

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0912/RM 19.10.2018	Emtrek Limited Mr J Davies 1 St Christophers Close Bedwas Caerphilly CF83 8UA United Kingdom	Seek approval of the reserved matters in respect of access, appearance, landscaping, layout and scale reserved under outline planning consent 17/0278/OUT (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: Approval of Reserved Matters

SITE AND DEVELOPMENT

Location: Land on the east side of 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 reserved matters approval for all matters (Access, Appearance, Landscaping, Layout and Scale) following the outline planning permission (17/0278/OUT).

The development comprises of 9 dwelling with a mix of 7 detached properties and 2 semi-detached properties. The detached properties would have four bedrooms and the semi detached properties have two bedrooms.

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Dimensions:

Plots 1 and 2 (A pair of Semi detached properties)
Width 5.7m, length 7.8m height 7.4m

Plots 3-9 (The Detached Properties)
Width 10.3m, length 12.9m height 7.4m

Materials: The properties will be finished in Brick and Render with grey concrete interlocking tiles.

Ancillary development, e.g. parking: Properties have driveways and/or garages.

PLANNING HISTORY 2005 TO PRESENT

17/0278/OUT - Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved - Granted 29.11.17.

18/0650/NMA - Seek approval of a non-material amendment to condition 14 of planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) in order to include detailing regarding maximum lengths and width parameters for the proposed units - Refused 20.08.18.

18/0811/NMA - Seek approval of a non-material amendment to planning consent 17/0278/OUT (Erect residential development of 9 residential properties (7 x detached dwelling houses and 2 x semi-detached properties) with all matters reserved) to agree revised scale parameters - Granted 09.10.18.

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.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

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SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

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

Senior Engineer (Land Drainage) - No objections, development of the site should accord with the measures proposed in the submitted Geotechnical & Geoenvironmental Report, number 14377 dated April 2018.

Dwr Cymru - No objection, advise public sewer crosses site and provides advice for applicant.

Rights Of Way Officer - There are no Public Rights of Way crossing or abutting the site.

Transportation Engineering Manager - No objections subject to conditions to address detailed highway considerations.

Head Of Public Protection - No objection subject to developer incorporating measures detailed in the submitted site investigation report.

Principal Valuer - No comments.

CCBC Housing Enabling Officer - No comments.

Ecologist - No objection. Requests additional condition for ecological enhancement.

Gelligaer Community Council - Council agreed that CCBC are to ensure that conditions are in place to eradicate Japanese Knotweed and that the properties are not moved forward as the trajectory of the upper floors will overlook habitable rooms of the existing bungalows opposite.

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Invasive Plant Species Officer - Land has previously been sprayed for Knotweed. Recommends a planning condition be attached to address Knotweed issues.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 8 neighbour notification letters were sent.

Response: Three representations were received relative to the consultation exercise.

Summary of observations:

- Inadequate road access for construction traffic and future residents of new dwellings
- Noise and air pollution
- Properties appear too close to habitable room windows
- Overlooking from development
- No dwarf walls on new properties
- Dwellings are out of keeping with the existing estate
- Existing and future parking problems
- Loss of outlook
- Loss of the land for residents use
- Loss of on street parking

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? 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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The site is within the mid-range viability area and therefore a CIL rate of £25 per square metre (plus any indexation) would be levied.

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ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The principle of residential development on the site was established by the earlier outline planning permission (18/0278/OUT) which was granted following a Committee site visit and subsequent approval by Members. In that regard the only issues that can be considered here are the reserved matters of access, appearance, landscaping, layout and scale which are considered in turn below.

With regard to access the detached dwellings will each have their own driveways accessed from Troedyrhiw Road. The two semi-detached properties at the northern end of the site would be accessed via a shared driveway. This access has been considered by the Transportation Engineering Manager and no objection has been raised subject to the imposition of conditions which include revised details for the shared drive. In that regard the access is considered to be acceptable and accords with Policy CW3 (Highways) of the Local Development Plan.

In respect of the appearance of the proposed dwellings it is considered that the proposed dwelling designs are acceptable and accord with adopted Local Development Plan Policy SP6 (Placemaking). Objections raised to the general form of the development during the outline application were considered. It was noted that the existing estate has a mix of property types and styles and that there was not a particular architectural vernacular that provided a strong case for restricting the developer's choice of house type. It was further agreed through the approval of the outline application that the introduction of a row a dwellings was considered acceptable in terms of its visual impact on the character of the area.

In relation to Landscaping a mixture of grassed front lawn areas with shrubs and some beech hedging and tree planting proposed. An area of thicket planting is proposed in rear gardens at the eastern boundary of the site with the adjacent college. It is considered that the proposal is considered to be acceptable in terms of landscaping.

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In terms of the layout the development broadly accords with the indicative layout submitted with the outline application. It is considered that the layout provides adequate privacy for existing residential properties and suitable garden space for future residents. Each property has sufficient amenity space and as previously discussed the Transportation Engineering Manager is content that with the imposition of planning conditions suitable parking and turning facilities can be agreed. It is considered that the proposal is acceptable in relation to the layout.

In regard to scale it is noted that the development complies with the height restriction of 7.5m imposed by condition on the outline permission which was to ensure the properties did not introduce unacceptable overlooking or overbearing to the existing residential properties on Troedyrhiw. The proposed dwellings and the site are considered to be acceptable in terms of scale. It accords with adopted Local Development Plan Policy CW2 (Amenity).

Comments from Consultees:

The Council's Ecologist asks for an additional condition to secure bat provision as a biodiversity enhancement. While this is desirable, in view of the scale of the development, it is considered that such a condition would not meet the test in Welsh Government Circular WGC 016/2014 in that it is not essential in planning terms to enable the development to proceed. The circular states " In considering whether a planning condition is necessary, local planning authorities should ask themselves whether planning permission would have to be refused if a condition were not imposed, or if it would be expedient to enforce against a breach of the condition." The comments will be sent as an advisory note.

Comments from public:

As stated above this is a reserved matters application and therefore the principle of residential development on the site has been established through the earlier outline permission. The only matters that can be considered now are in respect of the reserved matters in terms of access, appearance, landscaping, layout and scale. In relation to the objections received these will be addressed in turn.

- Inadequate road access for construction traffic and future residents of new dwellings
- Noise and air pollution

The principle of residential development has been established for the site and consideration of noise/air pollution and traffic generation was considered at outline stage and deemed acceptable.

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- Properties appear too close to habitable room windows and gardens
- Overlooking from development

The site layout indicates that a separation distance of 21 metres is achieved to habitable room windows and 15 metres to existing rear amenity areas from new fenestration in the proposed dwellings. It is considered that the dwellings will have an acceptable impact on the amenity of existing residential properties and their occupants.

- No dwarf walls on new properties

It is considered that the proposed planting is an acceptable boundary treatment.

- Dwellings are out of keeping with the existing estate

As noted in the officer report there is variety in the existing properties in the area and the proposed appearance of the dwellings are acceptable.

- Existing and future parking problems
- Loss of on street parking

The Transportation Engineering Manager has offered no objection to the development and considers that appropriate parking arrangements for all properties can be agreed.

- Loss of outlook

The loss of a view is not a material planning consideration and the submitted layout shows adequate separation between the new dwellings and existing properties. The impact on outlook for existing residents is considered acceptable.

- Loss of the land for residents use

This was considered under the outline application and the principle of residential use for the site was agreed.

Other material considerations:

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.

In respect of the reference to Japanese Knotweed made by the Community Council the Council's Invasive Plant Species Officer has indicated that the area has been previously sprayed by the Council for treatment of Knotweed. Recent site investigation works on the site have not identified the presence of Knotweed on site however it is considered appropriate to require additional investigatory works to be undertaken prior to the commencement of development to clarify whether further knotweed prevention/treatment measures are required. A planning condition has been imposed to address this matter.

It is considered that subject to the conditions detailed that the development is acceptable and it is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Notwithstanding this approval, all other conditions on planning permission 17/0278/OUT shall remain in force and effect in relation to the development hereby approved unless expressly varied or discharged by the Local Planning Authority.
REASON: For the avoidance of doubt that the conditions contained in the Outline Planning Consent reference number 17/0278/OUT are still applicable.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
 - Site Location Plan, drawing reference 5430.02B received 19.10.18;
 - Proposed Site Block Plan, drawing reference 5430.01T, received
 - Proposed Floorplans (Plots 1 and 2), drawing reference 5430.03, received 19.10.18;
 - Proposed Elevations (Plots 1 and 2), drawing reference 5430.04, received 19.10.18;
 - Proposed Elevations (Plots 3-8), drawing reference 5430.06A, received 19.10.18;
 - Proposed Floorplans (Plots 3-8), drawing reference 5430.05B, received 07.01.19;
 - Proposed Landscaping Works, drawing reference 5430.07, received 19.10.18;
 - Terra Firma Geotechnical and Geoenvironmental Report, reference 14377, dated April 2018.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Notwithstanding the approved plans before beneficial occupation of each property 3 number off-street parking spaces shall be provided within the curtilage of each property in accordance with a scheme to be agreed in writing with the Local Planning Authority 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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- 04) Notwithstanding the submitted plans the site boundary fronting Troed Y Rhiw shall be set back and a 2.0m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety.
- 05) 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 garages hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garages shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwellings hereby approved.
REASON: In the interests of highway safety.
- 06) Notwithstanding the submitted plans prior to the commencement of works on plots 1 and 2 revised details of the parking and turning area for plots 1 and 2 shall be submitted to and agreed in writing with the Local Planning Authority. The agreed parking and turning area for plots 1 and 2 shall be provided prior to the beneficial occupation of either dwelling and therefore be maintained free of obstruction for the intended use.
Reason: To ensure adequate parking and turning area is provided.
- 07) Notwithstanding the details submitted prior to the commencement of development the applicant shall submit for the written approval of the Local Planning Authority details of a pedestrian access route from Troed Y Rhiw to the northern 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 in accordance with the approved details 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.
- 08) The development shall be carried out in accordance with the recommendations of section 7 of the submitted Terra Firma Geotechnical and Geoenvironmental Report, reference 14377, dated April 2018.
Reason: To ensure the site is developed in a satisfactory manner.

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- 09) 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.
- 10) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the investigation and (if appropriate) treatment of Japanese Knotweed on site. If required by the Method Statement the treatment of Japanese Knotweed (or other protective measures agreed) shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water and The Council's Ecologist that are brought to the applicant's attention.

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.

