

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0440/FULL 22.07.2014	Taylor Wimpey & Paul Wells Eastern Business Park Building 2 Wern Fawr Lane St Mellons Cardiff CF3 5EA	Erect two residential dwellings and provide associated road and landscaping Land Adjacent To Pontypandy Lane Caerphilly

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located in the south-western corner of the Mackworth Grange Housing Estate which is currently under construction. This estate is located south of the former Catnic factory off Pontygwindy Road. This site is situated approximately a mile to the north of Caerphilly Town Centre, whilst the Pwll-y-Pant Roundabout is 470 metres to the north-west.

Site description: The land is currently an overgrown former commercial site served from Pontypandy Lane. This area is located on the boundary of the larger site, known as Mackworth Grange, where it abuts Pontypandy Lane. To the north and east is housing under construction, to the south are existing housing areas, and to the southwest is the Pentecostal Church building which is served from Pontypandy Lane.

Development: This application is for two detached houses and a pair of semi-detached double garages, which would be served from a cul-de-sac on the Mackworth Grange construction site. The developer advises that this area of the overall development will probably commence construction at the end of this year or the beginning of 2015.

Dimensions: The dwellings are rectangular in shape; one slightly larger than the other at 94 and 72 square metres floor areas respectively. The garage would have floor area of 82 square metres. The designs of these dwellings are similar to those that have been approved as part of the wider Mackworth Grange development.

Materials: The buildings are to be finished in red facing brick and brown coloured concrete roof tiles.

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Application No. 14/0440/FULL Continued

Ancillary development, e.g. parking: Access to the plot is from a shared private driveway, at the end of a cul-de-sac, and includes two parking spaces for each dwelling within the garages, and three other spaces on driveways.

PLANNING HISTORY

5/5/92/0631 - Erect dwelling house - Refused 19.11.92.

5/5/93/0667 - Erect dwelling - Refused 09.12.93.

12/0860/RM - Seek approval of the reserved matters of layout, scale, appearance and landscaping in connection with the residential development of 142 dwellings and associated works approved under planning permission P/04/1325 - Granted 04.11.13.

13/0433/FULL - Erect a four bedroom dwelling - Refused 02.09.2013.

14/0399/FULL - Erect one residential dwelling and associated road and landscaping - Granted 07.08.14.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is not allocated for any specific use but is within the settlement boundary.

Policies: The following policies are relevant to this application; Policies CW2 - Amenity and CW3 - Highways.

NATIONAL POLICY Planning Policy Wales (Ed.7). TAN 12: Design.

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? The site falls within a former mining area, and a coal mining risk assessment was submitted.

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Application No. 14/0440/FULL Continued

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions and makes comments of which the applicant should be advised.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - No objection subject to conditions and makes comments of which the applicant should be advised.

Dwr Cymru - No objection subject to conditions and makes comments of which the applicant should be advised.

The Coal Authority - No objection but makes comments of which the applicant should be advised.

Principal Valuer - No adverse comments.

Glam/Gwent Archaeological Trust - No objection but makes comments of which the applicant should be advised.

Countryside And Landscape Services - No objection subject to conditions and makes comments of which the applicant should be advised.

ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of site notice and direct consultation with seven neighbouring properties.

Response: One letter of objection has been received from nearby residents.

Summary of observations:

- The nearby residents indicate that they wish to object to this application for the same reasons that they objected to the larger Mackworth Grange site, i.e. on the grounds of access, flooding and privacy. Additionally, they refer to other matters
- specific to this site that they either object to or have concerns:
- The existing shed on site is made of asbestos, and the demolition should be carried out in accordance with the relevant regulations.

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Application No. 14/0440/FULL Continued

- Pontypandy Lane to the south of this site is a private lane and there should be no vehicular or pedestrian access to it from the site.
- The site has been the subject of unauthorised activities over a number of years to which there has been a lack of enforcement action by the council.
- The final land levels of this site should be established prior to consent being granted.
- Adequate drainage should be achieved to prevent Pontypandy Lane from becoming flooded.
- The privacy of 'Ty Bedol' should be protected with no overlooking by other properties.

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 the issues of crime and disorder will be adversely affected by the determination of this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No European protected species implications following a survey, but the site and the surrounding landscape still have some wildlife habitat potential, and the council's ecologist comments that conditions should be attached to control development and provide mitigation to enhance the habitat of protected species, and an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes, the development is subject to the requirements of the Community Infrastructure Levy (CIL). It is for new residential floorspace and is not subject to any of the mandatory or discretionary exemptions. The site is located within the Higher Viability Area, and as such CIL is charged at a rate of £40.00 per square metre. The new houses have internal floor areas totalling 330 sq.metres, and a pair of garages totalling 82 sq.metres which will give a figure of $452 \times £40 = £18,080.00$.

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ANALYSIS

Policies: The application site is on land immediately adjacent to a site which was included within the Adopted Local Development Plan as an identified residential site, which is an integral part of the Plan's Housing Strategy. Planning permission for residential development has been sought on this site for over twenty years, but the previous applications have always sought to use Pontypandy Lane as the only means of access, and this was consistently found to be inadequate to serve new development at this site. This proposal seeks to utilise the alternative access via the Mackworth Grange housing site, with no access sought to or from Pontypandy Lane.

The policies of relevance are CW2 and CW3. Policy CW2 relates to amenity considerations and contains a number of criteria. Those applicable to this proposal relate to (i) its impact on the amenity of adjoining properties/land; (ii) whether it constitutes over-development of the site; and (iii) the compatibility of the development in respect to the surrounding land-uses. With regard to the first criterion the land abuts or will abut residential development to the north, east and south. There is also an application currently with the Department for a further two houses on the land to the south. The proposed dwelling will not adversely impact on the residential amenities of any of these properties. As such this criterion is complied with.

With regard to the issue of overdevelopment, the site measures 0.25 acres, which would give a density of 8 dwellings to the acre. This figure is considered to be low/medium in housing density terms. The submitted layout shows the houses well located within the site and have reasonable garden space at the front and rear of the dwellings. There is also adequate on-site parking and access space, to serve the houses. On this basis the second criterion of relevance is also satisfied.

In respect to the issue of compatibility with surrounding land-uses, it is evident that the area is, or will shortly become, predominantly residential in nature, as such it will accord with the character of its surroundings.

TAN 12 relates to design considerations. In this respect the house types chosen are very similar in style to those approved on the adjoining housing development and consequently the property will fit into the built vernacular.

In the circumstances there are no policy objections.

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Application No. 14/0440/FULL Continued

Comments from Consultees: None of the standard consultees raise objections which could sustain a refusal of permission. Some had concerns which required the imposition of conditions to be attached to any consent granted, to ensure that it is controlled to an acceptable level.

Comments from public: The objections and concerns of the nearby neighbours are responded to as follows:

The access is achieved via the network of roads on the Mackworth Grange housing estate with no indication that any access would be created to or from Pontypandy Lane.

The Senior Engineer (Land Drainage) is satisfied that the site can be adequately drained, without risk of flooding to neighbouring land or property. Neither of the proposed dwellings would result in any privacy infringements to either existing dwellings or any of the proposed neighbouring dwellings on the new housing estate. The demolition of the existing shed with any implications in respect of asbestos, is a matter that is controlled under other legislation. Pontypandy Lane to the south of this site is a private lane and access to or from the site is a private matter and not one which the Local Planning Authority should be involved in. In respect of the allegation that there has been a lack of enforcement action by the council, it should be noted that in respect of this particular site there has been no activity that warranted enforcement action for at least over ten years. The final land levels of this site will be controlled by planning condition.

The level of privacy to be expected at neighbouring properties would not be compromised by the proposed dwellings.

Other material considerations: The hedgerow along the boundary with Pontypandy Lane would be the subject of schemes to be submitted that manage and enhance the boundary treatment. The site is wholly accessed from the Mackworth Grange housing development and adequately provided with a sufficient level of car parking within the site.

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.

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Application No. 14/0440/FULL Continued

- 02) The proposed vehicular driveway shall have a gradient not exceeding 12.5% (1 in 8). The driveway shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority, shall be completed prior to beneficial occupation of the development and maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety.
- 03) The access to serve the proposed development shall be not less than 4.1m wide, which 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.
- 04) Notwithstanding the submitted plans, six off-street parking spaces shall be provided within the curtilage of the site in accordance with details to be agreed with the Local Planning Authority. Such provision shall be completed in accordance with the agreed details prior to beneficial occupation of the development and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
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) Rainwater run-off shall not discharge into the highway surface-water drainage system.
REASON: In the interests of highway safety.
- 07) 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.

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Application No. 14/0440/FULL Continued

- 08) 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.
- 09) 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.
- 10) 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.
- 11) 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.
- 12) 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.

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Application No. 14/0440/FULL Continued

- 13) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese knotweed on site. The treatment of Japanese knotweed 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.
- 14) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Himalayan Balsam on site. The treatment of Himalayan Balsam 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." Himalayan Balsam (*Impatiens glandulifera*) is included within this schedule.
- 15) Prior to the commencement of works associated with the development hereby approved, a 5-year hedgerow management plan, which shall include details of the timing of its implementation shall be submitted to the Local Planning Authority for approval. Thereafter the development shall be carried out in accordance with the agreed scheme.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).

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Application No. 14/0440/FULL Continued

- 16) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 17) 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.
- 18) Prior to the commencement of works on site details of the garden boundary fence to be erected along the inside of the existing hedgerow, in order to exclude it from within the garden boundaries, shall be submitted to the local planning authority for approval. The approved details shall be complied with and shall be implemented before the new dwellings hereby approved are first occupied.
REASON: To ensure the protection and retention of the hedgerow.
- 19) 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 dwellings hereby approved shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) and TAN 5 Nature Conservation and Planning (2009).

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Application No. 14/0440/FULL Continued

- 20) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of nesting sites for birds (House Sparrow, House Martin, Starling and Swift) on the new dwellings hereby

approved, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new dwellings hereby approved are first occupied.

REASON: To provide additional nesting opportunities for house-nesting birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) and TAN 5 Nature Conservation and Planning (2009).

- 21) 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 residential and visual amenity of the area.

Advisory Note(s)

Please find attached the comments of The Coal Authority, Council's Ecologist, Dwr Cymru/Welsh Water, Glamorgan Gwent Archaeological Trust and the Transportation Engineering Manager 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 and CW3.
