

## **PREFACE ITEM**

APPLICATION NO. 16/0286/OUT

APPLICANT(S) NAME: Mr & Mrs G Howells

PROPOSAL: Erect detached dwelling with associated access and groundworks

LOCATION: School House Tabor Road Maesycwmmmer Hengoed CF82 7PU

At the last meeting of the Planning Committee on 4<sup>th</sup> May, 2016 Members resolved to defer consideration of this application to enable further information to be submitted in relation to the ownership of the site, in particular with regard to the storage shed in the north east corner of the site. This shed contains the service meters for the school.

The applicant has now submitted a copy of his deeds for the site and they confirm that he has full control over the whole of the application site. It can also be confirmed that there are no covenants on the deeds that would prevent the development of the land.

In that regard the ongoing use of the shed by the school is a private matter between the applicant and the Education Authority and is not a planning matter.

**RECOMMENDATION:** That planning permission is granted in accordance with the attached report.

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Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0286/OUT 17.03.2016	Mr & Mrs G Howells Flat 130 Lauderdale Lauderdale Road London W9 1NG	Erect detached dwelling with associated access and groundworks School House Tabor Road Maesycwmmmer Hengoed CF82 7PU

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is situated on the junction of Tabor Road with Jenkin Street.

Site description: The application site forms part of the garden of School House, which is the former Headmaster's accommodation attached to Maesycwmmmer Primary School. It is a relatively flat parcel of lawned garden enclosed behind a stone wall with mature hedgerow above. There is a pedestrian access into School House from the frontage onto Tabor road with a vehicular access to the side onto Jenkin Street. School House is an imposing two storey Edwardian style building finished in stone with red brick quoins and a slate roof. The rear boundary of the site is also the boundary to the yard of the school with the pine end of the dwelling acting as the other boundary to the site. The garden is elevated above Tabor Road but is level with Jenkin Street at the rear.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters other than access reserved for future consideration. The indicative layout plan shows the provision of a dwelling adjacent to the Jenkin Street boundary of the site with a shared access for both dwellings off Jenkin Street. The proposal also shows the provision of three parking spaces per dwelling.

Dimensions: The proposed dwelling will have minimum dimensions of 7m by 6.5m by 5.6m high, with maximum dimensions of 9.5m by 10.5m by 7.9m high.

Materials: Not specified.

Ancillary development, e.g. parking: None.

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Application No. 16/0286/OUT Continued

PLANNING HISTORY 2005 TO PRESENT

No previous planning history.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: 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.

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions.

Dwr Cymru - Provides advice to be conveyed to the developer.

ADVERTISEMENT

Extent of advertisement: The application was advertised by means of a site notice and neighbour letters.

Response: Two letters of objection were received. One from Maesycwmmmer Primary School and one from a local resident.

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Summary of observations:

1. The close proximity of the vehicular access to the main entrance to the lower school building and the increase in traffic would create dangers to highway safety.
2. Part of the application site includes a building that houses the gas meters for the school.
3. The school boundary abuts the site.
4. The dwelling will cause loss of light and have an overbearing impact on the properties in Jenkin Street.
5. It will also lead to a loss of privacy to those dwellings.

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? No.

Is this development Community Infrastructure Levy liable? Not at this stage because the application is in outline.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks outline planning consent for residential development in a mainly residential area and as such the principle of development is acceptable. Therefore the main points to consider in the determination of this application are the objections raised which are considered in turn below: -

1. The proximity of the proposed access to the existing school access and the junction of Jenkin Street with both Tabor Road and North Road has been considered by the Transportation Engineering Manager and no objection is raised. It is considered that subject to conditions requiring improvements to the access and adequate levels of off street parking, the development would not cause dangers to highway safety that would warrant refusal of the application.

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2. It is noted that the small storage building that houses the gas meters for the school is contained within the application site. Whilst the indicative site layout plan does not show the removal of this building, this would be a private matter between the two parties in any event. As such this is not a material planning consideration.
3. It is acknowledged that the application site has a common boundary with the school. The submitted plans do not propose to alter that boundary but in any event such a proposal would be unlikely to be acceptable in planning terms. However, this would be a matter for consideration at the reserved matters stage.
4. In that this is an outline application with all matters reserved for future consideration it is not yet known what the exact height of the dwelling would be. However, even with the maximum scale parameters given, it is not felt that the proposed dwelling would have any overbearing impact or cause a loss of light to neighbouring dwellings. The proposed dwelling is shown as being in the region of 13m away from the nearest property at number 2 Jenkin Street and this is considered to be sufficient distance to protect the amenity of those dwellings.
5. Again as this is an outline application the exact details of the fenestration of the proposed dwelling are not known. The dwelling can be designed such that no habitable room windows face directly onto the properties in Jenkin Street and a condition to that effect should be added to any consent granted.

Comments from consultees: No objections raised.

Comments from public: Addressed above.

Other material considerations: In conclusion it is considered that the application is acceptable in planning terms.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of appearance, landscaping, layout and scale(hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale, of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.  
REASON: To prevent contamination of the application site in the interests of public health.
- 06) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 07) The existing access shall be improved, in a manner to be agreed in writing with the Local Planning Authority before any works commence and be completed in materials as approved by the Local Planning Authority before the development is brought into beneficial use.  
REASON: In the interests of highway safety.

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- 08) Parking throughout the development shall be provided in accordance with the requirements of LDP5 Car Parking Standards.  
REASON: In the interests of highway safety.

Advisory Note(s)

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

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

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).

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