

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0278/OUT 05.04.2017	Emtrek Limited Mr J Davies 1 St Christophers Close Bedwas Caerphilly CF83 8UA	Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved Land At Grid Ref 314117 193622 Troedyrhiw Ystrad Mynach

**APPLICATION TYPE:** Outline Application

#### SITE AND DEVELOPMENT

Location: Land At Grid Ref 314117 193622, Troedyrhiw, Ystrad Mynach.

Site description: The application site is formed of a broadly rectangular parcel of grassed land to the east of Troedyrhiw and west of the Coleg Y Cymoedd Ystrad Campus. To the west of the site are a row of bungalows (1-5 Troedyrhiw) and orientated at 90 degrees is a house (6 Troedyrhiw). The Coleg Y Cymoedd campus forms the eastern and southern boundary to the site. To the north is a small grassed area with wooded area beyond. The natural topography rises from east to west. The site is mainly flat and falls away to the eastern boundary with the college campus.

Development: The application seeks outline planning consent for residential development of the site with all matters reserved for future consideration. It is proposed to erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties).

The site is broadly rectangular in shape. It is proposed to site the 7 detached properties fronting west onto Troedyrhiw with a step in the building line with the two semi-detached properties set back.

Each detached property will be served by its own driveway from Troedyrhiw with the two semi-detached properties at the northern end accessed via a shared drive.

Dimensions: The overall site area measures approximately 100m by 35m.

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Dimensions (upper and lower limits for height, width and length of each building):

Detached dwellings:

Height: 7m and 7.5m.

Width: 8.4m and 9.6m.

Length: 11.5m and 13.9m.

Semi Detached Dwellings:

Height: 7m and 7.5m.

Width: 5.9m and 6.3m.

Length: 8.3m and 9.4m.

Materials: To be agreed at reserved matters stage but indicated as dwellings finished in red brick and render.

Ancillary development, e.g. parking: Off-street parking is shown serving each dwelling and the developer has indicated that parking will be provided in accordance with adopted Parking Standards of one car parking space per bedroom (up to a maximum of three spaces).

#### PLANNING HISTORY 2005 TO PRESENT

None.

#### POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site lies within the defined settlement boundary. The site is located within the Northern Connections Corridor (NCC).

Policies: CW2 (Amenity), CW3 (Design Considerations: Highways), CW6 (Trees, Woodland and Hedgerow Protection), Policy CW7 Protection of Open Space, Policy CW8 Protection of Community and Leisure Facilities, CW10 (Leisure and Open Space Provision), CW11 (Affordable Housing Planning Obligation), CW15 (General Locational Constraints), Policy SP2 (Development Strategy - Development in the NCC ), SP4 Settlement Strategy, SP5 (Settlement Boundaries), SP6 (Place making), SP7 (Planning Obligations), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), SP15 (Affordable Housing Target).

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### NATIONAL POLICY

Planning Policy Wales (Edition 9, November 2016);  
Technical Advice Note 1: Joint Housing Land Availability Studies (2015);  
Technical Advice Note 12: Design (2016);  
Technical Advice Note 18: Transport (2007).

### SUPPLEMENTARY PLANNING GUIDANCE

LDP 5 - (Car Parking Standards);  
LDP 6 - (Building Better Places to Live);  
LDP 7 - (Householder Development);  
LDP8 - (Protection of Open Space).

### 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? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

### CONSULTATION

Head Of Public Protection - No objection subject to Planning Conditions requiring mitigation for noise and dust during construction.

Rights Of Way Officer - No Public Rights of Way affect the site.

Principal Valuer - No comments from Property.

Strategic & Development Plans - The principle of residential development is acceptable on this site. The value of the site with regards recreational and visual amenity terms is not significant and there is sufficient open space within the area.

CCBC Housing Enabling Officer - The developer shall be required to provide 2 x 2 bed 4 person houses as affordable housing.

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

Transportation Engineering Manager - No objection subject to conditions addressing detailed highway considerations.

Dwr Cymru - No objections

Police Architectural Liaison Officer - No objection to the proposed development. Recommend Secured by Design is considered to help prevent crime and ensure community safety

Principal Valuer - No comments

Gelligaer Community Council - Strong objections due to the site being:

- (i) an invaluable amenity to local people,
- (ii) overdevelopment,
- (iii) no plans to widen road.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 10 nearby properties. A reconsultation was undertaken following receipt of an amended indicative site layout.

Response: Two petitions were received objecting to the application which were signed by a total of 71 households. Five individual letters of objection were also received.

## Summary of observations:

- Overdevelopment of the land due to proposed number of dwellings.
- Overbearing to existing bungalows and out of scale.
- No provision for children to play.
- Cabinet Meeting report of 3rd June 2015 should be taken into consideration, where Highways input mentions the 'proposal to sell the land for 5-6 dwellings.'
- The existing estate has dwellings of individual design, the proposed development is not designed to be in keeping with these individual builds.
- The existing narrow width of the main access road.
- Increase in traffic and parking.
- Loss of safe on street parking.

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- Loss of Outlook.
- Impact on neighbour amenity.
- Inadequate parking provision.
- Likelihood of Illegal Parking.
- Access into the woodland to the north corner of the development currently used by dog walkers and general public.
- Access for watercourse.
- Previous conditions of the land pond/marshland and Surface Water issues.
- Sewerage System capacity.
- Prior Farm use and burial area for cattle.
- Material from original estate construction and household and garden waste dumped on the application site.
- An area which was bitumen surfaced was intended to have playground equipment installed on.
- Possible right of way across site.
- Breaches the Equality Act 2010 and Public Sector Equality Duty.
- No design and access statement.
- The Development is contrary to Local and National Planning policies and guidance.

### 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?

It is not considered that crime and disorder will be materially affected by the development.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The Council's Ecologist has advised that the site has low potential due to it being mown regularly but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The site is within a mid-range viability area and therefore a CIL rate of £25 per square metre applies. It would be calculated in details at the reserved matters stage.

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## ANALYSIS

Policies: This is an outline application with all matters reserved for the erection of 9 dwellings comprising of 7 detached dwellings and 2 semi-detached dwellings.

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is unallocated and lies within the settlement boundary as defined in the Adopted Local Development Plan and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise.

The Council is required to ensure that there is a genuine 5-year supply of housing land available within the county borough and therefore the lack of 5-year supply is a material consideration in determining this application. The Council in its consideration of the 2016 Annual Monitoring Report has indicated that there is a continuing need to address the lack of a five year housing land supply and the proposed development would contribute to addressing the shortfall. The development of the application site for housing would deliver much needed housing, including affordable housing, in an area of considerable housing need.

Local Development Plan Policy CW2 (Amenity) states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the overdevelopment of the site; and the proposed use is compatible with surrounding land uses. The indicative layout supplied indicates that the development can be achieved with a density of approximately 22.5 dwellings per hectare which is considered acceptable and would not result in overdevelopment. The use of the land for residential purposes is considered to be compatible with surrounding land uses and whilst siting is a matter reserved for future consideration the indicative layout plan indicates that the dwellings can be achieved without having an unacceptable impact on the amenity of occupants of surrounding residential properties. The outlook presently enjoyed by the properties opposite the site is open but with views toward the existing college building located at a lower level.

Policy CW3 (Highways) requires that development proposals should have regard for the safe, effective and efficient use of the transportation network. The layout shows that off street parking for each property can be provided. The Transportation Engineering Manager raises no objection to the proposed development subject to conditions including providing a 2 metre footway to the site frontage, providing parking for each dwelling in accordance with adopted parking guidelines and requiring improvements to Troed Y Rhiw/Twyn Road in the form of three pedestrian crossing points along the existing footway network.

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The development site is mainly grassed with limited tree/scrub coverage at the periphery. In respect of Policy CW6 (Trees, Woodland and Hedgerow Protection) it is considered that a planning condition requiring details of a landscaping scheme will enable either the consideration of incorporating existing vegetation and/or agreement to be reached on suitable replacement planting where deemed appropriate.

Policy CW7 Protection of Open Space states that "developments on areas of open space within settlements will only be permitted where:

- A. The amount of open space remaining in the neighbourhood would still be adequate to serve local needs; and
- B. The site has no significant value as a recreational resource or an area of visual amenity".

In relation to criterion A of Policy CW7 the Planning Policy Section have undertaken an assessment of Open Space within the area in accordance with Supplementary Planning Guidance note LDP8 - Protection of Open Spaces. The methodology in the Supplementary Planning Guidance is based upon the Fields in Trust (FIT) Benchmark Standards for Outdoor Play. The assessment indicated that in terms of usable informal open space in the area, there is sufficient informal recreation space to meet the FIT standard, as there would be still be over 8 Ha of useable open spaces if this site were to be developed. This is primarily the extensive Coedcae Mawr woodland in Ystrad Mynach Park, which is classified as CW7 Natural and Semi Natural Woodland. There are formal and informal access points into this woodland and Ystrad Mynach Park from the Troedyrhiw estate. The developer has advised that they are prepared to incorporate an access route within the development to an existing informal access point to Ystrad Mynach Park located within the north-east corner of the site.

The proposal would also need to adhere to criterion B of Policy CW7. From a recreational amenity perspective, it is acknowledged that site is large flat area of open space, which has some recreational and visual amenity value. Given the proximity to the much larger area of open space at Ystrad Mynach Park, the recreational value of the land cannot be considered to be 'significant' as residents recreational needs can be addressed nearby. In addition, the Troedyrhiw estate has an open feel due to its location east of open countryside and west of woodland and parkland, and therefore, whilst the site is visually attractive, the value is less significant, given the openness of the area. It is therefore considered that the loss of this site would be acceptable with regards to criterion B.

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It is noted that no on site provision for open space has been included within the indicative site layout contrary to Policy CW10 however the proximity to other recreational space within Ystrad Mynach Park means it is considered that sufficient open space exists near to the development site and the provision within the site layout of an access route to link to an existing informal access point would be of benefit to existing and future residents.

Policy CW11 (Affordable Housing Planning Obligations) indicates that where there is evidence of need the Council will seek to negotiate 25% affordable housing within the NCC on sites accommodating 5 or more dwellings, or exceeding 0.15 hectares in gross site area. The affordable housing officer has indicated that 2 x 2 bed 4 person houses should be provided as affordable housing. A Section 106 Agreement will be required to secure the requirements of the Housing Officer.

In conclusion, the proposal is considered to be acceptable in planning terms subject to the imposition of suitably worded conditions. The applicant will also need to enter into an Agreement under Section 106 of the Town and Country Planning Act 1990 in order to secure the provision of affordable housing.

Comments from Consultees: Addressed in the body of this report.

Comments from public:

The objections raised are considered in turn below:-

Overdevelopment of the land due to proposed number of dwellings.

The density at approximately 22.5 dwellings per hectare is not considered to represent overdevelopment.

Overbearing to existing bungalows and out of scale.

The developer has amended the scale parameters to reduce the maximum ridge height to 7.5 metres. There are a variety of dwelling types within the wider Troed Y Rhiw estate and ridge heights vary due to dwelling type and also natural topography. In this existing context the proposed dwellings are considered acceptable.

No provision for children to play.

There is sufficient open space surrounding the development and the provision of a link to an existing informal access point to Ystrad Mynach park.

Cabinet Meeting report of 3rd June 2015 should be taken into consideration, where Highways input mentions the 'proposal to sell the land for 5-6 dwellings'

The current application has been considered in relation to the proposed number of dwellings (9 dwellings) and is considered acceptable.

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The existing estate has dwellings of individual design, the proposed development is not designed to be in keeping with these individual builds.

The existing estate has a mix of property types and styles meaning that it is considered that there is not a particular architectural vernacular that provides a strong case for restricting the developer's choice of house type. The introduction of a row of dwellings is not considered unacceptable in terms of its visual impact on the character of the area. Whilst detailed design is a reserved matter, if considered appropriate, variation in the appearance of the proposed dwellings could be achieved by facade treatments and variation of finishes (e.g. use of brick and render) or architectural detailing.

- The existing narrow width of the main access road.
- Increase in traffic and parking.
- Inadequate parking provision.
- Likelihood of Illegal Parking.
- Loss of safe on street parking.

The Transportation Manager has considered the development and has offered no objection subject to provision of a 2 metre footway along the frontage of the site and provision of crossing points off site. The development is not considered to have an unacceptable impact on traffic within the area and sufficient parking can be provided on plot for each dwelling.

- Loss of Outlook.
- Impact on neighbour amenity.

It is not considered that the development would have an unacceptable impact on either the amenity or outlook of the occupiers of any surrounding property.

Access into the woodland to the north corner of the development currently used by dog walkers and general public.

Access for watercourse.

The developer has indicated that they will incorporate an access through the site to this existing informal pedestrian link.

Previous conditions of the land, possible existence of former pond/marshland on site and general Surface Water issues.

The Land Drainage Officer has offered no objection to the development and considers that a Planning Condition requiring full drainage details is acceptable to address any drainage issues.

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#### Sewerage System capacity

Dwr Cymru/Welsh Water have offered no objection to the development

- Prior Farm use and burial area for cattle.
- Material from original estate construction and household and garden waste dumped on the application site.

These claims have not be substantiated by any evidence and the Council's Environmental Health Officer has been consulted and offered no objections to the development.

#### Land used for recreational purposes

An area which was bitumen surfaced was intended to have playground equipment installed on.

The land is not formal recreational land and sufficient open space exists in the locality. The Planning Policy section have conducted an open spaces assessment and offer no objections to the development.

#### Possible right of way across site

The Council's Rights of Way Officer has confirmed no formal rights of way are affected by the development.

#### Breaches the Equality Act 2010 and Public Sector Equality Duty.

The planning application has been advertised in accordance with legislation and the material planning considerations raised by objectors have been considered including the loss of the application site for recreational purposes. An assessment undertaken by the Planning Policy section indicates that there is sufficient open space that exists within the locality.

#### No design and access statement and plan scale

The requirement for a Design and Access Statement (DAS) has been superseded by updated Welsh Government guidance and the current application falls below the threshold required for a DAS. The indicative plan supplied can be scaled and consideration of detailed siting/layout is reserved for future consideration.

The Development is contrary to Local and National Planning policies and guidance The application has been considered against the adopted Local Plan and the view of the Planning Policy section has been sought.

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An assessment undertaken indicates that sufficient open space is available within the locality and given the proximity to the much larger area of open space at Ystrad Mynach Park, the recreational value of the land cannot be considered to be 'significant' as residents recreational needs can be addressed nearby.

Other material considerations: A Section 106 Agreement may be required where:

- (a) It is necessary to make the development acceptable in planning terms.
- (b) It is directly related to the development.

The need to address affordable housing provision arise directly as a result of the proposed development of the site for 9 houses, which exceeds the threshold of 5 houses and 0.15 hectares stated in Policy CW11, in terms of the number of dwellings and area of the site.

- (c) It is fairly and reasonably related in scale and kind to the development.

The total number is reasonable and is based on housing demand in the Northern Connection Corridor Area as defined by the LDP.

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.

RECOMMENDATION that Permission be GRANTED

RECOMMENDATION that (A) the application be DEFERRED to enable the completion of a Section 106 Agreement, which requires 25% affordable housing provision comprising 2 x 2 bed 4 person houses to be transferred to United Welsh and built to DQR at a transfer price of £57,876.00 and (B) on completion of the Section 106 Agreement, Officers be authorised to GRANT planning permission subject to the following conditions:-

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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) 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.
- 06) 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.

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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) Prior to the commencement of works on site details of hedgerow enhancement planting and management, including a species list detailing the name and origin of native broadleaved trees and scrubs to be used to plant up the existing hedgerows, shall be submitted to the local Planning Authority for approval. The approved details shall be complied with and the hedgerow planting shall be carried out within 12 months of the completion of the development.  
REASON: In the interests of biodiversity conservation and 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).
- 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 Troedyrhiw, Ystrad Mynach, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are 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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- 10) Prior to the commencement of the development a Working Method Statement to control the environmental effects of the demolition and construction work shall be submitted to and agreed in writing by the Local Planning Authority.  
The scheme shall include:  
(i) control of noise,  
(ii) control of dust, smell and other effluvia,  
(iii) control of surface water run off,  
(iv) site security arrangements including hoardings,  
(v) proposed method of piling for foundations,  
(vi) construction and demolition working hours,  
(vii) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site.  
The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.  
REASON: In the interests of the amenity of the area.
- 11) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.  
REASON: In the interests of the visual amenity of the area.
- 12) Notwithstanding the submitted plans, the development shall not commence until details of a scheme of improvements to include pedestrian crossing points along Troed Y Rhiw/Twyn Road is submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented and be completed in materials as approved by the Local Planning Authority prior to the beneficial occupation of the first unit of accommodation.  
REASON: In the interests of highway safety.
- 13) The layout details required under Condition 1 shall incorporate a pedestrian access route from Troed Y Rhiw to the north-east boundary of the site. This access route shall be completed in materials to first be agreed in writing with the Local Planning Authority and provided prior to the occupation of the 9th dwelling. The pedestrian access shall be maintained thereafter.  
REASON: To provide access for residents to the adjacent open space in the interests of amenity.

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- 14) The ridge height of the dwellings shall not exceed 7.5 metres in height.  
REASON: To ensure the development is appropriate in scale to the surrounding dwellings in the interests of visual and neighbour amenity.

Advisory Note(s)

Please find attached the comments of Council's Ecologist, Transportation Engineering Manager, Dwr Cymru/Welsh Water and Police Architectural Liaison Officer that are brought to the applicant's attention.

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, SP6.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

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