

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0907/FULL 17.10.2018	Mrs M Roberts 86 Heol-Y-Ddol Caerphilly CF83 3JN	Erect bungalow Land At Grid Ref 315569 188254 Heol-Y-Ddol Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located to the north west and rear of numbers 84 to 126 Heol-Y-Ddol.

House type: The application site is a parcel of undeveloped land adjacent and to the rear of the housing development known as Pontypandy estate. It encompasses an irregular shaped parcel of land forming part of the river bank to the Nant Yr Aber together with wild flower meadows forming part of the flood area for that watercourse.

Part of the land is currently used as part of the rear garden to the property at number 86 Heol-Y-Ddol and has been landscaped and maintained as such for approximately 10 years. The site is fenced off from the meadow to the north east by a palisade fence and to the rear of the adjacent dwellings by close boarded fencing. The site also forms part of the bund constructed as a flood defence for the properties on the estate.

The site is accessed via an existing track adjacent to number 126 Heol-Y-Ddol and in front of numbers 55 to 59 Heol-Y-Ddol. The access track then continues across the top of the flood bund to the area now used as private garden.

Development: This application seeks full planning consent for the erection of a dwelling. It is proposed to erect a single storey modern design dwelling with an oval footprint and monopitch roofs. The dwelling is proposed to be sited on the upper level of the site and to the rear of the dwellings at numbers 90 to 94 Heol-Y-Ddol. The property will have three bedrooms (one with en-suite) a bathroom, living area, dining area, kitchen and utility room all on one level.

Dimensions: The dwelling has overall dimensions of 18.6m wide by 9.6m deep by 4m high.

Materials: The dwelling will be clad in a mixture of larch cladding and stone with a roof that will be part sedum /green roof and part aluminium panels.

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Application 18/0907/FULL – Continued

Ancillary development, e.g. parking: Three off street parking spaces are proposed with access being derived off the existing access track.

PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Supplementary Planning Guidance LDP 5 Car Parking Standards sets out parking requirements for all developments.

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

National Policy: Paragraph 3.16 of Planning Policy Wales states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence"

National Planning Guidance contained in Technical Advice Note 12 - Design, and TAN 15 - Development in Flood Risk Area.

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

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Application 18/0907/FULL – Continued

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within the low risk area.

CONSULTATION

Landscape Architect - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

CCBC Housing Enabling Officer - No objection.

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

Transportation Engineering Manager - No objection subject to conditions.

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

Natural Resources Wales - No objection subject to the imposition of a condition controlling the finished floor level of the property.

ADVERTISEMENT

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

Response: Two letters of objection have been received.

Summary of observations:

1. Flooding issues.
2. Additional traffic.

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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Application 18/0907/FULL – Continued

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Is this development Community Infrastructure Levy liable? Yes, the site is within the higher viability area where the charge would be £40 per square metre subject to index linking.

ANALYSIS

Policies: This application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main points to consider in the determination of this application are whether the design of the dwelling is acceptable, whether the access to the site is acceptable, whether the proposal would have an impact on flooding and whether the proposal is acceptable in terms of landscape and ecological impact.

In respect of the design of the dwelling it is accepted that the proposed is an unusual design that is significantly different to the existing dwellings in Heol-Y-Ddol and on the wider estate. However, in that the application site is located behind the existing dwellings and is not located within a street scene it is possible to consider an alternative design in this instance as the proposal would not have a detrimental impact on the character of the area. Moreover, Planning Policy Wales states that Local Planning Authority's should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions and in that regard it is considered that the dwelling is acceptable in design terms.

Because of its single storey design and orientation there would be no loss of privacy or overbearing impact on the neighbouring dwellings and as such the proposal complies with Policy CW2 of the LDP.

With regard to the access to the site it is accepted that passes across the front of the dwellings at 57 and 59 Heol-Y-Ddol and to the side of number 126. However, it is not considered that this is sufficient to warrant refusal of the application. The Transportation Engineering Manager has raised no objection to the application subject to conditions and it is not considered that one additional dwelling would significantly increase traffic in the area, and sufficient parking is provided within the site. As such it is considered that the proposal complies with Policy CW3 of the LDP.

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Application 18/0907/FULL – Continued

It is noted that the site is located within Zone C2 as defined in the development advice maps attached to Technical Advice Note 15 - Development and Flood Risk. However, the application has submitted information in respect of the location and finished floor levels of the dwelling and the impact of the access track on the flood bund to satisfy Natural Resources Wales that the proposal would not have an unacceptable impact on flooding in the area.

Section 6 of Technical Advice Note 15 (Development and Flood Risk) advises in paragraph 6.2 that

"New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii) Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii) It concurs with the aims of PPW and meets the definition of previously developed land; and,
- iv) The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.
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In response to these criteria, it is considered that the following is relevant to the proposed development:

- i) The provision of housing on the site within the defined settlement boundary of Caerphilly is supported by the adopted Local Development Plan particularly policies CW15 (General Locational Constraints) and SP5 (Settlement Boundaries) and the wider vision for the Caerphilly Basin that seeks to support the development of housing in sustainable locations within settlements including Caerphilly, as defined in strategic objective H of the adopted Caerphilly Basin Masterplan.

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Application 18/0907/FULL – Continued

- ii) not required to be met as part i) is already met;
- iii) The application site does not meet the definition of previously developed land and therefore this test is not met;
- iv) NRW conclude that the proposed development is acceptable based on the submitted FCA subject to a planning condition to require the development plateau to be raised to a minimum of 77mAOD.

It is noted that the requirement in terms of test iii) has not been met by virtue of the application site being greenfield land. In considering the failure of this part of the justification test, this has been balanced with other material planning considerations which include the site's location within the defined settlement boundary, the sustainable location of the site which is well served by public transport and facilities and the acknowledged shortfall in the 5 year housing land supply which at present is at only 2.3 years. It has also been weighed against the response from Natural Resources Wales who have considered the submitted Flood Consequence Assessment and offered no objection to the development subject to the raising of ground levels. On balance, despite the failure of the site to accord with test iii) of paragraph 6.2 of Technical Advice Note 15, it is considered that the other material planning considerations specified above outweigh this matter.

In terms of the landscape and ecological impacts of the development it should be noted that no objections have been received from the Council's Landscape Architect and Ecologist in respect of these matters. Tree surveys have been carried out and measures have been suggested for the protection of trees within and adjacent to the site and the area between the dwelling and the river is to be allowed to return to its natural form. As such it is not considered that there would be any detrimental impact on the landscape character or ecology of the area.

Comments from Consultees: No objections raised.

Comments from public: The objections of the residents are addressed above.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of suitable 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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Application 18/0907/FULL – Continued

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) The development shall be carried out in accordance with the following approved plans and documents: MS p01/01, MS p01/03b, MS p01/04b, SD 108 01/05A, SD 108 01/08A (2 sheets), Extended Phase One Ecological Survey by Ecological Services Ltd, Initial Arboricultural Survey Report by G M Ayres and Flood Consequences Assessment by Marsden Associates.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The development shall not be occupied until the area indicated for the parking of vehicles has been laid out in accordance with the submitted plans and that area shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The access to serve the proposed development shall be constructed in 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 adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) Notwithstanding the submitted plans, no works whatsoever shall commence until details have been submitted to and approved in writing by the Local Planning Authority incorporating a widening/pull-in arrangement to the proposed private drive access in the area of land shown to be within the applicant's control which lies between no's 59 and 126 Heol-Y-Dol. The proposed private drive shall be constructed in materials to be agreed in writing with the LPA, 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 adopted Caerphilly County Borough Local Development Plan up to 2021.

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Application 18/0907/FULL – Continued

- 06) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 07) 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.
- 08) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: To prevent contamination of the application site in the interests of public health.
- 09) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise and 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 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.
- 10) The dwelling hereby approved shall be built with a finished floor level set at 75m AOD.
REASON: In order to ensure that the development takes account of the risks of flooding.

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Application 18/0907/FULL – Continued

- 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 in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) 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.

Advisory Note(s)

Please find attached comments from Dwr Cymru/Welsh Water and Natural Resources Wales.

