

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0443/OUT 05.06.2017	Mr A Wilcox The Hawthorns New Row Machen Caerphilly CF83 8NS	Erect three bedroom detached two storey house and seek approval of the proposed access Land Within Curtilage Of The Hawthorns New Row Machen Caerphilly CF83 8NS

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is situated to the south of Tudor Gardens.

Site description: The application site forms part of the curtilage of The Hawthorns and is a lawned area of garden with mature trees on the southern and western boundaries. Both The Hawthorns and the application site are elevated above the access to the site, which is obtained through a gap in a group of trees at the eastern end of New Row. The site itself is relatively flat. Parking for The Hawthorns is provided on a drive and double garage that are sited at road level. The application site is on the edge of the settlement limits of Machen and in a fairly rural location.

Development: The application seeks outline planning consent for the erection of a two storey three bedroom house with all matters other than access reserved for future consideration. The dwelling would be sited to the west of The Hawthorns.

Access would be along the existing drive to The Hawthorns between a gap in a tree canopy to the north east of No. 1 New Row. The submitted plans show the provision of a widened access through the gap in the tree canopy together with the provision of a new footpath. Access into the plot would then be provided via a new drive adjacent to the existing parking area for The Hawthorns and to the rear of New Row.

Dimensions: The dwelling is proposed to be 12m x 9m by 7.5m high.

Materials: Brickwork with a tiled roof.

Ancillary development, e.g. parking: None.

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PLANNING HISTORY 2005 TO PRESENT

P/05/1104 - Erect detached garage for three cars - Granted 28.11.05.

16/0782/OUT - Erect a three bedroom detached two-storey house and seek approval of the proposed access - Refused - 10.11.16.

POLICY

Local Development Plan: The application site is partly within settlement limits and partly outside. The most southern part of the site falls within the South Caerphilly Special Landscape Area as defined by Policy NH1.5 of the Caerphilly County Borough Local Development Plan up to 2021 – Adopted November 2010.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP4 - Trees and Development; LDP 5 Car Parking Standards sets out parking requirements for all developments and LDP6 - Building Better Places to Live.

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.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? Not applicable.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is in a medium risk area and therefore an informative is proposed about mining conditions in the locality.

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 the submission of a drainage scheme.

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

Countryside And Landscape Services - No objection subject to conditions.

CADW - No objection.

ADVERTISEMENT

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

Response: 3 letters of objection were received.

Summary of observations:

1. The access is not suitable.
2. Approval of the access would provide access for future development in the paddock to the rear of New Row.
3. The development would cause a loss of property value.
4. The development would cause a loss of privacy.
5. There are ground instability issues in the area.
6. Adequate drainage needs to be provided.
7. Why are the access improvements required?
8. The site is in a greenfield area.

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.

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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. CIL would 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. Whilst the majority of the application site is within the settlement boundary, a small area to the southern end of the plot falls within the South Caerphilly Special Landscape Area as identified by Policy NH1.5 of the LDP. However, the site is predominantly within a residential area on the edge of the settlement of Machen and would be considered to be a logical extension to the existing settlement. The site is bounded to the west by a mature hedge and a number of trees and it is considered that this presents a defensible boundary to any future development outside of the settlement limits. In that regard it is considered that there would be no significant adverse impact upon the special landscape area and therefore the principle of the development is acceptable in planning terms.

The application is expressed in outline with all matters other than access reserved for future consideration. Details of access are submitted at this stage as a previous application with all matters reserved was refused as it was considered that there could be issues creating an adequate access to the site with regard to ecological issues. This application seeks to resolve those issues and a tree survey has been submitted to indicate how access improvements can be carried out without having a detrimental impact on the ecology and character of the area. The scheme indicates that the existing access through the gap in the tree line to the north of the site can be improved to meet highway standards without having a significant ecological impact and as such is considered to be acceptable in these terms.

The indicative site layout plan also shows that a dwelling together with adequate access and parking and amenity space can be accommodated on the site without impacting on the mature trees on site. It is also considered that adequate privacy distances and amenity can be maintained between the proposed dwelling and the existing dwellings in New Row and at The Hawthorns.

Comments from Consultees: No objections raised.

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Comments from public: These are considered in turn below: -

1. As discussed above and subject to the highways improvements detailed in the application it is considered that the access to the site is acceptable in planning terms.
2. Approval of the access to serve this development would not prejudice the determination of any future application on adjacent land. As stated above the land to the west of the application site is outside of the defined settlement limits and there is a defensible boundary between the application site and the adjacent land. Moreover, the highways improvements would only allow a limited access to the adjacent land and further improvements to the access would need to be carried out as part of any application.
3. Loss of property value is not a material planning consideration.
4. Notwithstanding that this is an outline application with matters in respect of appearance, layout and scale reserved for subsequent approval, it is not considered that there would be any loss of privacy as a result of this development.
5. No ground instability issues have been raised by statutory consultees. It is the responsibility of the developer to ensure that the development is carried out in a safe manner.
6. A drainage scheme would be required by a condition attached to any consent granted.
7. The access improvements have been requested by the Council's Highways Department as the existing access is not suitable to serve a further dwelling.
8. It is acknowledged that part of the site is outside the defined settlement limits but as discussed above it is considered that the application site is a logical extension to the existing settlement limits, especially as the proposal would make a contribution to meeting the Council's 5 year housing supply.

Other material considerations: None.

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

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.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the appearance, landscaping, layout and scale of(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 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) The development shall be carried out in accordance with the following approved plans and documents: HAW03, HAW04, HAW09, HAW10, HAW11, HAW12 and The Hawthorns Tree Survey.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.

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- 07) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area.
- 08) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area.
- 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 property at The Hawthorns, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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, Swallow or Swift) in the new property at The Hawthorns, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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).

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- 11) The plans and particulars submitted in accordance with Condition 1) 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.
 - 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.

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

- 12) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority which provide 3 off-street parking spaces for the proposed dwelling and the existing dwelling at The Hawthorns within the curtilage of those dwellings. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.

REASON: In the interests of highway safety.

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- 13) Prior to its first use the first 10m of the proposed private driveway serving both properties 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.
- 14) The existing carriageway leading from Tudor Gardens into the site shall be widened to a minimum of 4.1m and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority, and shall be completed prior to beneficial occupation of the development hereby approved.
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.

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 considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your 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>

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Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and 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 or a 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

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

