

# Public Document Pack

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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett  
(Rhif Ffôn: 01443 864245 Ebst: [barrerm@caerphilly.gov.uk](mailto:barrerm@caerphilly.gov.uk))

**Dyddiad: 9 Medi 2020**

Annwyl Syr/Fadam,

Bydd cyfarfod o'r **Pwyllgor Cynllunio** yn cael ei gynnal trwy Microsoft Teams ar **Dydd Mercher, 16eg Medi, 2020** am **10.00 am** i ystyried materion a gynhwysir yn yr agenda canlynol. Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny.

Bydd y cyfarfod hwn yn cael ei recordio a bydd ar gael i'w weld trwy wefan y Cyngor, ac eithrio trafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig. Felly, bydd delweddu/sain yr unigolion sy'n siarad yn ystod y Pwyllgor Cynllunio ar gael i'r cyhoedd trwy'r recordiad ar wefan y Cyngor: [www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Oherwydd cyfyngiadau yn ymwneud â Covid-19, mae Ymweliadau Safle'r Pwyllgor Cynllunio wedi'u hatal ac ni fydd y cyfarfod hwn ar agor i'r wasg na'r cyhoedd. Fodd bynnag, gall y rhai dan sylw wneud cais am gyflwyno sylwadau ysgrifenedig mewn perthynas ag unrhyw eitem ar yr agenda hon, a fydd yn cael eu darllen i'r Pwyllgor. I gael rhagor o fanylion am y broses hon, cysylltwch â Chlerc y Pwyllgor ar [barrerm@caerffili.gov.uk](mailto:barrerm@caerffili.gov.uk)

Yr eiddoch yn gywir,

A handwritten signature in black ink, appearing to read 'Christina Harrhy'.

**Christina Harrhy**  
PRIF WEITHREDWR

## AGENDA

Tudalennau

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



1 I dderbyn ymddiheuriadau am absenoldeb

2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

3 Cynhaliwyd y Pwyllgor Cynllunio ar 12fed Awst 2020. 1 - 4

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

4 Rhif Cod 19/0920/FULL – Tir yng nghyfeirnod grid 321955 187224, Yew Tree Cottage i The Row, Draethen. 5 - 18

5 Rhif Cod 20/0277/FULL – Ysgol Gyfun Bedwellte (hen) – Tir yn Pengam Road, Aberbargod. 19 - 42

6 Rhif Cod 20/0469/NCC – Tir yng Nghae Shingrig, Eastview Terrace, Bargod. 43 - 58

7 Rhif Cod 20/0526/FULL – 10 Pendarren Street, Penpedairheol, Hengoed CF82 8BZ. 59 - 66

8 Rhif Cod 20/0577/RET – 1 Kingswood Close, Hengoed CF82 7LU. 67 - 78

### **Cylchrediad:**

Cynghorwyr M.A. Adams, Mrs E.M. Aldworth, C. Andrews, A. Angel, J. Bevan, M. Davies, J.E. Fussell, R.W. Gough, D.T. Hardacre, L. Harding, A.G. Higgs, A. Hussey, B. Miles, Mrs G.D. Oliver, R. Saralis (Cadeirydd), J. Simmonds, J. Taylor, A. Whitcombe (Is Gadeirydd) a T.J. Williams

A Swyddogion Priodol

### **SUT FYDDWN YN DEFNYDDIO EICH GWYBODAETH**

Bydd yr unigolion hynny sy'n mynychu cyfarfodydd pwyllgor i siarad/roi tystiolaeth yn cael eu henwi yng nghofnodion y cyfarfod hynny, weithiau bydd hyn yn cynnwys eu man gweithio neu fusnes a'r barnau a fynegir. Bydd cofnodion o'r cyfarfod gan gynnwys manylion y siaradwyr ar gael i'r cyhoedd ar wefan y Cyngor ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk). ac eithrio am drafodaethau sy'n ymwneud ag eitemau cyfrinachol neu eithriedig.

Mae gennych nifer o hawliau mewn perthynas â'r wybodaeth, gan gynnwys yr hawl i gael mynediad at wybodaeth sydd gennym amdanoch a'r hawl i gwyno os ydych yn anhapus gyda'r modd y mae eich gwybodaeth yn cael ei brosesu.

Am wybodaeth bellach ar sut rydym yn prosesu eich gwybodaeth a'ch hawliau, ewch i'r Hysbysiad Preifatrwydd Cyfarfodydd Pwyllgor Llawn ar ein gwefan <http://www.caerffili.gov.uk/Pwyllgor/Preifatrwydd> neu cysylltwch â Gwasanaethau Cyfreithiol drwy e-bostio [griffd2@caerffili.gov.uk](mailto:griffd2@caerffili.gov.uk) neu ffoniwch 01443 863028.



## PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 12TH AUGUST 2020 AT 2:00PM

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#### PRESENT:

Councillor M. Adams - Chair  
Councillor A. Whitcombe - Vice-Chair

#### Councillors:

Mrs E.M. Aldworth, C. Andrews, A. Angel, J.E. Fussell, R.W. Gough, A.G. Higgs, A. Hussey, J. Ridgewell, J. Simmonds, J. Taylor, R. Whiting and T.J. Williams

Councillor Mrs E. Stenner (Cabinet Member Finance, Performance and Planning)

#### Together with:

Officers: R. Kyte (Head of Regeneration and Planning), C. Campbell (Transportation Engineering Manager), C. Boardman (Senior Planner), M. Davies (Team Leader South, Planning), G. Mumford (Acting Senior Environmental Health Officer), A. Pyne (Senior Planner), A. Vick (Senior Engineer), M. Woodland (Senior Solicitor) and R. Barrett (Committee Services Officer)

#### MINUTE SILENCE

The Chair expressed his condolences to Councillor David Harse on the recent loss of his wife Betty, and asked all those present to observe a minute's silence as a mark of respect.

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors J. Bevan, M. Davies, D.T. Hardacre, B. Miles and G.D. Oliver.

#### 2. DECLARATIONS OF INTEREST

There were no declarations received at the commencement or during the course of the meeting.

#### 3. MINUTES – 8TH JULY 2020

The Chair requested a correction to the list of the attendees, in that R. Tranter (Monitoring Officer) be recorded as attending instead of M. Woodland (Solicitor). He also asked that in relation to Minute Number 4, it be recorded that Councillor A. Whitcombe took the Chair for

Agenda Item 4 (as Councillor M. Adams had declared an interest and left the meeting for this item) and Councillor Adams resumed the position of Chair for Agenda Item 5 onwards.

Subject to the aforementioned corrections, it was moved and seconded that the minutes of the meeting held on the 8th July 2020 be agreed as a correct record and by a show of hands-up this was unanimously agreed.

RESOLVED that subject to the aforementioned corrections, the minutes of the Planning Committee held on 8th July 2020 (minute nos. 1-7) be approved as a correct record.

**4. CODE NO. 19/0428/FULL - THE BARN, GELLI GYNNES FARM, OAKDALE GOLF COURSE LANE, OAKDALE, BLACKWOOD, NP12 0NF**

Councillor A. Whitcombe did not take part in the vote for this item as he had not been present for the whole debate.

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and in noting there were 13 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officers report and the following additional condition this application be GRANTED;

Additional Conditional (08)

Prior to first occupation of the dwellings hereby approved, the turning head as shown on Drawing No. RB/SLJ A1 received 16.05.2019 shall be completed in materials as approved in writing by the Local Planning Authority. The turning head shall be kept clear to serve the development at all times for the lifetime of the development.

Reason

In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 – adopted November 2010.

- (ii) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)

Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

- (iii) The applicant be advised of the comments of Dwr Cymru/Welsh Water and the Council's Ecologist.

**5. CODE NO. 20/0139/LA - LAND AT TWYN PRIMARY SCHOOL PLAYING FIELD, SOUTHERN STREET, CAERPHILLY.**

Following consideration of the application it was moved and seconded that the recommendation contained in the Officer's report be approved and in noting there were 14 For, 0 Against and 0 Abstentions this was unanimously agreed.

RESOLVED that: -

- (i) Subject to the conditions contained in the Officer's report this application be GRANTED;
- (ii) The applicant be advised that they should liaise with the Authority's Traffic Management Section in order to discuss and (if required) instigate, and fund as necessary, the process to make any agreed alterations to the Traffic Regulation Order which fronts the site. The alterations (if deemed necessary by the Traffic Management Section) shall be made prior to the proposed new building's occupation.
- (iii) The applicant be advised that the proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considered that the building over or within influencing distances of a mine entry should wherever possible be avoided. In exceptional circumstances where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed within regulatory bodies which takes into account all of the relevant safety and environmental risk factors, including gas and mine-water. The applicant's attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts or adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

- (iv) The applicant be advised that SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO COMMENCEMENT OF THIS DEVELOPMENT

From 7<sup>th</sup> January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring that all new developments of more than one house or where the construction areas is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

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Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)

The meeting closed at 2.55pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 16th September 2020.

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CHAIR

# Agenda Item 4

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0920/FULL 14.11.2019	Mr C Hicks Nant Y Wennol Yew Tree Cottage To The Row Draethen Newport NP10 8GB	Erect detached house and garage Land At Grid Ref 321955 187224 Yew Tree Cottage To The Row Draethen

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: Land At Grid Ref 321955 187224, Yew Tree Cottage To The Row, Draethen

Site description: Land to the south-east of the road into Draethen. To the south-west is Spring Chase a detached dwelling with a substantial curtilage. To the north-east is a small access track with right of way and beyond that is Nant Y Wennol a detached property. To the south-east is the Nant Y Draethen watercourse with trees and open countryside beyond. To the north-west is the main road which runs through Draethen.

Development: Erect detached house and garage.

Dimensions: The maximum width of the dwelling is 13.5m which includes an attached garage. The depth of the dwelling is a maximum of 10m which includes a two storey rear gable element. The height of the dwelling is a maximum of 8m.

Materials: Walls: Render Painted Roof: Slate.

Ancillary development, e.g. parking:

## PLANNING HISTORY 2005 TO PRESENT

18/0045/OUT-Erect detached house and garage- Application Withdrawn.

18/0460/FULL-Erect detached house and garage-Application Withdrawn-05.03.2019.

Cont

Application No. 19/0920/FULL Continued

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies outside the defined settlement boundary. It is within the Draethen Conservation Area and the Rudry Visually Important Local Landscape (VILLs).

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), NH2 (Visually Important Local Landscape (VILLs) SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

## SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 6 (Better Places to Live).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

## CONSULTATION

Strategic & Development Plans -

Transportation Engineering Manager - No objection subject to the conditions to address detailed highway considerations.

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to the above planning application.

Cont



Application No. 19/0920/FULL Continued

Conservation & Design Officer - Whilst this site is a greenfield site, the land lies between two relatively recently constructed housing developments: at Spring Chase Yes Tree Cottage to The Row', and at 'Nant Y Wennol.' There is no settlement envelope boundary identified for Draethen, but this location is within an area of housing associated with and in close proximity to the historic core of Draethen village.

The built form of the detached property has been designed to blend in with the traditional building form of Draethen, its two-storey, double fronted appearance with steep roof pitches and the small dormer windows breaking through the line of the eaves. These characteristics are very much in line with the local vernacular form.

No objections to these proposals subject to agreement of suitable external finishes which can be agreed via condition.

Ecologist -

Landscape Architect - The Landscape Officer advises that the site contains a native hedgerow on the eastern boundary and is located adjacent to a water course which forms part of the Coed Craig Ruperra, Draethen SINC. The presence of a number of mature riparian trees are located along the water course and SINC which contribute to the character and biodiversity of the area. Recommends that a tree survey be submitted and also a tree protection plan be submitted.

Natural Resources Wales - Raised objection to the application in principle due to the flood risk designation. Following discussions with the Local Planning Authority NRW reviewed the submitted Flood Consequence Assessment they provided a revised response whether they advised that significant concerns remained but recommend the Local Planning Authority should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice.

Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019 and Section 2.3 - Proposed Development which states that a Finish Floor Level of 54.38m AOD is proposed.

Dwr Cymru - No objection.

Wales & West Utilities -

Western Power Distribution - No objections.

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Application No. 19/0920/FULL Continued

Rights Of Way Officer - Highlights that there are several rights of way in the vicinity of the application site but none are directly affected by the development.

Senior Engineer (Land Drainage) - The Land Drainage Officer has commented that:

1.The applicant has indicated the disposal of surface water via watercourse; however no/limited information has been submitted to consider the viability of this method of disposal of surface water.

2.Where the applicant intends to discharge surface water to Main River, we recommend the Local Planning Authority consult NRW for their comments. Please note the applicant may be required to obtain a Flood Risk Activity Permit (FRAP) from NRW, in relation to such proposals.

3.The site is situated within an area susceptible to groundwater flooding.

4.The site is situated within an area susceptible to surface water flooding.

5.It is noted that the proposed site is situated within a Flood Zone, as identified within the NRW Development Advice Maps. I recommend the Local Planning Authority consult Natural Resources Wales for their comments. The applicant may be required to submit a Flood Consequence Assessment (FCA) which examines the likely mechanisms that cause flooding, and the consequences on the development of the flooding, must be undertaken which is appropriate to the size and scale of the proposed development.

6.I note the applicant has provided a minimum distance from edge of bank to the dwelling; this should be retained for future maintenance access by the riparian owner. Please note CCBC recommend the distance be increase to 8m, from the bankside at the widest point.

7.The proposed development is within 20m or in close proximity to a watercourse

8.Any works that affect the existing watercourse may require an application for Ordinary Watercourse Consent. Such works may also require the submission of a Water Framework Directive Assessment.

Advise that SAB approval is required and request application is deferred.

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Application No. 19/0920/FULL Continued

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice, press notice and neighbour notification letters were sent.

Response: One response was received relative to the consultation exercise.

Summary of observations: - Raises no objections to the development but suggests that the introduction of a chimney to the plain gable end facing the road could be considered.

### 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?  
It is not considered that crime and disorder will be materially affected by the development.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the application site is located within the Higher Viability Zone, which carries a rate of £40 per square metre of internal floor space (excluding indexation).

### ANALYSIS

#### Policies:

The application has been considered in accordance with National Planning Policy and guidance, Local Plan Policy and Supplementary Planning guidance. The main considerations for the application are the principle of the development, flood risk, impact on neighbour amenity and the visual impact of the development on the character of the area including the Draethen Conservation Area and Rudry Visually Important Local Landscape (VILL).

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The application site is located on the south-western side of Draethen within the designated Conservation Area. The entrance to Draethen village when approaching from the western side is primarily ribbon development (with the exception of Primrose Cottage) with residential properties appearing on either side of the main road with some variety in orientation and the set back of properties from the road. The application site is located in between two existing residential properties on the south-east side of the road with Nant Y Wennol to the north-west and Spring Chase to the south-west which is notable for its sizeable garden area. A public right of way is present in between Nant Y Wennol and the application site. The development is considered to represent infill development between existing residential properties.

The village of Draethen does not have an identified settlement boundary within the adopted Local Development Plan under Policy SP5 and therefore the application is considered to be a departure from the Local Plan and contrary to Policies CW15 (General Locational Constraints) and Policy SP5 (Settlement Boundaries). However as stated above the site is infill development between existing residential properties within Draethen and as such it is not considered to represent inappropriate development in the countryside, being well related to the existing built form. It will not result in a material increase in new ribbon development, being within an existing stretch of such settlement pattern and it also does not represent either coalescence of different settlements nor would represent fragmented development being within and broadly contiguous with the existing settlement pattern of Draethen. The site is within a Visually Important Local Landscape (VILL) but it would be viewed in context with the existing surrounding dwellings having an acceptable impact on the VILL. In this respect the principle for residential development on the application site is considered acceptable.

The application site is partially within a designated Flood Zone C2 and flood risk is a material planning consideration. National Planning Policy on Flood risk is contained within Planning Policy Wales and also within Technical Advice Note 15 (Development and Flood Risk). In respect of application sites within Flood Zone C2 there is presumption against residential development which is categorised as Highly Vulnerable Development within the Technical Advice Note (TAN). In circumstances where a site is partially within a flood zone (such as the application site) the TAN provides flexibility to the Local Planning Authority (TAN 15, paragraph 11.1) in whether there is a need to justify the location of the development but requires that an assessment of flooding consequences be carried out in every instance. In support of this application a Flood Consequences Assessment (FCA) has been carried out and upon request Natural Resources Wales have reviewed the FCA. The Flood Consequences Assessment undertaken by the applicant included detailed Hydraulic Modelling of the Nant Y Draethen watercourse which is to the south-east of the site. The Flood Consequence Assessment advises that provided the Finished Floor Level of the proposed dwelling is set at 54.38m AOD then the dwelling (with the exception of an attached garage) will be outside of the C2 Flood Zone. It also states that a clear access/egress route is provided that would be flood free in all events.

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The updated response from Natural Resources Wales based upon their consideration of the submitted Flood Consequence Assessment is that they advise that on a proposed Finished Floor Level of 54.38m AOD the proposed development site is shown to be flood-free in the 1% (1 in 100 year + 25% CCA allowance) flood event and the 0.1% (1 in 1000 year) extreme flood event. The site access from the road to the northwest of the site is shown to be flood-free in all scenarios. The proposed development is shown to locally raise flood levels to the vegetated area on the opposite riverbank by 7mm in a 0.1% event, however there is no increased risk to properties upstream and downstream. It is therefore considered that provided conditions are imposed to ensure the dwelling's finished floor level is as required by the Flood Consequence Assessment and also to prevent extensions to the property or conversion of the garage then the impact in terms of flooding is acceptable.

The design of the dwelling is considered appropriate and the Conservation Officer has reviewed the plans and offered no objection subject to agreement of exact finishes through submission of details under a planning condition. The property would be set back from the road but would have an acceptable siting and visual impact and would conserve the appearance of the Conservation Area. It would accord with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The adjacent property to the west (Spring Chase) has a substantial garden area between the proposed dwelling and existing fenestration in Spring Chase (circa 30m) so no unacceptable overlooking to windows would occur as a result of the development. The new dwelling has been designed with no upper floor window in the rear projecting gable which is closest to the boundary of Spring Chase. Although other upper floor windows in the dwelling would be approximately 7 metres of the boundary of Spring Chase the overall size of the curtilage of Spring Chase is such that substantial areas of garden would be well in excess of 10.5m distance from these first floor windows and Spring Chase would retain a sufficient amount of amenity space with adequate privacy following the development. There would be an acceptable impact on privacy to Nant Y Wennol and properties on the opposite side of the road. The development accords with Policy CW2 (Amenity) in having an acceptable impact on neighbour amenity.

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Comments from Consultees:

The Landscape Officer requested that a tree survey and tree protection plan be submitted prior to determination. The trees are located on the opposite side of the watercourse outside of the application site and a hedgerow also referred to is on the periphery of the site. It is considered that as the site plan indicates that the footprint of the dwelling (and likely earthworks) is located away from the watercourse and trees, a tree survey would not proportionate to request and that a tree protection plan to safeguard the offsite trees and onsite hedgerow can be secured by way of a pre-commencement condition.

No comments from Ecology have been received, however it is understood that the proposed site has the potential to support breeding birds, reptiles, amphibians and dormice as there are records for these species in the area and the habitat present on site is suitable for these species. Given the location it is also assumed that Bats may forage along the trees nearby. Planning Conditions are therefore proposed to address these ecological matters.

Comments from public:

Raises no objections to the development but suggests that the introduction of a chimney to the plain gable end facing the road could be considered.

The design of the dwelling has been reviewed by the Council's Conservation and Design Officer and is considered to have an acceptable impact on the character of the Conservation Area.

Other material considerations:

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

The proposed dwelling is acceptable in principle and will have an appropriate impact on the character of the Conservation area and upon neighbouring properties. It is recommended for approval accordingly.

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Application No. 19/0920/FULL Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan  
Proposed Site Layout, drawing reference SL.01  
Proposed Floorplans, drawing reference 01  
Proposed Elevations, drawing reference 02  
Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The finished floor level of the dwelling hereby approved shall be set at a minimum of 54.38m AOD to accord with the recommendations set out within Section 2.3 of the submitted Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019.  
REASON: To ensure the dwelling is adequately protected in relation to flood risk.
- 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 or extension of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.  
REASON: To enable the Local Planning Authority to assess the implications for flood risk in accordance with Technical Advice Note 15: Development and Flood Risk.

Cont

Application No. 19/0920/FULL Continued

- 05) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.  
REASON: To enable the Local Planning Authority to assess the implications for flood risk in accordance with Technical Advice Note 15: Development and Flood Risk and in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 07) No vegetation clearance, works or development shall take place until a scheme for the protection of the hedgerow and off site retained trees has been agreed in writing with the Local Planning Authority.  
REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application No. 19/0920/FULL Continued

- 09) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.  
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 10) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.  
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

Please find attached the comments of Natural Resources Wales, Land Drainage Officer, Western Power Distribution, Public Rights of Way Officer, Natural Resources Wales that are brought to the applicant's attention.

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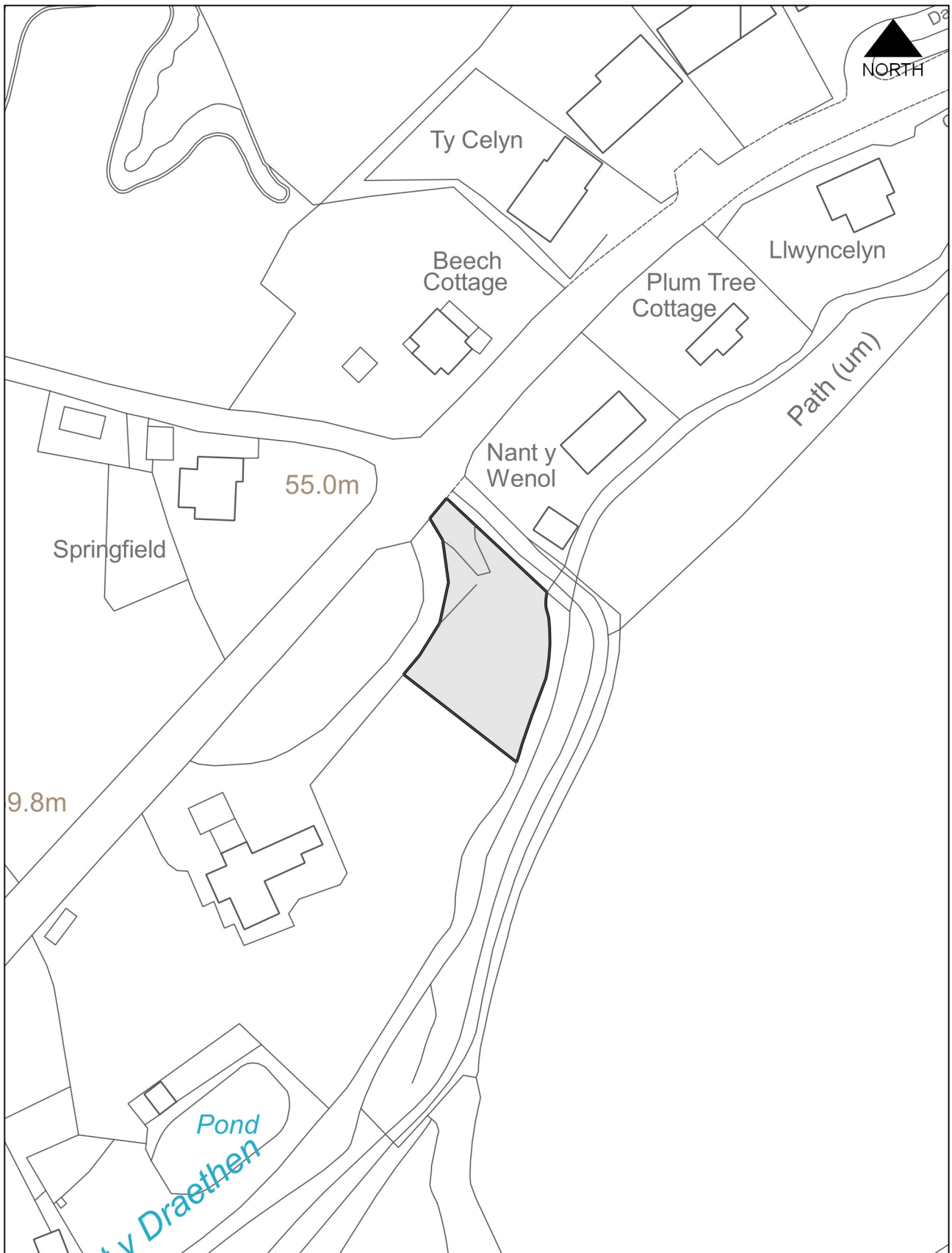
Application No. 19/0920/FULL Continued

**WARNING:  
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO  
COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m<sup>2</sup> or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511  
Email: [drainage@caerphilly.gov.uk](mailto:drainage@caerphilly.gov.uk)  
Website: [www.caerphilly.gov.uk/sab](http://www.caerphilly.gov.uk/sab)



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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0277/FULL 07.04.2020	Llanmoor Developments Ltd Mr S Grey 63-65 Talbot Road Talbot Green Pontyclun CF72 8AE	Erect 46 unit residential development, with associated landscape and engineering works Bedwellty Comprehensive School (former) - Land At Pengam Road Aberbargoed

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The site is located in the Aberbargoed ward, directly south of Bowen Industrial Estate, with an existing access point off Pengam Road to the west.

Site description: The application relates to the former playing fields of the Former Bedwellty Comprehensive School. The site of the former school has previously been granted planning permission for 55 dwellings(18/1005/FULL)and is currently under construction. This current proposal would, therefore, represent the second phase of the scheme by the same developer, Llanmoor Homes. The land is east of Britannia housing estate and west of Aberbargoed Grasslands, a designated SSSI and SAC. The southern part of the site comprises a woodland TPO (Ref: 27/05/CCBC - Land at Bedwellty Comprehensive School).

Development: Full planning permission is sought for residential development comprising of 46 dwellings with associated access, landscaping, formal public open space and parking arrangements. While the application site includes a woodland TPO it is not proposed to undertake any development in the woodland area, however, as the development may impact upon it, it has been included in the application site.

The proposal comprises of:

- A range of 2, 3 and 4 bedroom homes;
- A mix of detached and semi-detached two-storey and single-storey properties;
- The provision of 15% affordable housing comprising of 6 flats and 1 bungalow.

Vehicular access to the proposed development will be gained via Phase 1 (former Bedwellty School site), which is accessed via the existing access directly off Pengam Road. The Illustrative Layout plan shows the proposed dwellings laid around internal estate roads, as well as several private drives.

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Application No. 20/0277/FULL Continued

Materials: Predominantly facing brick and render, with roof tiles (in keeping with Phase 1).

Ancillary development, e.g. parking: Off-street parking provision is provided for the proposed dwellings. Rain gardens and landscaping is proposed throughout the site.

#### PLANNING HISTORY 2010 TO PRESENT

18/1005/FULL - Erect 55 unit residential development with associated landscaping and play provision - Granted - 21.03.2019.

19/0236/COND - Discharge conditions 6 (Construction - engineering details), 9 (Improved access), 25 (Access to playing fields) and 28 (Light mitigation strategy) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decided - 28.05.2019.

19/0237/COND - Discharge condition 10 (Drainage) on planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 16.05.2019.

19/0238/COND - Discharge conditions 07 (Travel Plan), 08 (Parking Area Materials), 21 (Acoustic Glazing), 22 (Acoustic Boundary Treatment Plot 49), 23 (Acoustic Barrier Plots 4-7) and 24 (Amendments To Plots 1 & 52) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 18.10.2019.

19/0239/COND - Discharge condition 11 (Contamination - scheme to treat) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 16.05.2019.

19/0260/COND - Discharge conditions 14 (Boundary treatments), 15 (Landscaping), 16 (Gabion retaining wall finishes), 18 (Retained trees scheme), 19 (Tree Protection), 25 (Access to playing fields) and 27 (Buffer strip) of planning consent 18/1005/FULL (Erect 55 unit residential development with associated landscaping and play provision) - Decide - 21.06.2019.

20/0060/COU - Change the use of former vacant playing fields for temporary car parking - Granted - 19.03.2020.

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Application No. 20/0277/FULL Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site is within the settlement boundary and allocated for leisure use (Ref: LE4.5)

Policies: Strategic Policies, Policy SP1 Development Strategy (HOVRA), Policy SP4 Settlement Strategy, Policy SP5 Settlement Boundaries, Policy SP6 Place Making, Policy SP7 Planning Obligations, Policy SP14 Total Housing Requirements, Policy SP15 Affordable Housing Target.

Countywide Policies: Policy CW1 Sustainable Transport, Accessibility and Social Inclusion, Policy CW2 Amenity, Policy CW3 Design considerations (Highways), Policy CW4 Natural Heritage protection, Policy CW5 Protection of the Water Environment, Policy CW6 Trees, Woodland and Hedgerow Protection, Policy CW10 Leisure and Open Space provision, Policy CW11 Affordable Housing Planning Obligation, Policy CW15 General locational constraints

Supplementary Planning Guidance: LDP1: Affordable Housing Obligations, LDP4: Trees and Development, LDP 6: Building Better Places to Live.

### NATIONAL POLICY

Planning Policy Wales (Edition 10, December 2018);  
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);  
Technical Advice Note 2: Planning & Affordable Housing (2006);  
Technical Advice Note 5: Nature Conservation and Planning (2009);  
Technical Advice Note 12: Design (2016);  
Technical Advice Note 16: Sport Recreation and Open Space (2009);  
Technical Advice Note 18: Transport (2007).

### ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? No.

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Application No. 20/0277/FULL Continued

## CONSULTATION

CCBC - 21st Century Schools - The education department has provided a response to the application indicating that the schools with the catchment area currently have capacity for the additional school places generated by the development.

It is acknowledged that the education department indicate that the capacity at the catchment English medium primary school could not accommodate the committed development within the catchment area, namely application 18/0229/NCC and 18/1005/FULL. They state that 'if both of these were to go forward there would not be room in the school to take the additional pupils that could come from these'.

Notwithstanding this, the development is for 46 no. dwellings which is a modestly sized development. Given the limited number of primary pupils generated by the development together with the existing capacity, it is not considered reasonable or necessary to request an education contribution in accordance with the tests for Section 106 agreements contained in the Town and Country Planning Act 1990.

Head Of Public Protection - No objection subject to conditions.

CCBC Housing Enabling Officer - Confirms that the affordable housing units will be transferred to the Council (Caerphilly Homes). Provides advice to the developer regarding transfer values, etc.

Senior Engineer (Land Drainage) - No objection subject to SAB approval. It is noted that at the time of this report the applicant has submitted an application for SAB approval. However this is a separate process that should not delay the determination of the planning application.

Parks And Open Spaces - Request an area of informal and formal public open space, and play provision to serve the proposed development in accordance with Policy CW10 of the adopted LDP. However, on the basis that a LEAP was provided as part of Phase 1, it is not considered to be reasonable to require a further are of formal public open space as part of the current proposal.

Head Of Public Services - No objection based on submitted details.

Transportation Engineering Manager - Based on submitted Transport Statement raises no objection subject to conditions.

Dwr Cymru - No objection subject to advice being relayed to the developer.

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Application No. 20/0277/FULL Continued

Police Architectural Liaison Officer - No objection subject to advice being relayed to the developer.

Senior Arboricultural Officer (Trees) - No objection subject to conditions and the securing of a commuted sum towards the management of the woodland to the south of the proposed development.

Ecologist - No objection subject to conditions.

Landscape Architect - Expresses disappointment that the proposal does not include formal public open space (addressed in Analysis section). Raises no objection subject to conditions.

Principal Valuer - No comments.

Western Power Distribution - Provide advice to the developer.

Strategic & Development Plans - On the basis that the former playing fields have been deemed to be surplus to requirements raise no objection to the proposed development.

Natural Resources Wales - Discussions ongoing regarding potential impact on the Aberbargoed Grasslands SAC at the time of report.

Sport Wales - No comments.

The Coal Authority -

CADW - No objection.

### ADVERTISEMENT

Extent of advertisement: A total of thirteen nearby properties were consulted by way of letter and bi-lingual site notices were placed on a lamppost opposite the application site. The application was also advertised in the local press.

Response: A total of sixteen objections have been received from thirteen households. A letter of support has also been received.

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Application No. 20/0277/FULL Continued

Summary of observations: In no particular order, the objections received related to:

1. The existing playing fields should remain;
2. The development will place pressure of the existing access to the site that serves 'Phase 1' on the former school site, and an additional access is required;
3. Additional houses will reduce the rural appeal of Phase 1;
4. The site is currently used for recreation purposes, e.g. dog walking and football;
5. Detrimental impact on ecology;
6. There is a covenant on the land preventing development;
7. Existing highway network, and in particular 'Harry's Hill', is incapable of accommodating the additional traffic the development will generate;
8. Existing residents face issues crossing the busy road;
9. Developer failed to write to neighbours as part of the statutory public consultation (PAC) process;
10. Caerphilly (C.B.C.) are building too many houses on greenfield sites;
11. Loss of trees and green space results in flooding;
12. Pressure of existing infrastructure and services;
13. Residents of Phase 1 don't want Phase 2;
14. Detrimental impact on highway safety;
15. Need for new houses needs to be balanced against retaining green recreational spaces;
16. The extent of the site works boundary appears to go beyond the boundaries of the area designated as land subject to potential sale in Cabinet report dated 25th April 2018.

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Application No. 20/0277/FULL Continued

### 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? The main species of concern for the proposed development site are bats, breeding birds and reptiles. Relevant survey have been undertaken for protected species and based on these surveys no objection is raised by the Council's Ecologist subject to conditions and advice.

The application site is adjoined to the east by the Aberbargoed Grasslands Special Area of Conservation (SAC). As a result a Habitat Regulation Assessment (HRA) has been undertaken by the Local Authority as the Competent Authority. The outcome and conclusions of this HRA is currently an ongoing discussion between the Local Authorities Ecologist and Natural Resources Wales. The outcome of these discussions will be reported verbally at Planning Committee.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, however the application site is located in the Lower Viability CIL zone where the chargeable amount is currently £0.

### ANALYSIS

Policies: The application site is located within the defined settlement boundary and is allocated as leisure land within the adopted LDP (LE4.5 - Former Bedwellty Comprehensive School). The site is allocated as a Leisure use but as the application site is located within the settlement boundary the presumption is in favour of development subject to satisfying the criteria of policy CW8 and any other material planning considerations. Those material planning considerations, i.e. main issues, are discussed in detail below.

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Application No. 20/0277/FULL Continued

#### Principle of development

As the application site is designated as a Leisure allocation in the adopted LDP, Policy CW8 of the adopted plan is relevant. This policy states:

Proposals that would result in the loss of a community and/or leisure facility will not be permitted except where:

- A - A comparable replacement facility can be provided by the developer either on or off site, and within easy and convenient access on foot or by bicycle, or
- B - It can be demonstrated that the facility is surplus to requirements.

Following the closure of Bedwellty School in 2005, the playing fields were unused for a number of years, but were subsequently brought back into beneficial use in 2015 to provide facilities for Fleur-de-Lys Senior AFC, as their previous home ground was unsatisfactory. Following the granting of permission for housing on the adjoining former school site, there was a need to re-locate a pavilion, which would potentially result in the loss of one of the pitches, as well as reconsider how parking provision could be made, and in light of these constraints, consideration was given to whether there was a need to retain the pitches. An alternative venue for Fleur-de-Lys AFC closer to their home village was identified, and a meeting of Cabinet on 25th April 2018 resolved that the playing fields would be declared surplus at the end of the season (20th May 2018). In line with the above policy, the proposal would accord with Policy CW8, as it has been demonstrated that the playing pitches are surplus to requirements.

On this basis, given the location of the application site within the settlement boundary, couple with the surrounding residential uses, the proposed use is considered to be acceptable.

#### Impact on Ecology and the Aberbargoed Grasslands Special Area of Conservation (SAC)

The application was accompanied by several ecological surveys, which included:

- Preliminary Roost Assessment for presence of Bat Roosts;
- Preliminary Ecological Survey;
- Impacts of developing land;
- Cumulative Impact Assessment
- Construction Environmental Management Plan;
- Habitats Regulations Assessment.

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Application No. 20/0277/FULL Continued

Based on the findings and recommendations contained within these reports, the following comments have been provided by the Council's Ecologist:

#### Bat Roost Assessment

It was noted that all trees were surveyed from the ground and that only 2 trees required further assessment, T87 and T96. T87, a veteran beech was subject to follow up survey with a negative result and as agreed will be subject to a soft fell in the winter. T96, a middle aged Oak lying outside of the development area will be retained and protected. No further assessment for bats is required. On this basis, the level of assessment is sufficient subject to condition.

#### Reptiles

It was noted that a reptile survey has been recommended in the Survey report, but had not been carried out. Based on discussions between the Local Authority's Ecologist and the Consultant Ecologist, it was agreed that a small to medium population of common reptiles is highly likely to be present and therefore it was agreed that a survey would not be required if a sensitive clearance strategy was implemented. This will be controlled by way of condition.

#### Otter and hedgehog

The Ecology report addressed hedgehog and otter during the construction phase. These recommendations will be conditioned to secure the protection measures as well as revised boundary enclosures showing hedgehog access under fences and through walls.

#### Impacts on Aberbargoed Grasslands Special Area of Conservation (SAC)

In their consultation response to the planning application Natural Resources Wales (NRW) requested further information be submitted which demonstrates the proposed development will not have a likely significant impact on the Aberbargoed Grasslands Special Conservation (SAC), Aberbargoed Grassland Site of Special Scientific Interest (SSSI) and Aberbargoed Grasslands National Nature Reserve (NNR). The Local Authority's Ecologist has carried out an Appropriate Assessment to assess the likely impact of the proposed development with respect to the conservation objectives of the Aberbargoed SAC. The comments of NRW will be reported to Planning Committee verbally as these discussions between the Local Authority and NRW are ongoing at the time of the report.

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Application No. 20/0277/FULL Continued

#### Impact on existing Trees and Woodland TPO

The application was accompanied by a Tree Survey, Arboricultural Method Statement and Tree Protection Plan, a Planting Plan, as well as a Woodland Management Plan. Based on these submitted documents the Council's Arboricultural Officer raises no objection subject to conditions to ensure the long terms protection of the relevant trees and woodland. However, with regard to the woodland that adjoins the site to the south, the Arboricultural Officer states:

"given that the majority of the trees within the woodland TPO have previously been only really maintained with regard to the nearby public highway or any direct hazard to the adjacent playing fields, and that those trees within the woodland interior have been left to their own devices, the proposed development, if approved, presents several new maintenance challenges and responsibilities not hitherto required. There is currently no formal Right of Way within the woodland. It is widely anticipated though, that - provided the development is approved - the woodland will become accessible to a population where it was not previously. This will include dog walkers, children playing, people exercising or enjoying the local woodland habitat for itself."

On this basis, the developer will be required to enter into a Section 106 agreement to ensure the management of the woodland. This will entail a financial contribution of £19,500.

#### Impact of highways safety

The application was accompanied by a Transport Statement. Based on the data contained within this statement that demonstrates the access serving Phase 1 is capable of accommodating the 46 additional dwellings proposed, as well as the existing highway network being able to accommodate the additional traffic generation from the development, the Transportation Engineering Manager raises no objection subject to conditions. The Transport Statement also confirms that off street parking numbers and garage sizes are SPG compliant, and the Construction Management Plan makes a number of provisions, such as a banksman, wheel washing facilities and an area within the development for construction vehicles and employees to park, thus not affecting residents in the existing development; ergo this is deemed acceptable.

The site is served by public transport and its frequency is one of a reasonable rate. The current application contains a Travel Plan that is consistent with the phase 1 submitted proposal that was granted planning permission in 2018. Highways accept the Travel Plan as this will help facilitate modal shift and encourage the development to be less carbon centric.

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Application No. 20/0277/FULL Continued

The Transportation Engineering Manager requests a condition to secure the provision a 2.0m wide footway along Harrys Hill from the junction with the A4049 Pengam Road for a distance of approximately 120m. However, whilst this is desirable from a connectivity perspective, the request is not considered to meet the test of necessity as outlined in Condition Circular 11/95, i.e. the works are not considered necessary to facilitate the development. For this reason the Condition will not be attached to the permission.

#### Impact on visual amenity

The primary impact on visual amenity will be from outside the application site, and in particular when viewed from the west, i.e. from Pengam Road. The proposed plots located along the western boundary of the site, i.e. Plots 81, 82, and 96 - 100, have been designed so that their principal elevation faces Pengam Road to ensure an active frontage is achieved. Furthermore, the existing railings that form the current boundary are to be retained thereby maintaining an open boundary treatment, and additional landscaping is proposed along the western boundary. All of these elements, coupled with the proposed dwellings being of the same design and materials as those approved on Phase 1, will ensure the development sensitively integrates with the surrounding streetscene and area.

#### Layout

The layout of the proposed development follows a similar pattern to that approved, and currently being built, at Phase 1. The proposed dwellings are sited fronting onto an 'T' shaped main access road, that is served by four separate private drives. The dwellings have been designed so they face out onto Pengam Road to the west, onto the Aberbargoed SAC to the east, and overlooking the protected woodland to the south. This outward facing design is appropriate and ensures that the sensitive ecological areas surrounding the development are well respected. Furthermore, the properties being designed to front onto Pengam Road ensure that an active frontage is provided, and follows the same development pattern as Phase 1 to the north.

The dwellings have been designed and sited accordingly to ensure there is no unacceptable overlooking of one another, and each property has appropriate levels of parking and amenity space. Furthermore, the properties proposed along the northern edge of the application site, i.e. Plots 56 - 69, and Plots 100 & 101, are sited an appropriate distance from the plots approved along the southern edge of Phase 1 to ensure no unacceptable overlooking or overbearing impact occurs.

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Open space and play provision

Policy CW10 of the adopted Caerphilly LDP requires all new housing sites capable of accommodating 10 or more dwellings to make adequate provision for well design usable open space as an integral part of the development; and appropriate formal children's play facilities either on or off site. Whilst no formal play provision is proposed on the current site, a Local Equipped Area of Play (LEAP) was secured on Phase 1. It is considered that this play facility is suitable to serve both Phase 1 and Phase 2.

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

The final comments of Natural Resources Wales will be reported at Planning Committee as discussions regarding the impact of the development on the Aberbargoed SAC were ongoing at the time of the report.

The Transportation Engineering Manager requested the provision of a footpath adjacent to Harry's Hill. However, whilst this is desirable from a connectivity perspective, the request does not meet the test of Necessity as outlined in Condition Circular 11/95, i.e. the works are not necessary to facilitate the development. For this reason the condition will not be attached to the permission.

Comments from public:

1. The existing playing fields should remain - As discussed above, the playing fields have been classed as surplus to requirements.
2. The development will place pressure on the existing access to the site that serves 'Phase 1' on the former school site, and an additional access is required - As outlined above, the Transportation Engineering Manager confirms that the existing access is capable of serving the proposed development.
3. Additional houses will reduce the rural appeal of Phase 1 - This is not considered to be a material planning consideration.
4. The site is currently used for recreation purposes, e.g. dog walking and football - The playing fields have been classed as surplus to requirements.
5. Detrimental impact on ecology - No objection has been raised by the Council's ecologist based on the submitted surveys.
6. There is a covenant on the land preventing development - This would be a legal matter that is not a material planning consideration.

Cont



Application No. 20/0277/FULL Continued

7. Existing highway network, and in particular 'Harry's Hill', is incapable of accommodating the additional traffic the development will generate - The Transportation Engineering Manager raises no objection based on the submitted Transport Statement.

8. Existing residents face issues crossing the busy road - The proposed development is considered to be acceptable from a highway safety perspective.

9. Developer failed to write to neighbours as part of the statutory public consultation (PAC) process - The developer submitted a PAC report that was deemed satisfactory from a validation perspective. Furthermore the PAC process is outside of the control of the Local Planning Authority.

10. Caerphilly (C.B.C.) are building too many houses on greenfield sites - Each application is determined on its own merits.

11. Loss of trees and green space results in flooding - The developer will be required to acquire separate SAB approval, which will deal with land and surface water.

12. Pressure of existing infrastructure and services - No objection has been raised by relevant consultees in this regard.

13. Residents of Phase 1 don't want Phase 2 - This is not a material planning consideration.

14. Detrimental impact on highway safety - No objection has been raised by the Transportation Engineering Manager.

15. Need for new houses needs to be balanced against retaining green recreational spaces - This matter has been taken into consideration when forming a recommendation on the application.

16. The extent of the site works boundary appears to go beyond the boundaries of the area designated as land subject to potential sale in Cabinet report dated 25th April 2018 - It is unclear if the objector is referring to the woodland area to the south of the proposed houses that is included in the site location plan. However, the proposal has been considered against relevant local and national planning policies as well as all other material planning considerations.

Cont

Application No. 20/0277/FULL Continued

Other material considerations: The proposal to develop 46 dwellings would make a significant contribution to the Council's housing delivery shortfall.

The recommendation is to require the applicant to enter into a S106 Agreement in respect of Affordable Housing and towards the management of the woodland TPO that adjoins the site to the south. The tests for Sections 106s which have to be met are as follows:

These are as follows:-

- (a) The financial contribution, arrangements and works contained in the obligation are required.
- (b) They are directly related to the development, and;
- (c) They are fairly related in scale and kind to the development.

With regard to the first of these the arrangements required in respect to affordable housing and the management of the woodland are to comply with Local and National policy.

In respect to the second point this is an area of housing pressure and affordable dwellings are required in the area. It is considered essential that this proposal will provide an allocation of such properties for the benefit of residents. In terms of the financial contribution towards the management of the woodland TPO, given the additional pressure the proposed development and future occupiers will place on the woodland by way of increased use, such a contribution is directly related to the development.

The third point relates to fairness of scale and kind. In this regard discussions with the developer have resulted in an affordable provision of 15%, i.e. 7 of the 46 properties. In view of the projected financial position for this site these levels were considered to be reasonable. It is also considered that the requirement to manage the woodland TPO is fairly related to a development of this scale.

In the circumstances it is recommended that the application be deferred pending the signing of a Section 106 Agreement in respect of the provision of 15% affordable housing. The affordable units will need to be transferred at the values contained within the Council's current Affordable Housing Obligations SPG. The social rented units will be delivered to the Welsh Government's Design Quality Requirements (DQR) and transferred to the Council, i.e. Caerphilly Homes. The developer will need to deliver the homes at the affordable values set out within the Council's current SPG on affordable housing. The S106 Agreement will require the financial contribution towards the management of the woodland TPO of £19,500.

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Application No. 20/0277/FULL Continued

Upon the completion of this agreement the application be approved on the basis of the conditions stated below.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION (A) that the application be DEFERRED to allow the applicant to enter into a Section 106 Agreement as set out in this report. On completion of the Agreement (B) that Permission be GRANTED subject to the condition listed below:

01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

02) The development shall be carried out in accordance with the following approved plans and documents:

AF-01 Affordable Housing Plan, received 07.04.2020;

EN01 - EN07 - Enclosure Details Sheets 1-5, received 07.04.2020;

EW-01 - External works, received 07.04.2020;

Various house Type, received 07.04.2020;

G10-01 & G11-01 - Garage types, received 07.04.2020;

HF-01 - House finishes layout, received 07.04.2020;

SLP-01 - Site Location Plan, received 07.04.2020;

TP-01 Rev. E - Site Layout Plan, received 14.05.2020;

Dwg. No. 454.02 Rev. A- Planting Plan, received 22.06.2020;

Tree Protection Plan, received 07.04.2020;

Tree Survey and Tree Constraints Plan, received 07.04.2020;

Woodland Management Plan, received 15.06.2020.

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority

03) The development shall not be first occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.

REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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Application No. 20/0277/FULL Continued

- 04) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order, with or without modification), the garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.  
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street-lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 06) The proposed parking areas shall be completed in permanent materials as agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc. are not carried out on to the public highway.  
REASON: In the interests of highway safety and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 07) Prior to the occupation of the development hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.  
REASON: To encourage the use of a variety of transport options and to accord with Policy CW3 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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Application No. 20/0277/FULL Continued

- 08) Prior to the commencement of the development hereby approved a notice shall be given to the Local Planning Authority.
- (a) stating the date on which the development is to begin;
  - (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
- Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it. That decision notice shall be in the form specified by, and must be displayed in accordance with, Schedule 5B of the Order.
- REASON: To comply with the requirements of Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.
- 09) None of the buildings relating to plots 81, 82, 96-101, shall be occupied until upgraded acoustic glazing has been installed in all habitable room windows on the façades of the premises facing Pengam Road in accordance with a scheme that shall have first been submitted to and agreed in writing by the Local Planning Authority.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 10) An acoustic boundary treatment shall be erected around the western perimeter of plots 96 and 100 in accordance with details that shall first be submitted to and agreed in writing by the Local Planning Authority.
- REASON: To protect residential amenity and to accord with Policy CW2 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 11) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
- REASON: In the interests of public health.

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Application No. 20/0277/FULL Continued

- 12) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.  
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 13) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 14) 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. Those details shall include:  
(a) Proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor structures including furniture, play equipment, refuse or other storage units; and  
(b) Proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.); and  
(c) Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be carried out in accordance with the agreed scheme and all planting, seeding, turfing/hard landscaping works comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 15) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 16) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),

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- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,
- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

The development shall thereafter be carried out in accordance with the agreed details.

REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).

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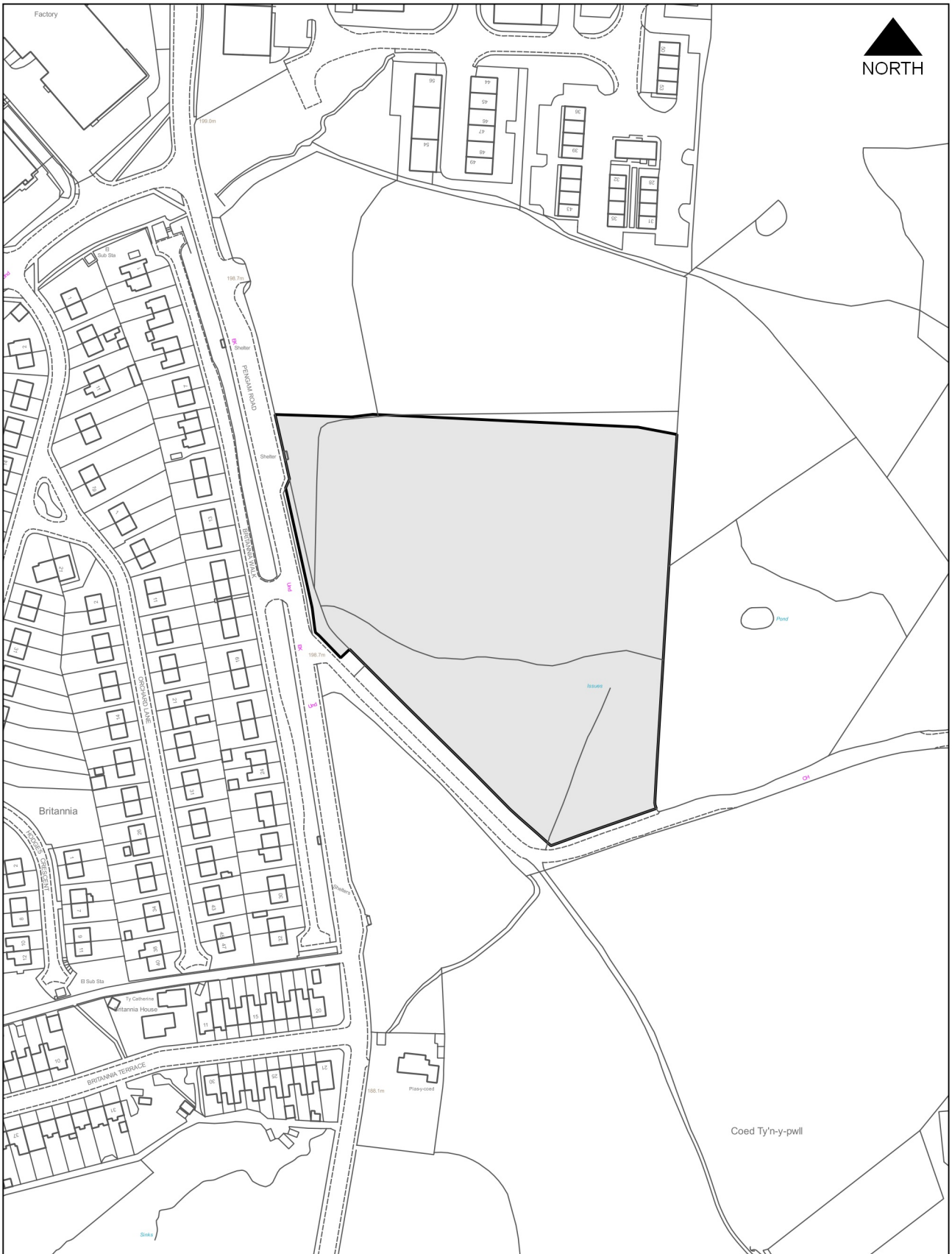
Application No. 20/0277/FULL Continued

- 17) The plans and particulars submitted in accordance with Condition 16 shall include details of the means of protection and maintenance of the trees, shrubs and hedges referred to at Condition 16 until they are established.  
REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 18) The following activities must not be carried out under any circumstances:
- a) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.
  - b) no works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
  - c) no equipment, signage, fencing, tree protection barriers, materials, components, utilities, vehicles or structures shall be attached to or supported by a retained tree.
  - d) no mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA.
  - e) no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.
- REASON: In the interests of visual amenity and to accord with Policy CW6 of the Caerphilly Local Development Plan up to 2021 (Adopted November 2010).
- 19) Prior to the commencement of development, a Reptile Clearance and Mitigation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.  
REASON: To ensure protection of a protected species, in accordance with the Wildlife and Countryside Act 1981 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 20) Prior to the commencement of development, revised boundary enclosure plans shall be submitted to and approved in writing by the Local Planning Authority. The enclosure details shall incorporate hedgehog accessible gaps to allow access to all gardens. The boundaries shall be erected as agreed.  
REASON: To ensure biodiversity conservation measures for a 'Priority for Conservation' species and IUCN red list species, identified as Vulnerable to Extinction; in accordance with Environment (Wales) Act 2016 and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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Application No. 20/0277/FULL Continued

- 21) The scheme for biodiversity enhancement, which includes bird and bat boxes detailed in the submitted information must be implemented as agreed.  
REASON: To ensure biodiversity enhancement measures in accordance with Environment (Wales) Act 2016 and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 22) Prior to the commencement of development, a scheme for the treatment, control and eradication of invasive non-native species on site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed.  
REASON: to prevent the spread of invasive non-native species onto Aberbargoed Grasslands SAC.
- 23) Prior to habitation of any of the new build units, appropriate fencing shall be erected to prevent unauthorised access, and detrimental activities to Aberbargoed Grasslands SAC in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The fence shall thereafter be maintained in accordance with the approved details.  
REASON: to protect Aberbargoed Grasslands SAC in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 24) Veteran beech tree T87 shall be felled during winter or early spring using a soft fell methodology. The felled tree shall be retained in situ on the ground for a minimum of 24 hours prior to removal.  
REASON: as a precautionary measure to prevent harm to any bats which may be present, in accordance with the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 25) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.



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# Agenda Item 6

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0469/NCC 30.06.2020	P&P Builders Ltd Mr T Crooks Unit 12A Gilchrist Thomas Industrial Estate Blaenavon NP4 9RL	Vary condition 14 (Construction method) of planning consent 16/0656/FULL (Erect a residential development of 10 no. dwellings and associated works) Land At Cae Shingrig Eastview Terrace Bargoed

**APPLICATION TYPE:** Development without complying with conds

## SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Eastview Terrace, Bargoed.

Site description: The application site was a former horse grazing paddock, set down from the highway to the front of the site. There is a lane to the north and at a lower level that serves the train halt and country park to the east of the site. Planning permission has been granted for the erection of 10 residential units on the site and that development has progressed such that the shells of the dwellings are almost completed. The consent was granted subject to the following condition:-

14 Prior to the commencement of any work on site a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide all details in relation to construction on the site together with a scheme for the management of traffic associated with the construction activities at the site, including deliveries and workers vehicles and the construction of a temporary access from Angel Lane. The development shall be carried out in accordance with the plan.

REASON: In the interests of highway safety.

The condition was attached to the permission in response to concerns raised by local residents with regard to the adequacy of the highway network serving the site to deal with vehicles accessing the site and not in response to any objections raised by the Transportation Engineering Services Manager.

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Application No. 20/0469/NCC Continued

The Construction Environment Management Plan (CEMP) submitted to discharge this condition states that all deliveries to the site will be carried out via the lane to the north with a temporary access road being created from the highway.

Development: This application seeks to vary the above CEMP in order to allow a number of deliveries and for works within the highway to be carried out from Eastview Terrace. In the revised CEMP submitted to support this application the applicant has provided the following comment:-

The topography of the site as mentioned is extremely steep, sloping from Eastview Terrace at the top (front) of the site down to the temporary road and rear site boundary. In allowing us to deliver direct to the development at street level we negate the need for potential issues in double handing materials and greatly reduce the complexity and volume of lifting operations that would otherwise be required from the rear of the site. There is insufficient space to do this effectively, efficiently or safely.

The following provides a summary of the delivery methods proposed:-

Bricks/Blocks : Delivery to site via Angel Lane, storage in the designated area. Just in time loading to the front of the plots via Eastview Terrace via telescopic handler forklift.

Trusses : Offloading at front of plots from Eastview Terrace. Loading onto the roofs via telescopic handler from front of site.

Roof tiles: All plots- front elevations only. Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Loading onto the scaffold via telescopic handler from front of site.

Plasterboards: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Insulation: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Windows & Front doors: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Internal Doors: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

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Application No. 20/0469/NCC Continued

Sanitary ware: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Kitchens: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Tiles : Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Timbers and other miscellaneous items: Delivery to Eastview Terrace, offloaded directly onto site outside front of plots. Manually carried into final location.

Paving material: Front of development. Delivery to Eastview Terrace, offloaded directly onto site.

It is proposed that all deliveries will be outside of school opening and closing times and that a banksman would be employed to control all deliveries to the site.

Dimensions: Not applicable.

Materials: Not applicable.

Ancillary development, e.g. parking: None.

#### PLANNING HISTORY 2010 TO PRESENT

16/0656/FULL - Erect a residential development of 10 no. dwellings and associated works - Granted - 15.12.2016.

18/0575/NMA - Seek approval of a non-material amendment to planning consent 16/0656/FULL (Erect a residential development of 10 No. dwellings and associated works) to vary condition 02 (Approved Plans) to allow the replacement and addition of plans - Granted - 20.07.2018.

19/0413/COND - Discharge Condition 3 (Noise), Condition 4 (Tree Protection Plan), Condition 7 (Mitigation), Condition 8 (Hedgerow), Condition 9 (Bats), Condition 10 (Birds), Condition 12 (Control of Dust), Condition 13 (Materials), Condition 14 of planning consent 16/0656/FULL - Granted - 15.07.2019.

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Application No. 20/0469/NCC Continued

19/0414/NMA - Seek approval of a non-material amendment to planning consent (16/0656/FULL Erect a residential development of 10 no. dwellings and associated works) for amendments to layout, materials, parking and landscaping - Granted - 17.06.2019.

19/0894/NMA - Seek approval of a non-material amendment to planning consent 16/0656/FULL (Erect a residential development of 10 no. dwellings and associated works) to amend condition 4 and to replace existing ash tree, suffering from ash die back disease with Betula Pendula extra heavy standard root balled - Granted - 26.02.2020.

## POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP1 (Development in the Heads of the Valleys Regeneration Area), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.9 - The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

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Application No. 20/0469/NCC Continued

Paragraph 3.16 - Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

National Planning Guidance contained in Technical Advice Note 12 - Design.

#### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? No.

#### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Not applicable.

#### CONSULTATION

Transportation Engineering Manager - Raises no objection to the application as the developer proposes the use of a banksman for deliveries and movement of vehicles on the highway is covered under other legislation.

#### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of neighbour letters.

Response: Three letters of objection and a petition against the application were received.

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Application No. 20/0469/NCC Continued

Summary of observations:

1. Contrary to what is suggested in the Traffic Management Plan the street is too narrow to take the delivery vehicles proposed.
2. The suggested turning point in the lane between numbers 23 and 26 Eastview Terrace is not adequate for large vehicles to turn.
3. Vehicles parked in the highway to deliver to the site would block the road.
4. There would be increased noise, dust and fume pollution from the increased vehicular movements.
5. Residents have no confidence in the contractor to comply with the revised method statement.
6. The safety of residents should be taken into consideration over and above the desires of the applicant.

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?  
None.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? None.

Is this development Community Infrastructure Levy liable? No. The determination of this application would have no bearing on the CIL liability for this site.

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## ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. This application seeks to vary a condition attached to an existing planning consent, which has been implemented, in order to enable deliveries to the site to be carried out from the public highway. In that the consent has been implemented the principal of the development has been established and the merits of the development to erect 10 residential units on this site are considered to be acceptable. As such the main point to consider in the determination of this application is whether the variation to the condition would have a detrimental impact on the highway safety of the area in line with the stated reason for imposing the condition on the original consent. The Authority must also consider whether the existing and proposed conditions meet the tests in Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management.

In making that assessment the background to the imposition of this condition should be noted. When the application was originally submitted there was significant opposition to the proposal from local residents for a number of reasons. One of those reasons being the impact that the proposal would have on the highway network serving the site, both with regard to the construction phase of the development and in terms of on street parking when the development was completed. In that regard a committee site meeting was held at the application site and these matters were also discussed at length at the subsequent Planning Committee. As a result of a parking survey carried out by the developer and having regard for the submitted plans, it was considered by the Transportation Engineering Services Manager that there was adequate off road parking proposed within the application site and adequate on street parking within the area to accommodate any overspill from the development and as such no objection was raised in that regard.

Turning to the issue of vehicular movements during the construction stage and whilst it should be noted that the Transportation Engineering Services Manager had raised no objection to the application, it was agreed in discussions with the applicant and their agent that it would be prudent to create a construction access to the site from Angel Lane to the south rather than using Eastview Terrace. Such provisions were subsequently controlled as part of a Construction Environment Management Plan (CEMP) required by condition and the application was approved on this basis. This access has been constructed and is still in use for deliveries to the site and for the parking of contractors vehicles.

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Application No. 20/0469/NCC Continued

The applicant (United Welsh Housing Association) subsequently appointed P & P Builders as contractors to construct the dwellings and they have been working on site for approximately 12 months. The dwellings have now been constructed to the stage where they are level with the highway in Eastview Terrace and the contractors (the applicants for this application) have identified a number of operational issues with continuing to carry out all deliveries via Angel Lane. In that regard they have applied to vary condition 14 attached to the original consent to enable specified deliveries to be carried out from Eastview Terrace as set out above. Advice on such applications is set out in Paragraph 2.4 of Circular 016/2014 - The Use of Planning Conditions for Development Management which states:-

“Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application.”

Paragraph 3.1 also sets out the 6 tests that should be applied when imposing any condition which must be:-

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.

With particular regard to this application further advice on the imposition of conditions is provided at Paragraphs 3.2, 3.3 and 4.25 of that document:-

Paragraph 3.2 and 3.3 state that:-

“In considering whether a particular condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition. If it would not, then the local planning authority needs to carefully justify why the condition is being imposed in the first place. A condition should not be imposed unless it is considered necessary.

The same principles must be applied in dealing with applications for the removal of a condition under section 73 or section 73A. A condition should not be retained unless there are sound and clear reasons for doing so.”

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Application No. 20/0469/NCC Continued

More specifically regarding access for deliveries Paragraph 4.25 of Circular 016/2014 provides that:

“planning conditions are not an appropriate means of controlling the right of passage over public highways and can be very difficult to enforce. Where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under the Traffic Management Act 2004.”

Moreover, it should also be noted that the Transportation Engineering Services Manager has raised no objection to this proposal as it is considered that the highway network serving the site is capable of accommodating these deliveries in a safe manner subject to the use of a banksman etc.

In view of the above considerations it is considered that a recommendation of refusal of this application can not be justified in highway safety terms and it should also be recognised that in approving the submitted amended CEMP the Local Planning Authority would not have control over some elements of the document including the movement of delivery vehicles.

Comments from Consultees: No objections raised.

Comments from public:

1. As stated above, it is considered that the highway network serving the site is capable to accommodating vehicles associated with this development.
2. It is considered that the suggested turning point in the lane between numbers 23 and 26 Eastview Terrace is adequate for large vehicles to turn subject to the use of a banksman.
3. Any vehicles parked in the highway to deliver to the site that block the road would be a matter for the police or could be controlled under the Traffic Management Act 2004 as discussed above.
4. The increase in vehicular movements associated with this development would be relatively small in relation to the overall number of vehicular movements in this street and with particular regard for the advanced stage of construction of the site would be short lived and transient in nature in comparison to the lifetime of the development. As such any potential increased noise, dust and fume pollution from the small number of increased vehicular movements would not be sufficient to warrant refusal of this application.

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Application No. 20/0469/NCC Continued

5. Enforcement powers exist to enable the Local Planning Authority to take action in respect of any breach in planning control where it is considered expedient to do so and as such the fact the residents have no confidence in the contractor to comply with the revised method statement would not justify the refusal of this application.

6. It is the role of the planning system to consider the merits and impacts of a development and come to a balanced decision as to the acceptability of a proposal in the wider public interest. It is the view of the Local Planning Authority that the safety of residents can be adequately protected as part of this development whilst also having regard for the health and safety of those constructing the development and the need for housing within the County Borough. Variation of the condition as suggested would allow the dwellings to be constructed in a more timely manner thereby providing 10 much needed affordable housing units within the area whilst also protecting the amenity and safety of residents to an acceptable level in planning terms.

Other material considerations: Condition 14 requires the submission of a Construction Method Statement and the CEMP that has been submitted with this application addresses a number of areas other than the movement of vehicles on the public highway. As such, and notwithstanding that the references within the document to the movement of vehicles on the highway would not be enforceable by the Local Planning Authority it is considered that such a document is required in order to control other elements of the construction operations on site. In that regard it is considered that a new condition requiring that the development is carried out in accordance with the submitted CEMP should be imposed on any consent granted.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

In conclusion it is considered that the variation of the condition is acceptable in planning terms subject to the imposition of conditions.

Living Decision Document:

Condition 14 has been varied by consent 20/0469/NCC dated 16.09.2020 granted by Caerphilly County Borough Council.

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Application No. 20/0469/NCC Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development shall be carried out in accordance with the following approved plans and documents: (90)001C - Site Location Plan; (SK)001E Proposed Site Layout - Lower Ground Floor, (SK)002U Proposed Site Layout - Ground Floor, (SK)003F Proposed Site Layout - First Floor, (SK)004B Proposed Floor Plans - Block 1, (SK)005C Proposed Floor Plans - Block 2, (SK)007C Proposed Elevations, (SK)008B Proposed Elevations, S.7400-10 T1 - Proposed Land Drainage Layout and S.7400-104 T3 - Section 104 Agreement.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 02) Prior to commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority for a glazing system which is to be fitted to all windows of habitable rooms facing the railway line. The glazing system shall be capable of achieving an internal LAeq level of 30 dB(A) measured over an 8 hour period (2300 - 0700) in bedrooms and 35 dB(A) in all other habitable rooms measured over 16hour LAeq (0700 - 2300). Development shall be carried out in accordance with the approved details before first use of the dwellings hereby approved.  
REASON: To protect the residential amenity from noise from the railway line in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 03) No development shall commence on site until such time as a scheme has been submitted for the approval of the Local Planning Authority which shall include:
  - a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.
  - b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.
  - c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.

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d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.

e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.

f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.

g) No tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

The development shall be carried out in accordance with the approved scheme.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area.

- 04) The development hereby approved shall be carried out fully in accordance with the Bat and breeding Bird Method Statement prepared by Dusk to Dawn Ecology Ltd dated July 2016. The development should be undertaken fully in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for protected species in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

- 05) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

REASON: To ensure adequate protection to protected species in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.

Cont



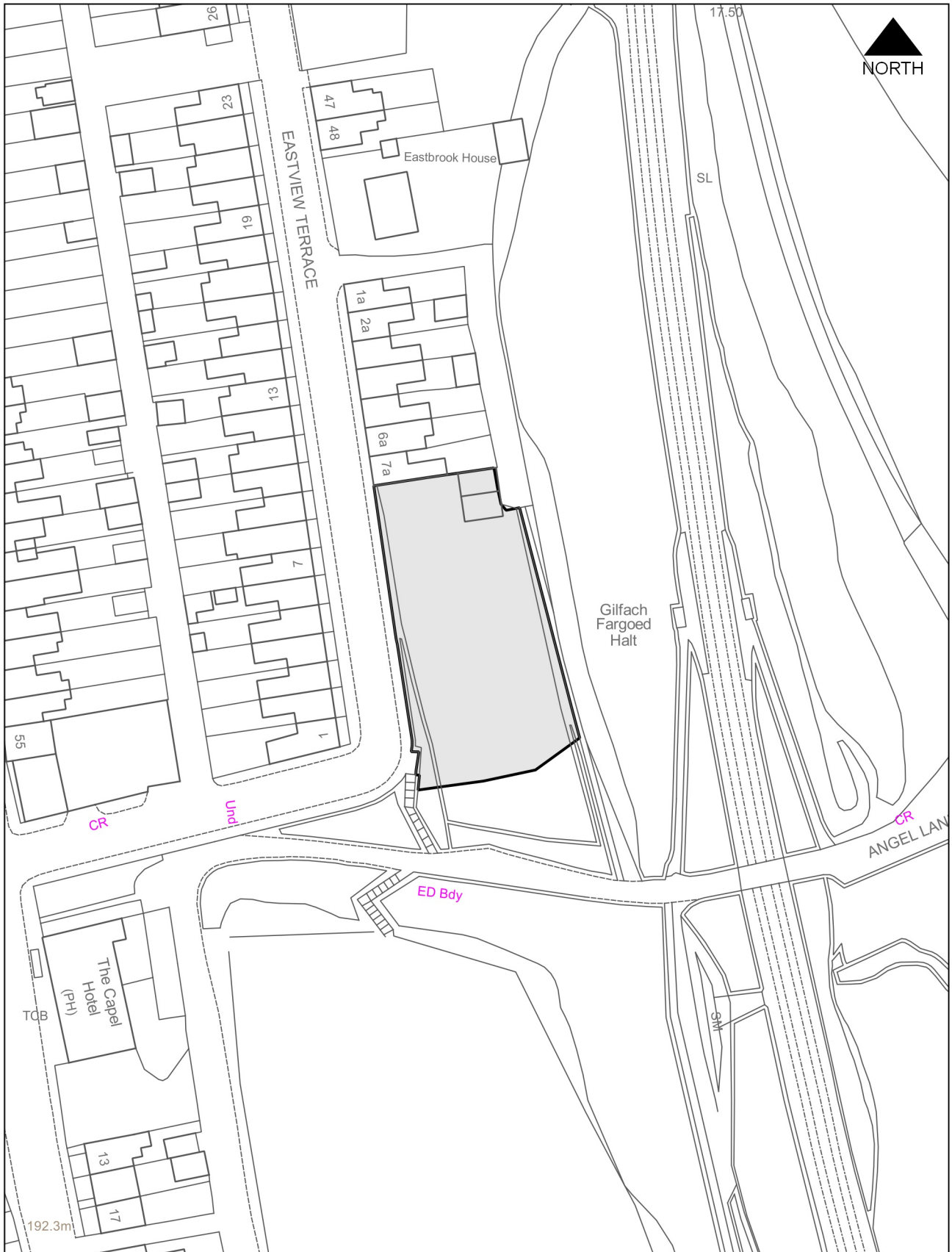
Application No. 20/0469/NCC Continued

- 06) Prior to the commencement of works on site, details of the garden boundary fence to be erected along the inside of the existing hedgerows in order to exclude the hedgerows from within the garden boundaries, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and shall be implemented before the new dwellings hereby approved are first occupied.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) Tan 5 Nature Conservation and Planning (2009).
- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Land to the east of Eastview Terrace, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.  
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 08) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, or Swift) in the new properties at Land to the east of Eastview Terrace, Bargoed, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved is first occupied.  
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 09) No works in relation to the approved development shall take place outside the hours of 08.00 to 18.00 Monday to Friday, 09.00 to 13.00 on Saturdays and no work at all on Sundays and Bank Holidays.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Cont

Application No. 20/0469/NCC Continued

- 10) Prior to the commencement of the development hereby approved a scheme for the control of dust arising from construction works shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be implemented at all times to control dust at the site.  
REASON: To prevent pollution in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The development hereby approved shall be carried out in accordance with the revised Construction Environmental Management Plan submitted on 16th July 2020.  
REASON: In the interests of residential amenity.
- 13) The dwellings hereby approved 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 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 in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 14) The proposed parking areas shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. is not carried on to the public highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) No surface water run-off shall drain on to the public highway.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 16) Notwithstanding the submitted plans there shall be no vehicular access to the rear of the site along the lane to the rear of number 1a to 7A Eastview Terrace unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.



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# Agenda Item 7

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0526/FULL 07.07.2020	Mr M Jones 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ	Erect bedroom extension at first floor level 10 Pendarren Street Penpedairheol Hengoed CF82 8BZ

**APPLICATION TYPE:** Full Application

## SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Pendarren Street.

House type: The application property is an end of terrace dwelling with an existing joint extension with No. 9 Pendarren Street, which is single storey under a pitched roof and alongside that is a further single storey flat roof extension, approved under planning permission 15/0059/FULL, all projecting from the rear elevation. A detached garage abuts the rear service lane which bounds the site.

Development: Planning permission is sought to erect a bedroom extension at first floor level off the existing single storey flat roof extension.

Dimensions: Length; 3.9 metres, Width; 2.74 metres, Height to eaves level 5.2 metres, Height to new ridge 6.6 metres, Length of ridge from intersection with existing roof slope to main dwelling 5.75 metres.

Materials: Concrete roof tiles to match existing; Walls; Facing Brickwork, Windows; White upvc, Rainwater goods and downpipes; White Marley Deepflow System.

Ancillary development, e.g. parking: None.

## PLANNING HISTORY 2010 TO PRESENT

15/0059/FULL - Erect single-storey flat roof extension - Granted 18.03.15.

Cont

Application No. 20/0526/FULL Continued

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010 (LDP).

Site Allocation: The site is situated within settlement limits of Penpedairheol.

Policies: SP2( Development in the Northern Connections Corridor), SP6 (Place Making), CW2 (Amenity), and advice contained within the Local Planning Authority's Adopted Supplementary Planning Guidance LDP7: Householder Developments.

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

## ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

## COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within a low risk coal mining area, however standing advice will be provided.

## CONSULTATION

Gelligaer Community Council - Members expressed their concern in relation to this proposal, as it could affect the light and enjoyment of the adjacent property.

Ecologist - No objection raised - recommends the inclusion of one planning condition to secure biodiversity enhancement on site.

Cont

Application No. 20/0526/FULL Continued

### ADVERTISEMENT

Extent of advertisement: One adjoining property was notified by letter.

Response: One letter of representation has been received.

Summary of observations: The following objection has been raised :

Would not normally have an issue with any works neighbour wishes to carry out, but works to extend garage which were undertaken several years ago are unfinished. Wall facing objectors garden has not been rendered, it has only been painted, owner is refusing to complete the rendering. Would be happy for the works (subject of current application) to go ahead if garage wall could be completed and new work will be finished properly and not just painted where it faced objectors property.

### 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?

There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable as the proposal intends to create less than 100 square metres of additional floor space.

Cont

## ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are whether the first floor extension is acceptable in terms of its design and whether there would be any adverse impacts in terms of neighbouring amenity.

In terms of the design this is considered to be acceptable in terms of its form and fenestration. Whilst the external finishes of the proposed walls of the first floor extension indicate facing brickwork, the external finishes of the host dwelling comprise of spar render and would therefore be at odds with the host dwelling. Consequently, should planning consent be granted it is considered necessary to impose a condition to ensure that any external finishes are compatible with the host dwelling and the wider surrounding area.

In terms of the overall scale and massing of the first floor extension advice is contained within Supplementary Planning Guidance LDP7: Householder Developments and states:-

"Extensions and conservatories should not cast large shadows onto neighbour's houses or gardens. As a general rule single storey extensions near to a ground floor window of any principal room in an adjoining property, should be no longer than 4 metres, whilst two-storey extensions in the same circumstances should be no longer than 2 metres. A 'principal room' can be defined as one of the main rooms of a house, such as a living room, main bedroom and dining room.' Unless the context allows otherwise, those dimensions could be increased to a maximum of 6 metres and 4 metres respectively, where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property, and it would not have an overbearing effect or an adverse impact on outlook."

In that regard the first floor extension exceeds the limit stated within the above guidance and as such consideration should be given to policy CW2 of the Local Development. Policy CW2 sets out the criteria relating to amenity and development proposals should ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

Cont



Application No. 20/0526/FULL Continued

The application property is end of terrace and as such consideration needs to be given to the impact of the proposed development upon the adjoining occupiers (no. 9 Pendarren Street) located to the east of the host dwelling. In that regard the adjoining occupier also benefits from a single storey extension. In such instances where both adjoining properties benefit from existing single storey extensions, the impacts associated with a ground floor extension commensurate with permitted development should be considered at first floor level. Consequently, the proposed first floor extension would project under 4.0 metres in depth and would be set off the common boundary with no.9 by 2.48 metres with the centre point of the nearest first floor window of the adjoining dwelling being 1.83 metres away from the common boundary, a total distance of 4.31 metres away from the proposed first floor extension. On that basis it is not considered that the proposed development will not give rise to any adverse overbearing or overbearing impacts.

It should be noted that there is a single window located in the gable end of the proposed extension looking beyond the rear service lane which bounds the site to the south, towards the rear elevation of properties fronting onto Mount Pleasant. However, there is a distance of some 26 metres between the respective rear elevations, therefore it is not considered that overlooking and loss of privacy between opposing habitable room windows is an issue in this instance.

In conclusion subject to the imposition of a condition to ensure the external finishes of the proposed development match those of the host dwelling, the proposal complies with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - adopted November 2010.

Comments from consultees: Gelligaer Community Council - Members expressed their concern in relation to this proposal, as it could affect the light and enjoyment of the adjacent property. The impacts of the proposal in terms of neighbouring amenity have been fully addressed in the report above.

Cont

Comments from public: The following objection has been raised :

Would not normally have an issue with any works neighbour wishes to carry out, but works to extend garage which were undertaken several years ago are unfinished. Wall facing objector's garden has not been rendered, it has only been painted owner is refusing to complete the rendering. Would be happy for the works (subject of current application) to go ahead if garage wall could be completed and new work will be finished properly and not just painted where it faced objectors property. - This amounts to a private dispute between the parties concerned and is not a matter in which the Planning Authority is empowered to act. It is not a material planning consideration. Where planning permission has been granted for a development it is a requirement of the legislation that the approved works or use are commenced within a specified period of time, failing which that planning permission will expire. However where the authorised development has commenced there is no requirement for any approved works to be completed within a certain length of time of the planning permission having been implemented.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

**RECOMMENDATION that Permission be GRANTED**

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location and Block Plan received on 30.06.2020; and  
Proposed Floor Plans and Elevations received on 30.06.2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Cont

Application No. 20/0526/FULL Continued

- 03) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.  
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) Prior to the occupation of the development hereby approved, a scheme of environmental enhancement shall be provided in accordance with the supplementary specification details attached to this decision notice.  
REASON: To improve biodiversity and further resilience of ecosystems, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales Edition 10 (2018) and Technical Advice Note 5: Nature Conservation and Planning (2009).

Advisory Note(s)

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

Please find attached the comments of The Council's Ecologist that are brought to the applicant's attention.



# Agenda Item 8

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
20/0577/RET 14.07.2020	Mrs T Parry 1 Kingswood Close Hengoed CF82 7LU	Retain and complete raised decking area to the rear of dwelling 1 Kingswood Close Hengoed CF82 7LU

**APPLICATION TYPE:** Retain Development Already Carried Out

## SITE AND DEVELOPMENT

Location: The application property is located on the western side of Kingswood Close, Hengoed.

House type: Two storey detached dwelling.

Development: Planning permission is sought to retain and complete raised decking area to the rear of dwelling. The application is being reported to planning committee as the applicant is an elected ward member of this Council.

Dimensions: The raised decking is irregular in shape but has maximum dimensions measuring 9.6 metres in width by 3.6 metres in depth and measures 1.65 metres in height above the concrete retaining wall running parallel to the rear garden boundary of no.1 Kingswood Close and the side garden boundary of no. 18 Bryn Terrace. The finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking.

Materials: Reinforced steelwork, timber decking and obscurely glazed 1.7 metre high privacy screens.

Ancillary development, e.g. parking: Excavation works to reduce the existing ground levels.

## PLANNING HISTORY 2010 TO PRESENT

None.

Cont

Application No. 20/0577/RET Continued

## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The application site is located within settlement limits.

Policies: SP2 (Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW15 (General Locational Constraints) and advice contained within Supplementary Planning Guidance LDP7: Householder Developments (January 2017).

NATIONAL POLICY Planning Policy Wales Edition 10 (December 2018) and TAN 12: Design (March 2016).

### ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not Applicable.

### COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is located within an area of low risk.

### CONSULTATION

Senior Arboricultural Officer (Trees) - There is an area TPO to the rear of this property. Given that this application is to retain the work already undertaken, then I do not believe the "planning application" would be defence against any damage to the protected trees.

Gelligaer Community Council - No objection.

Cont

ADVERTISEMENT

Extent of advertisement: A site notice was not required in this instance however two neighbours were consulted.

Response: Four letters of representation have been received of which three letters of representation have been received from the same individual at the time of writing the report.

Summary of observations:

1. The work has commenced without planning permission in the first instance.
2. The decking does not comply with building regulations.
3. The decking exceeds 30 cm in height.
4. It's not reasonable for decking to be higher than a neighbouring fence.
5. The proposal will result in loss of privacy and overlooking providing direct views to a kitchen and bedroom window.
6. The proposal will prevent the neighbouring occupier from enjoying their garden.
7. The proposal will devalue the neighbour's property.
8. Concerns regarding lack of neighbour consultation and lack of consideration for the occupiers of Bryn Terrace.
9. A family member of the main objector concerned that the proposal will look into the bedroom windows of no.1-4 Bryn Terrace.
10. Advice has been sought from a local councillor who has confirmed that the minimum distance for a structure to be erected from a dwelling is 15 metres.
11. There is potential to reduce the decking even further so that any screening will not be visible and privacy won't be compromised.
12. Advises that legal advice and the press will be consulted should planning permission be granted.

Cont

Application No. 20/0577/RET Continued

### 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?

There are no specific crime and disorder implications material to the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No the development is not CIL liable.

### ANALYSIS

Policies: The application has been considered in accordance with national policy and guidance, local plan policies and supplementary planning guidance. The main considerations in the determination of this application are the impact upon visual amenity and whether the raised decking will give rise to an unacceptable impact in terms of amenity to the occupier of no. 18 Bryn Terrace and the occupiers of no.1-4 Bryn Terrace.

This application seeks to retain and complete an unauthorised structure erected within the rear garden of 1 Kingswood Close, Hengoed. The applicant has advised that works on site have stopped since being advised by Building Control in June 2020 and the original plans submitted for consideration in July 2020 (that reflect the works constructed on site to date), have subsequently been amended at the request of the Local Planning Authority. The applicant has therefore proposed to lower the resultant height of the raised deck by an additional 0.8 metres and it is the revised drawings received in August 2020 that are for consideration in the determination of this application.

Policy CW2 of the Local Development Plan sets out criteria relating to amenity. Development proposals must ensure that there is no unacceptable impact on the amenity of adjacent properties or land.

Cont



Application No. 20/0577/RET Continued

In that respect the rear garden of the application property comprises of a levelled patio area that projects a distance of 4.3 metres from the rear wall of the property and is enclosed by a 0.8 metre high rendered wall. The garden then falls steeply away to meet the ground below by approximately 4.8-4.9 metres. In that the development has already commenced, the reinforced concrete and steel work is already in situ on the sloping ground with timber joists affixed to the steelwork.

Notwithstanding the works undertaken on site to date, this does not reflect the revised drawings submitted to the Local Planning Authority for consideration which include a lower decked area.

The raised decking would have maximum dimensions measuring 9.6 metres in width by 3.6 metres in depth and measures 1.65 metres in height above the concrete retaining wall running parallel to the rear garden boundary of no.1 Kingswood Close and would be set down into the sloping ground from the levelled patio area by 1.8 metres. The raised decking would be set off the northern boundary by 5.94 metres, the southern boundary by 6.24 metres and the western boundary ranging between 0.9 metres and 1.2 metres. The finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking.

Having regard to the above observations the resultant means of enclosure when viewed from the garden of no.18 Bryn Terrace and the public realm would measure 1.275 metres in height above the existing fence line. This would be commensurate with the standard height of a decked balustrade enclosure.

It should be noted that a precedent has previously been set for the erection of decking platforms within the south-facing rear gardens of Kingswood Close and those decked platforms extend outwards from the levelled patio area to the rear of the dwellings. Whilst some of the raised platforms look out onto commercial premises and some are screened by trees and privacy screens, they are located at a much higher level, approx.1.8 metres higher than the proposal for consideration. On this basis, given that only a reduced amount of screening would be visible when viewed from the garden of no.18 Bryn Terrace and the public realm, it is not considered that the proposal will give rise to any adverse impacts to the character of the surrounding area.

Cont

Application No. 20/0577/RET Continued

Turning to the impact upon the occupier of no.18 Bryn Terrace, this property is located at a much lower level and there is a timber fence erected adjacent to the common boundary shared by no.1-3 Kingswood Close measuring approximately 3.6 metres in height. The application property looks out onto the side elevation of no.18 Bryn Terrace where there is a ground floor kitchen window and a secondary seating area within the side garden outside of the kitchen. Consequently, as a result of the difference in levels between the two properties, when standing from the existing levelled patio area to the rear of the application property the existing situation already gives rise to a considerable amount of overlooking and impact on the privacy of the occupier of no. 18 Bryn Terrace below. The proposal for consideration would inadvertently mitigate the existing situation in terms of overlooking as the proposed privacy screens would intersect any current overlooking issues and consequently improve privacy for the occupier of no. 18 Bryn Terrace.

In that the raised decking would be located 1.8 metres below that of the existing levelled patio area and would be located between 0.9 metres and 1.2 metres off the common boundary with no.18 Bryn Terrace, the proximity to the neighbouring property would be much closer. In that respect the finished floor level of the decking would be 0.426 metres below the resultant height of the neighbouring fence line, and would be enclosed by a 0.3 metre high timber plinth with 1.4 metre high obscurely glazed privacy screens and metal posts sited on top. The resulting means of enclosure would measure 1.7 metres in height above the finished floor level of the raised decking and would project 1.275 metres in height above the existing fence line. In that respect the impact would be similar to the existing situation when viewed from the rear garden of no. 18 Bryn Terrace looking up towards the privacy screens located to the rear of no. 3 Kingswood Close, albeit the fence height shared between these properties is much taller than that shared with the application property, but it is not considered that the impact would be any worse.

Cont

Finally it is noted that there is a first floor habitable room window in the rear elevation of no. 18 Bryn Terrace that is located in close proximity to the return of the side elevation. Given the difference in levels and proximity to the proposed bedroom, consideration has been given as to whether the occupier of no.18 Bryn Terrace would result in loss of privacy to this habitable room window. In that regard, given that the raised decking is to be sited below the height of the existing fence line together with being enclosed privacy screens, this will prevent the ability for any persons to be standing on the raised decking to be able to look directly into the first floor bedroom window. Furthermore, given the relationship between the raised decking and privacy screens in terms of where it will cease in relation to the first floor bedroom window together with the acute viewing angle, if any, could be achieved, it is not considered that any loss of privacy would occur, and if so this would be to the ceiling only directly above the window lintel, which would be no different to the existing situation had the occupier of no. 1 Kingswood Close wished to stand or sit on the sloping ground previously. Therefore, it is not considered that the proposal will give rise to any adverse impacts to the occupier of no.18 Bryn Terrace significant enough to warrant refusal of the application on this basis.

In terms of the impact to the occupiers of no. 1-4 Bryn Terrace, the decking would be enclosed by a 1.7 metres privacy screen, together with there being a boundary fence located at a much a higher level along the northern boundary facing onto Bryn Terrace. Whilst it is accepted that the fence does not extend the full length of the boundary, the distance from the decking to the first floor habitable room window of no.4 Bryn Terrace, the nearest property to the north, measures 21 metres and this distance increases further in respect of no. 2-4 Bryn Terrace. Furthermore, there is also an intervening public highway between the properties, whereby privacy distances would be reduced much further when viewing these properties from the public realm. On this basis it is not considered that the proposal would give rise to any loss of privacy to the occupiers of no 1-4 Bryn Terrace.

In conclusion subject to the imposition of a condition to ensure that the privacy screens are installed prior to beneficial use of the raised decking and are to remain in place at all times, the proposal is considered to accord with policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021- adopted November 2010.

Comments from consultees: Whilst the Senior Arboricultural Officer has raised concerns regarding the woodland TPO 49/82/RVDC confirmed 21.01.1983 in respect of damage to protected trees, the previous Senior Arboricultural Officer comments in response to consultations to retain other unauthorised raised decking along the rear of Kingswood Close confirmed that there were no significant trees in the area with the trees of amenity value located on site of the former Lewis Girls School.

Cont

Comments from public:

1. The work has commenced without planning permission in the first instance - It is not an offence to undertake development works without applying for planning permission in the first instance. However, it is a risk that any works undertaken may result in abortive works. In this instance following a complaint to the Council's Building Control departing reporting a dangerous structure, the applicant was advised for the need to cease any further works and that they would need to apply for planning permission.

2. The decking does not comply with building regulations - The Building Control Officer who visited the property was content that the structure as built was not dangerous, nor is there a need to apply for building regulations approval.

3. The decking exceeds 30 cm in height - The 30 cm rule applies to householder permitted developments whereby a change to increase the ground levels can occur without the need to apply for planning permission. In that the structure for consideration exceeds 30 cm, planning consent is therefore required.

4. It's not reasonable for decking to be higher than a neighbouring fence - The raised platform measures 0.426 metres lower than the highest point of the neighbour's fence adjacent to the common boundary.

5. The proposal will result in loss of privacy and overlooking providing direct views to a kitchen and bedroom window - These matters have been addressed in the report above.

6. The proposal will prevent the neighbouring occupier from enjoying their garden - Subject to screening, it is not considered that the development would prevent the neighbouring occupier below from enjoying their garden.

7. The proposal will devalue the neighbour's property - Loss of property value is not a material planning consideration.

8. Concerns regarding lack of neighbour consultation and lack of consideration for the occupiers of Bryn Terrace - The Local Planning Authority has a duty to advertise applications for planning permission in accordance with article 12 of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012. The necessary publicity requirements have been met.

Cont

Application No. 20/0577/RET Continued

9. A family member of the main objector concerned that the proposal will look into the bedroom windows of no.1-4 Bryn Terrace - This has been addressed in the report above.

10. Advice has been sought from a local councillor who has confirmed that the minimum distance for a structure to be erected from a dwelling is allowed is 15 metres -There is no policy or guidance to this effect within national or local planning policies.

11. There is potential to reduce the decking even further so that any screening will not be visible and privacy won't be compromised - As stated in the above report, the applicant has amended their original submission to reduce the overall height of the raised platform by 0.8 metres.

12. Advises that legal advice and the press will be consulted should planning permission be granted - This is not a material planning consideration.

Other material considerations: None.

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.  
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

Cont

Application No. 20/0577/RET Continued

- 02) The development shall be carried out in accordance with the following approved plans and documents:  
Site Location Plan received on 14.07.2020;  
Dwg No. 1 of 6 Proposed Block Plan received on 11.08.2020;  
Dwg No. 3 of 6 Proposed Rear Elevation received on 11.08.2020;  
Dwg No. 4 of 6 Proposed Rear View Showing Obscure Glazed Privacy Screens received on 11.08.2020; and  
Dwg No. 6 of 6 Proposed Block Plan received on 11.08.2020.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The proposed obscure privacy screens shall be installed prior to beneficial use of the development hereby approved. Thereafter, the privacy screens shall remain in perpetuity and any replacement or repair shall only be with obscure glass.  
REASON: To prevent a loss of privacy in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).



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