

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0653/RM 05.09.2012	Greenhill Construction Mr K Lewis The Green House Esperanto Way Newport NP19 0RD	Erect development of fourteen dwellings and associated landscaping Land At Moriah Hill Risca Newport

APPLICATION TYPE: Approval of Reserved Matters

SITE AND DEVELOPMENT

Location: On the western side of Moriah Hill immediately to the south of its junction with Mount Road.

Site description: The site comprises a former quarry which has been filled to form a plateau bounded by banking on the northern and part of the eastern (highway frontage) edges of the site. The western and southern boundaries of the site adjoin the top of the banking to the Monmouthshire and Brecon Canal. There are dwellings to the north and east of the site and a single dwelling adjoins part of the southern boundary.

Development: This is a reserved matters application for the design, layout and landscaping of the site. Fourteen dwellings are proposed. Outline planning permission for fourteen dwellings was approved 10 September 2009 (Ref: 08/1300/OUT).

Dimensions: The site has an area measuring 0.47 hectares.

Materials: To be agreed.

Ancillary development, e.g. parking: The proposed site road runs along the southern boundary of the site and was agreed at the outline stage.

PLANNING HISTORY

P/06/0129 - Erect residential development - Granted 02.06.06.

08/1300/OUT - Erect residential development comprising 14 dwellings with associated car parking and landscaping - Granted 10.09.09.

10/0939/TPO - Carry out tree works on TPO 58/72/MCC - Granted 11.03.11.

12/0631/NCC - Vary Condition 3 of Planning Consent 08/1300/OUT (erect residential development comprising fourteen dwellings with associated car parking and landscaping) to extend the permission by a further 12 months - Not yet determined.

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POLICY

LOCAL DEVELOPMENT PLAN

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

Policies: Policy CW2 (Amenity), CW3 (Design Considerations - Highways), CW6 (Trees, Woodland and Hedgerow Protection), and guidance contained in Supplementary Planning Guidance LDP6 - Building better places to live (November 2010).

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? No.

CONSULTATION

Gwent Wildlife Trust - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions relating to soil importation, noise and dust mitigation, and hours of work.

Senior Engineer (Land Drainage) - No objection subject to a condition relating to the drainage of the site.

Dwr Cymru - Provide advice to the developer regarding the drainage of the site.

CCBC Housing Enabling Officer - Requests a 10% affordable housing contribution on site. However as outline permission has been granted with no Section 106 Agreement, the Local Planning Authority can no longer attempt to secure affordable housing on site by way of a Legal Agreement.

Outdoor Leisure Development Officer (Mr R Lloyd) - Requests public open space on site and financial contribution for off-site play provision. However as outline planning permission has already been granted which did not include a Section 106 Agreement, the Local Planning Authority is no longer in a position to seek such a contribution. Furthermore, the layout of the site was agreed at the outline stage, and therefore the Local Planning Authority is bound by the approved layout which did not show an area of public open space within the development.

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Police Architectural Liaison Officer - Provide advice to the developer regarding secured by design issues.

Countryside And Landscape Services - No objection based on conditions relating to protected species and the protection of trees and hedgerows along the boundary of the site.

Senior Engineer (Consultancy Manager) - Provide advice to the developer.

ADVERTISEMENT

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

Response: Two letters of objection were received.

Summary of observations:

- Amount of affordable housing proposed;
- Structural damage to surrounding properties during construction;
- Increased number of vehicles using existing lane access;
- Increased pressure on Moriah Hill canal bridge;
- Proposed layout out of keeping with surrounding area, i.e. too dense;
- Increased surface water flows as result of required lane widening;
- Increased hazard of cars sliding on ice as a result of more highway users accessing the site;
- Insufficient sewer capacity to cope with new development.

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 but conditions will be attached to the permission in the interests of protected species.

ANALYSIS

Policies: The principle of residential development on the site has already been established in the granting of outline planning permission for 14 dwellings in September 2009. This is a reserved matters application that is to consider the design, parking provision and landscaping of a residential development for the 14 dwellings approved at outline.

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Policy CW2 (Amenity) states:-

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

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in over-development of the site and/or its surroundings.
- C. The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use."

In relation to Criterion A, it is considered that given the topography of the site, i.e. a basin bounded to the north and east by steep banking/former quarry walls, the development will have little impact on the properties adjoining the site to the north and east by way of any overbearing or overlooking impact.

In terms of the potential impact on the existing property along the south east boundary of the site, i.e. The Cottage, No. 9 Moriah Hill, the nearest proposed property to the north of The Cottage, i.e. Plot 14, is located some 18 metres away, and the nearest property to the west, i.e. Plot 1, some 20 metres away. Therefore, in light of these distances of separation, it is not considered that the proposed dwellings will result in an unacceptable overbearing or overshadowing impact on The Cottage. A condition will be attached to the permission to ensure there are no clearly glazed windows that overlook The Cottage within 21 metres.

In terms of the impact of the development on neighbouring properties, one of the main impacts will be the new road within the site which was approved at outline stage. This road will be approximately 4 metres to the north of The Cottage. Landscaping is proposed along this verge to soften its impact on The Cottage.

In relation to Criterion B, with a density of approximately 30 dwellings per hectare it is not considered that the proposal represents a high density development or an over-development of the site. Furthermore, such a density is considered to be in keeping with the surrounding area which is characterised by a mixture of semi-detached and detached dwellings.

It is considered that the proposed development accords with Criterion C as it is bounded to the north, east and south east by existing residential development, and to the west and south west by the canal. Therefore the development forms a natural infill site within the settlement. Furthermore, the development would not constrain the development of neighbouring sites for their identified land-use.

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Several conditions will be attached to the permission relating to highway improvement works to the lane serving the development. The outline planning permission for the development requires the widening of the lane serving the site to 5m in width, as well as the provision of a 2 metres wide footway. Based on these highway improvements, as well as the proposed parking provision, the Transportation Engineering Manager raises no objection to the proposal subject to conditions. Therefore it is considered that the proposal accords with the requirements of Policy CW3 (Design Considerations - Highways).

Policy CW6 relates to the protection of trees, woodland and hedgerows. The application site is bounded to the west, i.e. along the canal, by a row of protected trees, and along the eastern boundary with the lane by a hedgerow. Conditions will be attached to the permission to ensure appropriate levels of protection for these existing features.

It is considered that for the above reasons that the layout complies with the relevant policies outlined above.

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

Comments from public: Amount of affordable housing proposed - Although it is a requirement of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 for new residential developments exceeding 5 dwellings (or 0.3 hectares) to provide 10% affordable housing provision, as the outline planning permission was granted prior to the adoption of the LDP, there was no Section 106 Legal Agreement as part of the outline planning permission requiring the provision of affordable housing. Notwithstanding this, it is not the role of the planning system to set a maximum limit on the percentage of a site that may be used as 'affordable housing', as this performs no planning function, and could lead to social exclusion.

The applicant is Greenhill Construction, but it is understood that Seren (formerly Fairlake) have an interest in the site. Therefore it may well be the case that the site will be 100% affordable homes.

Structural damage to surrounding properties during construction - Any damage caused to neighbouring properties during construction is a private legal matter between the interested land owners.

Increased number of vehicles using existing lane access - The access lane serving the site is to be improved in a manner to be agreed by the Local Planning Authority in accordance with guidance from the Transportation Engineering Manager.

Increased pressure on Moriah Hill canal bridge - No objection is raised to the proposal by the Transportation Engineering Manager or the Principal Consultancy Manager (Canals) subject to advice to the developer.

Proposed layout out of keeping with surrounding area, i.e. too dense - At a density of approximately 30 dwellings per hectare, the development does not represent an overdevelopment of the site.

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Increased surface water flows as result of required lane widening - With appropriate highway drainage it is anticipated that the development will improve existing highway surface water run off issues.

Increased hazard of cars sliding on ice as a result of more highway users accessing the site - This is not a matter that can be controlled by way of the planning legislation.

Insufficient sewer capacity to cope with new development - Dwr Cymru/Welsh Water have raised no objection to the principle of the development. However a condition is attached to the permission requiring details of proposed drainage to be agreed prior to the commencement of works.

Other material considerations: None.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s):-

- 01) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 02) The demolition or site/vegetation clearance associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000.
- 03) Prior to the commencement of works on site, a scheme to prevent mud and other debris being deposited on the public highway, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of highway safety.
- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.

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- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 06) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 07) Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the south facing windows in Plot 14 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 08) Unless otherwise agreed in writing with the Local Planning Authority, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the east facing windows in Plot 1 shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 09) 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.
- 10) Notwithstanding the provision of Condition 8 of outline planning permission 08/1300/OUT and notwithstanding the submitted plans the proposed estate road shall extend in a northerly direction for approximately 4m in order to incorporate the pedestrian footpaths to plots 6 and 12 within the estate road.
REASON: In the interests of highway safety.

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- 11) The proposed means of access shall be laid out, constructed and maintained thereafter with vision splays of 2.4m x 45m. No obstruction or planting when mature exceeding 900mm 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.
- 12) The buildings shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 13) The proposed parking areas shall be completed in materials as agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc. is not carried onto the public highway.
REASON: In the interests of highway safety.
- 14) The applicant shall submit a Green Travel Plan for the consideration and written approval of the Local Planning Authority and shall also implement the agreed Travel Plan content prior to occupation of any dwelling.
REASON: To promote other forms of transport other than the car.

Advisory Note(s)

Please find attached the comments of Transportation Engineering Manager, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage), Gwent Wildlife Trust and Senior Engineer (Consultancy Manager) that are brought to the applicant's attention.

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: Policy CW2, CW3, CW6.
