

PREFACE ITEM

APPLICATION NO. 16/0453/FULL

APPLICANT(S) NAME: Mr G Dallimore

PROPOSAL: Erect new dwelling with associated access

LOCATION: Rosebank Cottage Brookside Bungalows Cwmgelli
Blackwood NP12 1BQ

The above planning application for a detached dwelling was deferred at Planning Committee on 3rd August 2016 to allow the applicant to submit amended plans to address the concerns of Officers. The application was originally reported to Planning Committee with a recommendation for refusal for the following reason:-

1. By virtue of its massing and siting, the proposed development would have an unacceptable overbearing impact on the north facing windows of the property known as Woodview resulting in a loss of daylight and outlook. Such an impact is considered to be detrimental to the residential amenity of this neighbouring property contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Further to the above report and recommendation, the applicant has submitted amended plans that show the proposed dwelling moved off the boundary with Woodview by a further 2.1 metres. This amended siting will result in the proposed dwelling being located 9.2 metres to the north of Woodview.

Given the orientation of the properties, the proposal will not result in an overbearing impact on Woodview due to the trajectory of the sun. Furthermore, given the shape of the proposed dwelling and its relationship to the ground floor north facing windows of Woodview, it is not considered that the proposed development would result in an overbearing impact or loss of outlook from Woodview to a degree to warrant a refusal of planning permission. Specific conditions relating to finished floor levels and restricting new window opening will be attached to the permission to ensure minimal impact on Woodview in the future.

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RECOMMENDATION – That planning permission be GRANTED subject to conditions outlined 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) 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.
- 03) Prior to the construction of the foundations of the development hereby approved details showing the finished levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 04) 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.
- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the approved dwelling is first occupied.
REASON: In the interests of the visual amenities of the area.
- 06) 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.

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- 07) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 08) The building shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety.
- 09) The proposed parking area shall be completed in materials as agreed with the Local Planning Authority, to ensure loose stones or mud etc. are not carried on to the public highway.
REASON: In the interests of highway safety.
- 10) The proposed vehicular driveway shall have a maximum gradient not exceeding 12.5% (1 in 8).
REASON: In the interests of highway safety.
- 11) 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 property at Rosebank Cottage, Cwmgelli, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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).
- 12) 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 property at Rosebank Cottage, Cwmgelli, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as 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).

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

Job No. 16_037, Drawing No. AL(00)10 Rev. A, Proposed Elevations, received 21.07.2016;

Job No. 16_037, Drawing No. AL(00)02 Rev. A, Proposed Floor Plans, received 21.07.2016;

Job No. 16_037, Drawing No. AL(00)01 Rev. B, Location Plan, received 21.07.2016;

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

Committee Report 3rd August 2016

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0453/FULL 06.07.2016	Mr G Dallimore Rosebank Cottage Brookside Bungalows Cwmgelli Blackwood NP12 1BQ	Erect new dwelling with associated access Rosebank Cottage Brookside Bungalows Cwmgelli Blackwood NP12 1BQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on Brookside Bungalows, Cwmgelli, Blackwood.

Site description: Rear garden curtilage of existing property.

Development: Erect detached dwelling within grounds of existing property.

Dimensions: The proposed dwelling is arranged in a cross shape, and has a footprint with maximum dimensions that measures 10.8 metres in depth by 11.7 metres in width, with a height of 7.0 metres to ridge level.

Materials: Render and timber clad walls with slate roof and upvc doors and windows.

Ancillary development, e.g. parking: The proposed driveway is large enough to accommodate 4 cars.

PLANNING HISTORY 2005 TO PRESENT

09/0744/OUT - Erect residential development. Refused 06.10.2011, Dismissed on Appeal 23.10.2012.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located outside the Settlement Boundary.

Policies: Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside).

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NATIONAL POLICY Planning Policy Wales and Technical Advice Note (TAN) 12: Design.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. A coal mining risk assessment report was submitted with the application. The comments of the Coal Authority had not been received at the time of report (21.07.2016).

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Principal Valuer - State that part of the land included in the application is owned by CCBC, and whilst they note Certificate B has been served on the Highways Department they are unable to find any permission being granted for the use of the land. Therefore, a letter will be sent to the applicant to advise them that they need to apply for access rights to cross our land and they may need to apply to purchase the land owned by CCBC.

ADVERTISEMENT

Extent of advertisement: Two neighbours were consulted by way of letter and a site notice was displayed near the application site.

Response: One letter of objection received at time of writing report. Note. Neighbour consultation period expires on 05.08.2016.

Summary of observations: Proposed dwelling will have an overbearing impact on the property to the west.

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.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. New residential floor space at a rate of £25 per square metre of internal floor space. Based on submitted plan this equates to 155 sq. metres x £25 = £3875 (TBC).

ANALYSIS

Policies: In terms of the proposed development, there appear to be four main considerations. Firstly the location of the application site outside of the defined Settlement Boundary; the design of the proposed dwelling and how it will integrate with the surrounding properties and area; highway safety and off-street parking provision; and the impact of the proposal on the amenity of neighbouring properties.

Policy SP5 relates to settlement boundaries and states that the (Local Development) Plan defines settlement boundaries in order to:

- A. Define the area within which development would normally be allowed, taking into account material planning considerations;
- B. Promote the full and effective use of urban land and thus concentrate development within settlements;
- C. Prevent the coalescence of settlements, ribbon development and fragmented development;
- D. Prevent inappropriate development in the countryside.

With regard to the above, whilst the application site is located outside the defined settlement boundary, it is located wholly within the curtilage of an existing residential property, and would be sited between two existing residential properties, thereby not extending an urban element any further into the countryside. Furthermore, given the sites close proximity to Blackwood town centre, it is not considered that the principle of residential development is unacceptable in this instance. The lack of a 5 year housing land supply is also a material planning considerations, and even though the proposal would only contribute one dwelling, this is still considered to be desirable given the current situation. For these reasons it is not considered that the position of the application site outside of the settlement boundary would justify a refusal in itself.

The second consideration is the design of the proposed dwelling and how well it will integrate with the surrounding properties and area. The properties in the surrounding area are varied in terms of their scale, materials, roof pitches and shapes, and overall design. The proposal would introduce a relatively modern design between two existing more traditional cottage style dwellings characterized by cream painted rendered walls and concrete roof tiles.

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The front elevation of the proposed dwelling would introduce timber cladding and cream render. Slate is proposed as a roof material. With the exception of the roof material, given the proposed siting of the dwelling, i.e. slightly behind the building line between these properties, it is not considered that the design of the dwelling itself would detract from the visual character of the area to a degree to warrant a refusal of planning permission. Also the roof material could be controlled by way of condition.

The proposed dwelling has been designed as a split level sitting appropriately within the topography of land, and the ridge level of the dwelling will be no higher than the properties either side. For these reasons the proposed dwelling is considered acceptable in terms of its design in accordance with the advice contained in TAN12: Design.

In terms of highway safety, notwithstanding the comments of the Council's Principal Valuer outlined above, there is no objection the principle of the development subject to conditions to control the level of off-street parking, the gradient of the proposed driveway, and proposed parking area materials. The issue surrounding the ownership of the access track and the future occupiers right to have access over this area is not a matter to be considered by the planning application, but is a private legal matter between the Local Authority and the applicant. For these reasons it is considered that the proposal is acceptable in regard to Policy CW3.

Policy CW2 states that development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

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

Immediately to the south of the proposed dwelling is the property known as Woodview. The proposed dwelling would be sited 7.0 metres from the north facing windows of Woodview. At ground floor level these windows appear to serve a kitchen and lounge, and at first floor serve bedrooms. It is considered that the proposed development, by virtue of its setting and massing, would have an overbearing impact on these north facing windows, result in an overbearing impact, which would be detrimental to the residential amenity of the occupiers of Woodview. Such an impact is considered to be contrary to Policy CW2 of the LDP and unacceptable in planning terms.

Comments from consultees: No objection subject to conditions (to date).

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Comments from public: The concerns raised by the neighbouring property have been addressed above as well as in the reason for refusal.

Other material considerations: The application is being reported to Planning Committee as the applicant is related to an employee of the Local Authority.

RECOMMENDATION that Permission be REFUSED

The reason(s) for the Council's decision is/are

- 01) By virtue of its massing and siting, the proposed development would have an unacceptable overbearing impact on the north facing windows of the property known as Woodview resulting in a loss of daylight and outlook. Such an impact is considered to be detrimental to the residential amenity of this neighbouring property contrary to Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

DEFERRED FOR FURTHER CONSIDERATION

