

| Code No. and Date Received | Name and Address of Applicant | Description and Location of Proposed Development |
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| 16/0501/OUT 21.06.2016 | Walters Land Ltd Mr D Thursfield Hirwaun House Hirwaun Industrial Estate Hirwaun CF44 9UL | Erect four residential properties and associated works Land At Cae Nant Gledyr Caerphilly |

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the western of side of Cae Nant Gledyr and to the east of Sword Hill.

Site description: The application site is a triangular shaped parcel of open amenity space within an established residential area. The site is grassed and is located adjacent to the road serving Cae Nant Gledyr. There is a belt of mature trees on the southern and western boundaries of the site and these boundaries slope up from the site to the dwellings at Sword Hill. The site to the north narrows to a point where the western boundary meets the road.

Development:

The application proposes residential development on the southern part of the open space area, consisting of the erection of four dwellings.

The proposal is set out in a linear fashion along the southern edge of the open space area with plots 1 to 3 facing north and plot 4 being at 45 degrees to that. The dwellings would be directly opposite numbers 20 and 22 Cae Nant Geldyr.

The access would be from a new private drive off the hammer head directly in front of number 20 Cae Nant Gledyr.

Dimensions:

The dwelling would be a minimum of 6.5m wide by 8m deep by 8m high, and a maximum of 11m wide by 12m deep by 9m high.

Materials: Not specified.

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Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW7 (Protection of Open Space) and CW15 (General Locational Constraints).

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

Supplementary Planning Guidance LDP6 - building Better Places to Live

Supplementary Planning Guidance LDP 8 Protection of Open Space gives advice in how to carry out open space assessments.

National Policy: Planning Policy Wales, 8th Edition January 2014

Paragraph 4.11.9 of Planning Policy Wales 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.

Head Of Public Protection - No objection subject to the imposition of a condition requiring the submission of a report assessing any potential landfill gas and any mitigation measures required where applicable.

Senior Engineer (Land Drainage) - No objection subject to the submission of a drainage scheme.

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

Aneurin Bevan Health Board - No objection subject to the imposition of a condition requiring the submission of a land contamination risk assessment; any potential land contamination, the land remediation strategy currently employed (if applicable) and details of all proposed ground works.

ADVERTISEMENT

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

Response: Two letters of objection and a petition containing 101 signatures were received.

Summary of observations:

1. Loss of open space.
2. Ecological impacts of the development.
3. Impacts on health and well being of residents.
4. Contravention of the Human Rights Act.
5. Impact of construction traffic.
6. Will the dwellings be in keeping with the character of the existing dwellings in the area?
7. The proposal will have harmful impacts on climate change.
8. Ground stability.
9. The site is located on a former refuse tip and as such is contaminated and should not be built on.
10. Brownfield sites should be developed in preference to greenfield sites.

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? Based on current evidence, this is unlikely to be a significant issue in this case, but conditions will be attached to any consent granted in order to provide mitigation measures.

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Is this development Community Infrastructure Levy liable? No because this is an outline planning application but the development will fall within the higher viability charging zone upon the submission of reserved matters.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is an unallocated site within the settlement limits as defined in the local development plan and as such the principle of development is acceptable. In that regard the main points to consider in the determination of this application are the objections raised by the public and these will be dealt with in turn below.

1. With regard to the loss of the open space it should be noted that this area is covered by Policy CW7 of the Local Development Plan and also SPG LDP 8 Protection of Open Spaces. The latter document states that where applications propose to develop existing areas of open amenity space an open space assessment should be used to determine whether sufficient open space would remain in the area. Sufficient open space is defined as being 3ha within a 0.5km radius of the application site. It should be noted here that the application site is part of a wider corridor of open space and amenity land including footpaths, a playing field and an equipped playground. Excluding the application site the area of open space that would remain if the proposal would be approved would be well in excess of the required 3ha and in that regard it is considered that adequate amenity space would be retained.

The Policy and the SPG also requires an assessment of the importance of the open space as a recreational resource or an area of visual amenity and in that regard it is considered that whilst the land may have a high visual amenity value it has a low value as a recreational resource. This is not to say that it is not used for recreational purposes but such use would be informal and infrequent. In any event the application only proposes the loss of a relatively small area of land at the edge of the open space with the footpath passing the site being retained. Therefore it is considered that the loss of the open space would not be unacceptable in planning terms and complies with Policy CW7 of the Local Development Plan.

2. The application has been assessed by the Council's Ecologist and no objection is raised. The site does not affect the wooded belts to the west and south of the site but these areas do have the potential to support foraging bats whilst the site itself has the potential to support reptiles. In that regard it is considered that it would be reasonable to impose a condition requiring the provision of a reptile method statement.

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3. An objector has written in making a number of comments with regard to the impacts of residential development on health as a result of the loss of open space and ecology of the area. As stated above, neither of these issues is considered to be significant enough to warrant refusal of the application in their own rights and it is not considered that they would have significant impact on health and wellbeing to warrant refusal of this application.

4. Whilst the Human Rights Act is not considered explicitly, it is implicit in the determination of all planning applications. It is accepted that Article 1 and 8 of that Act protects an individual's rights to a peaceful enjoyment of all of their possessions and respect for their private and family life. It is considered that the considerations of the planning merits of a proposal sufficiently protect these rights.

5. The impact of construction traffic is a small and transient part of the development proposed here. In any event it is not considered that the level of traffic likely to be associated with the construction of four dwellings would be such that it would pose dangers to highway safety or residential amenity, particularly given the highway network serving the application site.

6. As this is an outline application, the exact details of the dwellings are not known. However, the upper and lower scale parameters stated by the developer are considered to be in keeping with the scale of adjacent dwellings and the design of the dwellings can be closely controlled at the reserved matters stage.

7. It is inevitable that any development would have an impact on climate change. However the Local Planning Authority has to consider whether that impact would be sufficient to warrant refusal of an application. The application site is located in a sustainable location with relatively good access to public services, and the design of any house could take into account sustainable modern building practices. In that regard it is not felt that the proposal would have an undue impact on climate change.

8. There is no evidence of any ground instability in this area. It would be the responsibility of the developer to satisfy the Building Control Section of the Council that any proposed foundations are suitable for the ground conditions.

9. It is accepted that the application site is located adjacent to a former refuse tip and that there may be potential for contamination of the underlying land. This issue has been considered by the Council's Public Health and Protection Division and by Aneurin Bevan Health Board and they have raised no objection subject to the submission of a scheme that identifies any potential contamination and suggests any mitigation measures to deal with it. This can be secured by a condition attached to any consent granted. It should also be noted that the majority of the houses surrounding the application site have also been built on the remediated former refuse tip.

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10. As stated above the application site is a former brownfield site, albeit it has now been landscaped and is greenfield. In any event, whilst National Planning Guidance states that there is a preference for Brownfield sites to be developed rather than Greenfield sites, it does not totally preclude such development. Moreover, each application for planning consent has to be treated on its own planning merits and it is considered in this instance that the development of this site would be acceptable in planning terms.

Comments from consultees: No objections raised.

Comments from public: The comments from the public are addressed above.

Other material considerations: None.

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

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (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.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, 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.

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- 04) The development shall be carried out in accordance with the following approved plans and documents: Design and access Statement, 1548SPP-01, 1548CN-01, 1548/LP-01, 1548sk02 and CGAB/AMP/001Rev0.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 05) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Statement has been prepared by a competent Ecologist and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.
- 06) 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.
- 07) Prior to the commencement of works on site, details of the garden boundary fence/wall to be erected along the inside of the existing woodland belt in order to exclude the woodland belt 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: To ensure the protection of bat foraging habitat.
- 08) 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 at Cae Nant Gledyr, Caerphilly, 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 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).

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- 09) 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 at Cae Nant Gledyr, Caerphilly, 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).
- 10) 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.
- 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 any contamination of the site including the presence of landfill gas. 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.
- 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.

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 CW4.

Please find attached comments from Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist.

