

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0353/FULL 04.07.2013	Mr R Dowden 17 Homeleigh Newbridge Newport NP11 4RQ	Erect a four bedroom detached house and a pair of three bedroom semi-detached houses 17 Homeleigh Newbridge Newport NP11 4RQ

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located at the western end of Homeleigh, Newbridge.

Site description: Residential curtilage of 17 Homeleigh.

Development: Erection of three dwellings. It is proposed to erect one detached dwelling on land to the west of the application property, and two semi-detached properties on the land to the north of the application property.

Dimensions: The proposed detached dwelling has a footprint measuring 12.5 metres in width, 12.1 metres in depth, with a height of 8.1 metres to ridge level. The proposed semi-detached block measures 17.6 metres in width, 10.3 metres in depth, with a height of 6.7 metres to ridge level.

Materials: Facing brickwork and artificial slate.

Ancillary development, e.g. parking: Parking provision for 3 cars per dwelling, as well as 3 car parking spaces for the application property.

PLANNING HISTORY

2/08639 - Loft conversion - Granted 10.03.89.

2/11767 - Change of use of reclaimed railway land to use as extended garden land - Granted 30.03.94.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The proposed detached dwelling is located within the settlement boundary and the two proposed semi-detached dwellings are located outside the settlement boundary.

Policies: Policy SP5 (Settlement Boundaries), Policy CW2 (Amenity), CW3 (Design Considerations - Highways), Supplementary Planning Guidance LDP6: Building Better Places to Live (November 2010), Supplementary Planning Guidance LDP7: Householder Development (November 2010).

NATIONAL POLICY Planning Policy Wales, TAN1 (Joint Housing Land Availability Studies (2006) and TAN12 (Design).

ENVIRONMENTAL IMPACT ASSESSMENT

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

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. The applicant has submitted a Coal Mining Risk Assessment, on the basis of which the Coal Authority has no objection subject to a condition requiring intrusive site investigation works, and remedial works if necessary, prior to the commencement of development.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions relating to land drainage.

Dwr Cymru - No objection subject to condition.

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Strategic & Development Plans - Comment that as two of the proposed dwellings are located outside of the settlement boundary the proposal is contrary to policy. However, the implications of a lack of a 5-year housing supply in accordance with TAN1 are a material planning consideration.

The Coal Authority - No objection subject to condition

Principal Valuer - Provides advice to developer regarding restrictive covenant relating to the land.

ADVERTISEMENT

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

Response: Four letters of objection were received.

Summary of observations: -

- Increased risk of flooding to nearby properties;
- Overlooking of neighbouring properties;
- Subsidence to neighbouring properties;
- Overbearing impact on properties to south.

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

Is this development Community Infrastructure Levy liable? Yes. New residential build at a rate of £25 per sq. metre of internal floor space. At the time of report preparation full details of floor areas had not been confirmed by the applicant and this should be addressed before a decision is issued.

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ANALYSIS

Policies: Although the application is for three dwellings, given the position of the detached dwelling within the settlement boundary and the pair of semi-detached properties outside the settlement boundary, they will be considered separately in this report for the purposes of clarity. Turning first to the proposed two storey detached property that is located within the side curtilage of the application property, i.e. to the west, the proposal is sited within the settlement boundary and therefore the principle is in favour of development provided material planning considerations do not indicate otherwise. The area surrounding the application site is defined by two storey dwellings, bungalows and dormer bungalows. The applicant has respected this existing context by virtue of designing a dormer bungalow style dwelling with dormer windows cut into the roof space. Subject to the use of appropriate materials, this dwelling will integrate well within the area.

In terms of the potential impact of the dwelling on the amenity of neighbouring properties, the properties most affected by the proposal are those to the south, i.e. Nos. 26-29 Homeleigh. The windows on the rear elevation of the proposed detached dwelling are located a minimum of 26 metres from No. 26 Homeleigh, 25.5 metres from 27 Homeleigh, and 20 metres from 28 Homeleigh. Although the distance between the proposed detached dwelling and 28 Homeleigh is less than the 21 metres usually requested, given the angle between the properties this is considered acceptable in this instance. This angle is even more acute with No. 29 Homeleigh and therefore the development will not have a significant impact from a planning point of view on existing levels of privacy to No. 29. Although the application site is at a higher level than the properties to the south, given a separation of 20-26 metres, it is considered that the proposed dwelling will not result in an unacceptable overbearing impact on the properties to the south, and given this orientation, no shadow will be cast in the direction of the properties to the south as a result of the development.

The proposed detached dwelling contains four bedrooms, and parking provision for three off-street parking spaces is provided within the curtilage of the site, including an integral garage. Such parking provision is in accordance with the adopted parking guidelines. For the above reasons the proposed detached dwelling is considered acceptable in planning terms subject to conditions.

It is also noted that as the proposed development would lead to a loss of off-street parking for the application property, i.e. No. 17 Homeleigh, the proposal includes the creation of 3 off-street parking spaces to serve No. 17 thereby not reducing available parking for the application property.

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Turning to the proposed pair of semi-detached properties located within the northern section of the existing garden of No. 17 Homeleigh. Planning permission was granted in 1994 for the change of this land from former railway land to residential curtilage/gardens (Ref: 2/11767). Since that date, although the owners of Nos. 6-11 and No. 14 and No. 17 have extended their residential curtilage into this area, such a change of use was not reflected when the settlement boundary was drawn for the adopted Local Development Plan. Furthermore, according to aerial photographs, the area in question has been used as garden curtilage for at least 10 years, and therefore although technically outside the settlement boundary, it is not considered to be open countryside.

In terms of national planning policy, Section 4.8 of Planning Policy Wales states that previously developed land should be developed, wherever possible, in preference to greenfield sites, particularly those of high agricultural or ecological value. Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites in and around existing settlements where there is vacant or under used land, commercial property or housing, in suburban areas close to public transport nodes. It is considered that the application site is under used land that supports the above objective.

Technical Advice Note 1 relates to Joint Land Availability Studies which are required in order to monitor the provision of market and affordable housing, provide an agreed statement of residential land availability for development control purposes and set out the need for action in situations where an insufficient supply is identified. Under TAN 1 Local Planning Authorities have a duty to ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing. The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies. In addition, local planning authorities must take steps to increase the supply of housing land.

The Council's housing land supply, as agreed in the latest 2013 Joint Housing Land Availability Schedule is only 2.9 years, compared with the requirement in Planning Policy Wales and TAN 1 to maintain a 5 year supply. The housing land supply is a material consideration in planning applications and the deficit in Caerphilly County Borough Council's housing land supply and remedying this shortfall should be considered a high priority in determining suitable planning application, such as this one.

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For these reasons, although the two proposed semi-detached dwellings are located outside of the defined settlement boundary, the lack of a 5 year housing land supply is a material planning consideration, and adds weight in support of the proposed development.

Other factors that support an approval in this case are the use of the site as domestic garden, and the relationship of the land with the existing development in the locality. The development is clearly a rounding off of the existing settlement.

In terms of the proposed dwellings themselves, as for the proposed detached dwelling, they have been designed to respect the character of the surrounding area, and external finishes will be controlled by way of condition. Appropriate off-street parking is proposed and the dwellings will not have an unacceptable impact on the amenity of surrounding properties by way of any overlooking, overbearing or overshadowing impact. Conditions will be attached to the permission requiring details of finished floor levels and any associated retaining works in light of the sloping topography of the site, and in the interests of the visual and residential amenity of the area.

Comments from consultees: No objection is raised by the Head of Public Protection, the Transportation Engineering Manager, the Senior Engineer (Land Drainage), Welsh Water, or the Coal Authority, subject to conditions.

The Strategic & Development Plans team raise a policy objection to the two proposed semi-detached properties on the basis that they are located outside of the defined settlement boundary. They raise no objection to the proposed detached dwelling on the basis that it is located within the settlement boundary. This issue is addressed above.

Comments from public: Increased risk of flooding to nearby properties - A condition will be attached to the permission requiring a comprehensive scheme showing how land drainage will be disposed of.

Overlooking of neighbouring properties - The windows on the rear elevation of the proposed detached dwelling are located a minimum of 26 metres from No. 26 Homeleigh, 25.5 metres from 27 Homeleigh, and 20 metres from 28 Homeleigh. Although the distance between the proposed detached dwelling and 28 Homeleigh is less than the 21 metres usually requested, given the angle between the properties this is considered acceptable in this instance. The proposed semi-detached properties will have no impact in terms of existing levels of privacy.

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Subsidence to neighbouring properties - This would be a private legal matter between the interested land owners.

Overbearing impact on properties to south - Given the distance between the proposed detached dwelling and the nearest property to the south, i.e. No. 28 Homeleigh is at least 20 metres, it is not considered that a two-storey dwelling would have an overbearing impact at this distance. The proposed semi-detached properties will have no impact in terms of existing levels of any overbearing impact.

Other material considerations: None.

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.
- 03) Prior to the commencement of works on site a scheme of land drainage 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 they relate is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) 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 occupation of the dwellings hereby approved.
REASON: In the interests of the visual amenities of the area.

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- 05) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 06) 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.
- 07) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health.
- 08) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining works on site full engineering details and structural calculations for the proposed retaining works, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose shall be submitted to and agreed by the Local Planning Authority. Following construction of the agreed retaining works additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be supplied to the Local Planning Authority prior to occupation of the approved development.
REASON: In the interests of highway safety.

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- 09) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the buildings hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 10) The development hereby approved relates to the details received on 28.04.2014 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwellings hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 13) Notwithstanding the submitted plans prior to the occupation of the development hereby approved details shall be submitted to and approved in writing by the Local Planning Authority which provide 3 off-street parking spaces per property including No. 17 Homeleigh. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the dwellings hereby approved and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 14) The proposed shared private driveway and turning area shall be constructed in permanent materials to be agreed in writing by the Local Planning Authority and be completed prior to beneficial occupation of the development. The turning area shall be maintained free of obstruction so that vehicles can both enter and leave the site in a forward gear at all times.
REASON: In the interests of highway safety.

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- 15) Any gates shall be fitted so as not to open out over the highway.
REASON: In the interests of highway safety.
- 16) Notwithstanding the provisions of the Town & Country Planning Act (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) the garage approved as part of this development shall not be physically altered or converted to any other domestic purpose without prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.
- 17) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.
REASON: To safeguard the buildings against the risk of damage from surface subsidence due to underground mining.

Advisory Note(s)

The following policies of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 are relevant to the conditions attached to this consent: Policies CW2 and CW3.
