits from a mandatory exemption by virtue of Regulation 42A with the 'chargeable development'

being commenced at phase 2. Accordingly it is anticipated that CIL will be applied separately to the two phases.

7. Conclusions

7.1. Conclusions:

- 7.2. It has been demonstrated that the proposed development is acceptable in principle and there are no site specific or detailed reasons why the development should not be permitted.
- 7.3. The submitted application and its supporting documents and plans; including the layout plan, access details, house designs, Ecological Appraisal, Noise Report, Flood Risk Assessment, Drainage Strategy, Design & Access Statement and Planning Statement all clearly demonstrate that there would be no significant or demonstrable harm from the proposed development and any technical and environmental issues can be satisfactorily dealt with either by condition or S106 obligation.
- 7.4. As can be seen from the above assessment, the proposed development has been carefully designed to achieve the vision for the site for a well-designed scheme that is sensitive to its location, will be of benefit to the village and to the environment, and has positively addressed all material considerations.
- 7.5. There are no significant or demonstrable adverse impacts to weigh against the number of clear benefits that would result from permitting the scheme, which are:

Social benefits

- The provision of 5 much-needed new family homes;
- Affordable housing contribution to local identified housing needs;
- Additional children living on the site will support the viability of the local schools;
- Additional residents will support the viability of local businesses and public transport by additional usage;
- A well connected and sustainable development within easy walking distance of many local facilities - with good public transport services and communication linking people to jobs, schools, health, other services and both local and national destinations;

Environmental benefits

- An environmentally sensitive development providing places for people to live that is considerate of the environment;
- Additional tree and hedge planting will create a soft landscape feature that will enhance the landscape.
- The formation of a mosaic of habitats through additional native species hedge and tree planting and the creation of new aquatic habitats by the provision of new pond will improve local biodiversity and act as wildlife corridors for foraging animals.
- Provision of bat and bird boxes will be beneficial to local wildlife
- A high quality designed scheme in a sustainable location;
- Providing a safe access that is capable of being accessed by a variety of modes of transport;
- High quality and an energy efficient sustainable construction methods;
- Use of energy efficient heat and lighting to reduce energy usage;
- Reducing water usage by providing rainwater harvesting and water efficient fittings and fixtures;
- Waste recycling;
- SuDS drainage system for surface water runoff & permeable surfacing;
- Renewable energy incorporated into the development by the use of heat pumps, solar or other sources of energy and heat.

Economic benefits

- The land is in single ownership and is immediately available for development to contribute to the 5 year housing land supply shortfall;
- Additional local spend from additional residents at local businesses, the Post Office, local pubs and public transport ;
- Generate local spend during the construction phase, bringing local construction jobs and economic benefits to the construction industry supply chain;
- Additional Council Tax revenue;
- Additional residents adding to the local economically active labour force.

7.6. Consequently, it is clear that the planning balance weighs very firmly in favour of granting planning permission without delay so that the 5 dwellings can be built to contribute to the supply of housing in the County Borough.

PROPOSED HOUSING DEVELOPMENT - FLEUR DE LYS.

Site Development / Infrastructure Cost Estimate Update - November 2023

lewis and lewis

SUMMARY

ELEMENT		Total Estimated Infrastructure & Development Cost	On Site Cost	Off Site Cost	On Site Development Costs	Off Site Development Costs	Total Normal Site Development Costs	Total Abnormal Site Development Costs
<u>WORK ELEMENTS</u>								
S200	SITE CLEARANCE	£ 34,230.65	£ 30,026.75	£ 4,203.90	£ 20,535.27	£ 4,203.90	£ 9,491.48	£ 24,739.17
S500	DRAINAGE & DUCTS	£ 105,809.05	£ 78,561.55	£ 27,247.50	£ 66,799.71	£ 27,247.50	£ 11,761.84	£ 94,047.21
S600	EARTHWORKS	£ 44,179.88	£ 37,898.94	£ 6,280.94	£ 21,377.61	£ 6,280.94	£ 16,521.33	£ 27,658.55
S700	PAVEMENTS	£ 88,018.77	£ 84,443.90	£ 3,574.87	£ 46,429.74	£ 3,574.87	£ 38,014.16	£ 50,004.61
S1100	KERBS & FOOTWAYS	£ 42,800.37	£ 38,102.90	£ 4,697.47	£ 22,352.29	£ 4,697.47	£ 15,750.61	£ 27,049.76
S1200	SIGNS & MARKINGS	£ 4,233.49	£ 2,934.95	£ 1,298.54	£ 143.24	£ 1,298.54	£ 2,791.71	£ 1,441.78
S1300	ROAD LIGHTING	£ 13,707.82	£ 13,707.82	£ -	£ 9,139.59	£ -	£ 4,568.23	£ 9,139.59
S1400	ELECTRICAL WORKS	£ 18,294.75	£ 18,294.75	£ -	£ 10,354.05	£ -	£ 7,940.70	£ 10,354.05
INFRASTRUCTURE COSTS		£ 351,274.78	£ 303,971.56	£ 47,303.22	£ 197,131.50	£ 47,303.22	£ 106,840.06	£ 244,434.72
<u>SITE ABNORMALITIES</u>								
A	Drilling & Grouting	£ 310,000.00	£ 310,000.00	£ -	£ 310,000.00	£ -	£ -	£ 310,000.00
B	Upgraded substructures within / adjacent to quarry	£ 110,000.00	£ 110,000.00	£ -	£ 110,000.00	£ -	£ -	£ 110,000.00
C	Reinforce foundations outside quarry	£ 15,000.00	£ 15,000.00	£ -	£ 15,000.00	£ -	£ -	£ 15,000.00
D	Excavation and compaction up to 2m deep under roads and the like	£ 15,000.00	£ 15,000.00	£ -	£ 15,000.00	£ -	£ -	£ 15,000.00
E	Capping layer to contaminated fill areas	£ 15,000.00	£ 15,000.00	£ -	£ 15,000.00	£ -	£ -	£ 15,000.00
F	Gas protection measures	£ 25,000.00	£ 25,000.00	£ -	£ 25,000.00	£ -	£ -	£ 25,000.00
SITE ABNORMAL COSTS		£ 490,000.00	£ 490,000.00	£ -	£ 490,000.00	£ -	£ -	£ 490,000.00
SUB TOTAL		£ 841,274.78	£ 793,971.56	£ 47,303.22	£ 687,131.50	£ 47,303.22	£ 106,840.06	£ 734,434.72
Preliminaries @ 15%		£ 126,191.22	£ 119,095.73	£ 7,095.48	£ 103,069.73	£ 7,095.48	£ 16,026.01	£ 110,165.21
Contingency /Risk Allowance @ 10%		£ 96,746.60	£ 91,306.73	£ 5,439.87	£ 79,020.12	£ 5,439.87	£ 12,286.61	£ 84,459.99
TOTAL COST PLAN		£ 1,064,212.60	£ 1,004,374.02	£ 59,838.57	£ 869,221.35	£ 59,838.57	£ 135,152.68	£ 929,059.92

Abnormal Site Development Costs calculated in accordance with the following:

- All Engineering Site Abnormality Costs
- All off site works - Betterment
- 50% of main estate road allocated to site development as construction one side only
- 100% of site access road from entrance to existing bungalow allocated to site development due to extreme length of access road.

Appendix 1:
Indexed Cost Plan

Appendix 2:

Draft S106 Heads of Terms

(Without prejudice & subject to contract)

Introduction

The current application proposes 5 dwellings, comprising:

- a) Phase 1 - 1no 5 bed self-build house;
- b) Phase 2 - 4no 4 bed houses.

Note:

- All figures are subject to inflation and indexation changes;
- The overall planning obligation package reflects the following issues:

Affordable Housing

1. The applicant is proposing the payment of an off-site financial contribution of **£55,564** in lieu of an on-site provision of affordable housing. The contribution is based on based on the ACG of a 2 person 1 bedroom flat and would fully comply with TAN 2, LDP1 and Local Plan Policy CW11.
2. The payment is to be made in full prior to the occupation of the 4th dwelling
3. The payment specified in 1 above may be reduced only subject to the LPA's written agreement that a reduced contribution is justifiable in the event of the LPA's prior consideration of a full viability assessment as carried out by the landowner beforehand.