

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0202/NCC 16.03.2017	How Refreshing Property Development Ltd Mr A Callen C/o C2J Architects & Town Planners Mr R Chichester Unit 1A Compass Business Park Pacific Road Ocean Park Cardiff CF24 5HL	Vary condition 6 of planning consent 13/0870/OUT (Construct four, two-bedroom dwellings (terraced type) to extend the period of time for the submission of reserved matters Land Adjacent To 135 Jubilee Road Elliot's Town New Tredegar

**APPLICATION TYPE:** Development without complying with conds

#### SITE AND DEVELOPMENT

Location: At the eastern end of Jubilee Road, Elliotstown.

Site description: Vacant parcel of land within settlement boundary.

Development: This application seeks to vary Condition 3 of outline planning permission 13/0870/OUT to extend the period of time for the submission of reserved matters by a further 3 years.

#### PLANNING HISTORY 2005 TO PRESENT

13/0870/OUT - Construct four, two-bedroom dwellings (terraced type) - Granted 19.03.14.

16/0952/FULL - Construct six dwellings - Refused 03.01.17.

17/0201/RM - Seek approval of the reserved matters regarding details of access, appearance, landscaping, layout and scale in regard to planning consent 13/0870/OUT to construct four two bed dwellings (terraced type) - Not yet determined.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 within settlement boundaries.

Policies: SP1 (Development in the Heads of the Valleys Regeneration Area), SP6 (Place Making), SP21 (Parking Standards), CW2 (Amenity), CW3 (Design considerations - highways), CW5 (Protection of the Water Environment), CW15 (General locational constraints), and advice contained within supplementary planning guidance contained in LDP5 - Parking standards, LDP6 - building Better Places to Live.

### NATIONAL POLICY

Planning Policy Wales, TAN 12 - Design, TAN 18 - Transport.

### 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? Not an issue in respect of this planning application.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

Senior Engineer (Land Drainage) - No objection subject to conditions and advice.

Dwr Cymru - Provides advice to the developer.

### ADVERTISEMENT

Extent of advertisement: Eight neighbours were consulted by way of condition and a site notice was displayed near the application site.

Response: One letter of objection was received.

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Summary of observations: Concerns have been expressed in respect of:

- Highway safety;
- Traffic generation;
- Adequacy of parking;
- Visual amenity;
- Loss of privacy for the adjacent neighbours;
- Loss of recreation space;
- Loss of light.

### 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? The application site is located in the lower CIL viability zone and therefore no CIL charge is payable in this instance.

### ANALYSIS

Policies: The site has the benefit of an existing planning permission for four 2-bedroom dwellings (Ref: 13/0870/OUT). The current application seeks to extend the period for the submission of the reserved matters relating to the access, appearance, landscaping, layout and scale of the development for a further 3 years. As with any application for the renewal of planning permission the main consideration is whether there has been any material change since the previous planning permission was granted in 2014.

In policy terms, the application site remains within the settlement boundary as identified in the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, and therefore the presumption remains in favour of development providing material planning consideration do not indicate otherwise. In this instance, as all matters are reserved for subsequent approval, the main consideration is highway safety based on the increased traffic that will result from the development. A recent application at the site for 6 dwellings was refused due to the detrimental impact it would have in terms of additional traffic movements.

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It is the stance of the Transportation Engineering Manager that the four proposed dwellings represents the limit of additional properties that will be allowed on Jubilee Road. For this reason no objection is raised for the current application to renew planning permission for four dwellings.

Policy CW2 sets out criteria relating to amenity. In this respect it is considered that the proposed development is compatible with the surrounding residential land uses and does not result in the over-development of the site. In terms of the impact of the development upon the amenity of adjacent properties or land it is noted that this is an outline application with the detail and appearance of the proposed dwellings reserved for subsequent approval.

Policy CW3 sets out criteria in terms of highway design considerations. In this respect the Transportation Highways Manager has raised no objection to the development subject to conditions.

Comments from Consultees: No objection subject to conditions.

Comments from public:

- Highway safety - Outline planning has been granted at the site previously for four dwellings on the basis that it is not considered that the development of four dwellings is detrimental to highway safety. This remains the position of the Transportation Engineering Manager.
- Traffic generation - Outline planning has been granted at the site previously for four dwellings on the basis that it is not considered that the development of four dwellings is detrimental to highway safety. This remains the position of the Transportation Engineering Manager.
- Adequacy of parking - Parking provision will be agreed at reserved matters stage.
- Visual amenity - The design, siting and appearance of the dwellings are matters that will be determined at reserved matters stage.
- Loss of privacy for the adjacent neighbours - The exact location of the dwellings and position of windows will be determined at reserved matters stage, but there is adequate scope to accommodate a development that does not cause a significant loss of privacy from a planning point of view.
- Loss of recreation space - The application site is privately owned and therefore cannot be considered as recreation space.
- Loss of light - This is matter that will be considered at reserved matters stage.

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Other material considerations: Condition 5 of planning permission 13/0870/OUT will not be attached to the renewal as it relates to Codes for Sustainable Homes which is no longer a planning requirement.

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) 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.

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- 05) 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.
- 06) 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, there shall be no direct vehicular access to or from the approved development to or from Jubilee Road.  
REASON: In the interests of highway safety.
- 07) Primary pedestrian access to or from the development hereby approved shall be gained off Jubilee Road.  
REASON: In the interests of highway safety.
- 08) The lane to the rear of the site subject of this consent shall be widened in a manner, details of which shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be completed prior to the occupation of the development hereby approved.  
REASON: In the interests of highway safety.
- 09) The site boundary fronting Jubilee Road shall be set back and a 1.8m 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 the first occupation of the development hereby approved.  
REASON: In the interests of highway safety.
- 10) 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.
- 11) The proposed parking area shall be completed in materials to be agreed in writing with the Local Planning Authority, to ensure loose stones or mud etc are not carried on to the public highway.  
REASON: In the interests of highway safety.

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Advisory Note(s)

Please find attached the comments of The Senior Engineer (Land Drainage), Dwr Cymru/Welsh Water 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.

