

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1061/FULL 03.01.2019	Mr M Pullen 4 Glyn Terrace Fochriw Bargoed CF81 9JP	Erect two dwellings with associated retaining works and new road access Land At Grid Ref 314499 200312 Adjacent To 128 - 134 Llancayo Street Bargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located at the north-western end of Llancayo Street, Bargoed.

Site description: The rectangular shaped area of vacant land is situated on the valley side and located at the north-west end of Llancayo Street. The site is bounded along its north-eastern and south-eastern boundaries by existing residential properties, and to the south-west by open countryside. There is also an existing property to the north-west of the site. The site slopes up relatively steeply from east to west.

Development: Full planning permission is sought for the residential development of two detached dwellings. The access point to the site is in the south-east corner of the site, off a short section of lane that connects with Llancayo Street. The application is reported to Planning Committee because the applicant is employed by the Council.

Dimensions:

Plot 1 measures 12.3 metres in width, 11.2 metres in depth, with a height of 8.7 metres to ridge level.

Plot 2 measures 12.4 metres in width, 10.0 metres in depth, with a height of 8.7 metres to ridge level.

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Materials: The external walls will be finished in a combination of random natural stone and K render (painted cream colour), the roof will be brown concrete interlocking roof tiles, and windows and doors will be light oak effect uPVC.

Ancillary development, e.g. parking: A new access road to serve the proposed plots is proposed, as well as 4 off-street parking spaces per dwelling. Retaining works to the front and rear of the proposed dwelling are also proposed given the sloping topography of the site. The maximum height of these walls is 4 metres in height.

PLANNING HISTORY 2005 TO PRESENT

12/0376/FULL - Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings - Granted - 06.09.2013.

18/0582/OUT - Erect residential development of two dwellings - Granted - 16.08.2018.

18/0580/NCC - Vary condition 01 of planning consent 12/0376/FULL (Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings) to extend the time to implement the development by a further 5 years - Withdrawn - 03.10.2018.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies:

Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW7 (Protection of Open Space), CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP5 (Car Parking Standards), LDP6 (Building Better Places to Live), LDP8 (Protection of Open Space).

NATIONAL POLICY Planning Policy Wales (10th Edition), TAN12: Design.

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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? No.

CONSULTATION

Head Of Public Protection - No objection subject to conditions relating to the control of noise and dust during construction.

Senior Engineer (Land Drainage) - No objection subject to the imposition of a land and surface water drainage Condition.

Transportation Engineering Manager - No objection subject to Conditions relating to the gradient of the proposed access drive; the use of permanent materials for the driveway and parking area, i.e. not loose, granular material; and restricting access to the properties from Llancayo Street only, will not access from the existing lane that is located above the application site.

Dwr Cymru - No objection. Provide advice to the developer.

Ecologist - No objection subject to conditions relating to a reptile mitigation strategy, and biodiversity enhancement measures in the proposed dwellings, i.e. bat and bird boxes.

Landscape Architect - No comment.

Senior Arboricultural Officer (Trees) - No comment.

ADVERTISEMENT

Extent of advertisement: Seven neighbouring properties were consulted and a site notice was displayed near the application site.

Response: Two letters of objection were received.

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Summary of observations:

- Querying status of original planning permission that covered a larger parcel of land;
- Land ownership query and potential for future development on land adjoining the site;
- Ecology/loss of wildlife concerns;
- Drainage and runoff concerns;
- Concerns that development may impact on structural integrity of nearby dwellings;
- Inadequate level of neighbour consultation;
- Loss of privacy to nearby dwellings;
- Loss of sunlight to nearby properties during winter months.

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?
Crime and disorder are not considered to be an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable?

New residential development is CIL liable. The site is located in the Lower Viability CIL zone where the chargeable rate is currently £0.

ANALYSIS

Policies:

The application site is located within the Settlement Boundary and therefore the principle of development is considered to be acceptable subject to material planning considerations. In this instance, those material consideration, i.e. main issues, are the impact of the proposal on the visual amenity of the area; the impact on the amenity of nearby properties; and the impact on highway safety. It should also be noted that outline planning permission was granted for two dwellings on the site in August 2018, and therefore an extant planning permission exists of the application site.

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Impact on visual amenity

The site currently consists of an overgrown area of open space which is bounded to the north-east and south-east by existing residential development. Given the sloping topography of the site, it is necessary to undertake engineering works, i.e. 'cut and fill' to create a level area for the proposed dwellings. The submitted plans show an equal amount of retaining works to the front and rear of the proposed dwellings. Whilst retaining works to the rear of the dwellings will be screened by the dwellings themselves when viewed from the opposite side of the valley to the east, it is important from a visual amenity perspective that the retaining works to the front of the plots are sympathetic to the surrounding area in visual terms. For this reason a condition will be attached to the permission requiring the finishes of the retaining works to be agreed with the Local Planning Authority prior to the commencement of works. Furthermore, a condition will be attached to the permission requiring details of a soft landscaping scheme along the frontage of the site to ensure the development sensitively integrates with the surrounding area.

Impact upon residential amenity

In terms of the potential impact on existing properties nearby, the closest property to the east of the site is No. 153 Llancayo Street. Plot 1 is sited approximately 13 metres to the north-west of No. 153. Given this orientation, the proposed dwelling will not have an unacceptable overbearing or overshadowing impact on No. 153. Furthermore, as only a first floor bathroom window is proposed in the side, south-east facing elevation of Plot 1, there will be no unacceptable loss of privacy as a result of the development as this windows will be obscurely glazed (to be controlled by way of condition).

The other existing properties potential impacted by the proposed development are those to the north-east of the application site, i.e. Nos. 128, 130 and 132 Llancayo Street. Plot 1 is located 39 metres away from the front elevation of No. 128, and Plot 2 is located 35 metres from the front elevations of Nos. 130 & 132. Whilst there is a difference in finished floor levels between the existing and proposed dwellings of approximately 10 metres, given the distance between the existing and proposed dwellings, it is not considered that the development will have an unacceptable overbearing or overshadowing impact. For the reasons outlined above the development accords with the requirements of Policy CW2.

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Impact on highway safety

Access to the site is gained over a short stretch of un-adopted highway linking the application site to Llancayo Street (which is adopted highway). This section of un-adopted highway also serves Nos. 128, 130 and 132 Llancayo Street, and is classed a private drive in planning terms. As the generally accepted rule is to allow five dwellings off a private drive, the application site only has the capacity for two new dwellings, hence the current application. On this basis, the Transportation Engineering Manager raises no objection subject to conditions. Those conditions include the maximum gradient of the proposed access drive, and car parking provision requirements in accordance with the adopted Car Parking Standards. Therefore the proposal is considered to accord with Policy CW3, which relates to highway safety and car parking requirements for new developments.

As the site is within settlement limits, an Open Space Assessment (OSA) in line with policy CW7 and the accompanying SPG LDP8: Protection of Open Space has been undertaken. The OSA highlights that there is still sufficient recreational amenity and visual amenity space in the area, should the site be developed. Furthermore, the site itself is not easily accessible and would not be useable in terms of recreational amenity. Therefore, there are no concerns arising from the perspective of policy CW7.

Comments from Consultees:

No objection subject to conditions and advice.

Comments from public:

- Querying status of original planning permission that covered a larger parcel of land - The land ownership plan submitted with the application indicates that the applicant owns a larger parcel of land surrounding the application site. A previous planning permission related to this larger parcel of land however this previous permission has now expired and is therefore not relevant to the current application.
- Land ownership query and potential for future development on land adjoining the site - As outlined above, the site is currently constrained to a maximum of two new dwellings by virtue of it being served by an un-adopted lane that currently serves three existing properties.
- Ecology/loss of wildlife concerns - The Council's Ecologist raises no objection to the proposed development subject to conditions. Therefore the proposal is considered to be acceptable in this regard.

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- Drainage and runoff concerns - The Senior Engineer (Land Drainage) raises no objection subject to the imposition of a land and surface water drainage condition. This is a pre-commencement condition, and therefore the developer will need to satisfy the Land Drainage section prior to the commencement of works onsite.
- Concerns that development may impact on structural integrity of nearby dwellings - Given the distance between the existing and proposed dwellings this is unlikely. However, if the developer were to cause damage to any nearby dwellings during construction works this would be a private legal matter between the interested parties.
- Inadequate level of neighbour consultation - Properties adjoining the application site were consulted by way of letter and a site notice was displayed on the lamppost nearest to the application site. This was the appropriate level of consultation as required by The Town and Country Planning (Development Management Procedure) (Wales) Order 2012.
- Loss of privacy to nearby dwellings - As outlined above, a minimum distance of 35 metres between the front windows of the proposed dwellings and the existing dwellings to the north-east of the site will be achieved. This is significantly more than the 21 metre privacy distance that is often sought.
- Loss of sunlight to nearby properties during winter months - Given the distance between the existing and proposed dwellings, coupled with the existing topography of the land, overshadowing is not considered to be a significant issue for this application.

Other material considerations:

At the 16th August 2018 Planning Committee, Outline planning permission (Ref: 18/0582/OUT) was granted at the application site for two detached dwellings in approximately the same position as those proposed by the current application. A requirement of Outline planning applications is to specify minimum and maximum dimension for proposed dwellings, known as scale parameters, that will then inform subsequent reserved matters applications. In the case of the above outline permission, the applicant stated that the maximum width of the proposed dwellings would be 11.0 metre, and the maximum depth would be 10.0 metres.

The current application proposes dwellings with a maximum width of 12.4 metres and maximum depth of 11.2 metres. It should be noted that the height of the dwellings as proposed is 8.7 metres, which is significantly less than the maximum height of 13.0 metres agreed at Outline stage.

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The extant Outline planning permission, and the scale parameters agreed as part of it, is a material planning consideration in that they represent the fallback position, i.e. the scale of dwellings already approved on the site. Although the proposed development is considered to be acceptable in its own right based on the reasons outlined above, the fallback position should also be taken into account when making a decision on the application. The proposed dwellings are only marginally larger than those agreed at Outline approval stage, and their impact in visual and residential amenity terms will essentially be the same.

Due to the physical constraints of the site, as well as the footprints and required parking areas for the current proposal, it would not be possible to implement the current application and the Outline permission. Therefore it is not considered to be necessary to require the developer to enter into a Section 106 legal agreement to confirm that either Outline planning permission 18/0582/OUT or the current application is implemented.

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

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 03) The development shall be carried out in accordance with the following approved plans and documents:
Drwg No. Llancayo 03A - Proposed Site Plan and Sections, received 22.03.2019;
Drwg No. Llancayo 06 - Proposed Block Sections, received 22.03.2019;
Site Location Plan, received 17.12.2018;
Drwg No. Llancayo 02 - Proposed Plans, Elevations & Sections, Plot 2, received 17.12.2018;
Drwg No. Llancayo 01 - Proposed Plans, Elevations & Sections, Plot 1, received 17.12.2018.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 04) 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 in accordance with Policy CW5 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 05) 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 first occupation of the dwellings hereby approved. 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 07) The proposed private driveway shall have a maximum gradient not exceeding 12.5% (1 in 8).
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 08) The proposed private driveway 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.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 09) The buildings shall not be occupied until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plans to the written satisfaction of the Local Planning Authority and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety and to ensure that adequate parking facilities are provided within the curtilage of the site in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 10) Access to the 2 dwellings hereby granted consent shall at all times be from Llancayo Street only. No vehicular access, including construction traffic delivering materials during the construction of any part of the development, shall be gained from the lane which lies to the south-west of the site.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 11) 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.

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- 12) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected, in the interests of biodiversity in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) 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 Grid Ref 314499 200312 Adjacent to 128 - 134 Llanccayo Street, Bargoed, 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 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).
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, Starling or House martin) in the new properties at Land At Grid Ref 314499 200312 Adjacent to 128 - 134 Llanccayo Street, Bargoed, 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).
- 15) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 16) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety in accordance with Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Advisory Note(s)

The applicant is advised of the comments of Dwr Cymru/Welsh Water, The Council's Ecologist, and the Senior Engineer (Land Drainage).

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: Policy SP6, CW2, CW3, CW4, CW5.

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.

