

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0622/OUT 18.07.2016	Mr P Percival 6 Black Prince Road Castell Maen Caerphilly CF83 2XP	Construct a pair of semi-detached 2 bed dwellings with on-site parking facilities Land To Rear Of 20 Church Street Bedwas Caerphilly CF83 8EB

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application property is located on the junction of Church Street with East Avenue.

Site description: The application site is the rear garden of the corner property at 20 Church Street. The property has a long flat rear garden enclosed by a stone wall and with gates serving an existing parking space. There is also a detached garage at the eastern end of the garden. The application site is situated within a mixed use area with retail along Church Street and largely domestic along East Avenue.

Development: The application seeks outline consent for the construction of a pair of 2 bed dwellings with on-site parking facilities with all matters reserved for future consideration with access directly from East Avenue.

Indicative access points: The plan shows access directly off East Avenue.

Dimensions: (upper and lower limits for height, width and length of each building):  
Between 6.5m and 6.8m long, 5.8m and 6.1m wide and 7.1m and 7.4m high.

Materials: The indicative plans show the use of render with a tiled roof.

Ancillary development, e.g. parking: One parking space and amenity areas for each dwelling.

### PLANNING HISTORY 2005 TO PRESENT

06/0674/FULL - Change the use from Class A1 to Class A3 - Refused 08.03.2007 - Allowed on Appeal 03.10.2007.

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11/0801/OUT - Erect a pair of semi-detached, two bedroom dwellings with onsite parking - Withdrawn 05.07.2012.

12/0549/OUT - Erect detached three bed dwelling with attached garage - Withdrawn 22.01.14.

## POLICY

Local Development Plan: Within settlement limits.

### Policies

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

Supplementary Planning Guidance LDP5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP6 sets out guidance for all developments.

National Policy: 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

Head Of Public Protection - No objection.

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

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

Transportation Engineering Manager - No objection subject to conditions in relation to off street parking, front boundary treatments, gates and drainage.

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Planning application 16/0622/OUT Continued

Bedwas, Trethomas & Machen Community Council - Raises objection as the proposal is considered to be overdevelopment and there is a lack of off street parking in the area.

### ADVERTISEMENT

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

Response: None.

Summary of observations: None.

### 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 an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? No. This will be calculated at the reserved matters stage.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is located within a largely residential area and as such the principle of residential development on this site is considered to be acceptable. The main point to consider in the determination of the application therefore is whether the site is capable of accommodating the two dwellings without having a detrimental impact on the amenity, privacy or highway safety of the area.

With regard to the amenity of the neighbouring dwellings it should be noted that the nearest dwellings to the site are the property at number 20 Church Street and the property known as The White House on East Avenue. Neither of these dwellings has a window facing the application site on the walls nearest the application site and as such it is not felt that the proposed dwellings would have an overbearing impact on those dwellings.

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## Planning application 16/0622/OUT Continued

It is also felt that there would be sufficient distance between the proposed dwellings and the rear garden of the dwelling to the south at 18 Church Street such that there would be no overbearing impact on that property. It is also considered that the dwellings can be accommodated on the site whilst retaining sufficient space for the amenity of the existing property and providing enough amenity space for the new dwellings.

In respect of the privacy of neighbouring dwellings, the fact that there are no windows in the adjacent dwellings (as discussed above) is relevant here. Any proposed dwellings could also be designed in order to ensure that there would be no habitable room windows in the side elevations such that there would be no loss of privacy to those properties. With regard to the properties on the northern side of East Avenue it is accepted that these are no 21m away from the proposed dwellings but this is not considered to be unusual in an urban situation such as this and as such it would be acceptable in planning terms.

With regard to off street parking it should be noted that the indicative layout plan shows the provision of one off street parking space per dwelling. This is in line with Supplementary Planning Guidance LDP5 in that the applicant has submitted a sustainability appraisal securing a reduction in the number of spaces required per dwelling due to the number of facilities within close proximity to the application site. However, it should also be noted that the application would cause the loss of a parking space for the existing dwelling and no replacement is shown on the indicative layout. Nevertheless it is clear from the plans that there is sufficient space within the site to provide such a space and a condition could be attached to any consent granted to that effect. In that regard it is considered that the proposal is acceptable from a highway safety perspective.

Comments from consultees: No objections raised.

Comments from public: None.

Other material considerations: None.

In conclusion it is considered that the application is acceptable subject to the imposition of conditions.

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Planning application 16/0622/OUT Continued

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.
- 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) The development shall be carried out in accordance with the following approved plans and documents: Location Plan and Design and Access Statement.  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) The consent shall not extend to the detail shown on the submitted drawings 21720/01 in respect of the site layout.  
REASON: For the avoidance of doubt as to the extent of the permission hereby granted.

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- 07) 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.
- 08) No development or site vegetation clearance shall take place until a detailed Reptile Mitigation Strategy 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.
- 09) 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 building at Land to the rear of 20 Church Street, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building 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).
- 10) 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 building at Land to the rear of 20 Church Street, Bedwas, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new building 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).
- 11) 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.

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- 12) Parking for each dwelling shall be provided in accordance with the Local Planning Authority's Adopted Supplementary Planning Guidance LDP5 - Car Parking Standards.  
REASON: In order to ensure that adequate parking is provided in the interests of highway safety.
- 13) 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 existing access shall be permanently stopped-up prior to the completion or first occupation of the development hereby approved, whichever is the sooner, and in a manner which shall first be agreed in writing with the Local Planning Authority.  
REASON: In the interests of highway safety.
- 14) Any gates shall be located and fitted so as not to open out over the highway.  
REASON: In the interests of highway safety.
- 15) 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 proposed boundary wall fronting East Avenue shall at all times be limited to no higher than 0.9m.  
REASON: In the interests of highway safety.
- 16) Rainwater run-off shall not discharge into the highway surface water drainage system.  
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, CW3 and CW4.

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

Section 71ZB(1) of the Town and Country Planning Act 1990 requires that notice be given to a Local Planning Authority before beginning any development to which a relevant planning permission relates, and must be in the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 or in a form substantially to the like effect.

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Before any vehicle crosses the public footway, a properly formed vehicular crossover must be provided, the constructional details of which must be agreed with the Highway Authority. The applicant should ring (01495) 235323 in this regard. Should the applicant wish to undertake the work themselves, or employ a private contractor, a Licence to Excavate the Highway will be required. This licence will not be required if the work is undertaken by the Council's Network Contracting Services. It should be noted that any unlicensed work in, or disturbance of, the highway is an offence under the Highways Act 1980 and in such circumstances legal action may be undertaken in order to rectify matters.

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