

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
14/0847/FULL 18.12.2014	Mr & Mrs G John C/o RPS Mr D Williams Park House Greyfriars Road Cardiff CF10 3AF	Erect three detached residential dwellings Land To The Rear Of Brynmynach Avenue Ystrad Mynach Hengoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is situated to the east of Brynmynach Avenue and to the south of Brynview Avenue.

Site description: The application site is an overgrown parcel of former railway owned land situated off the rear lane to Brynmynach Avenue. The site has a number of mature trees on it and it slopes from west to east up towards the railway line to the east. There is a modern detached dwelling to the north of the site and older semi detached split level bungalows to the west. The mineral railway line serving Ffos Y Fran Opencast Site and Cwmbargoed washery is to the east of the site with the main Rhymney Valley line to the east of that. There is a mixture of house types in the area with the detached dwellings to the north and the semi detached dwellings to the west being joined by terraced dwelling to the north of the detached dwelling.

Development: The application seeks full planning consent for the erection of 3 detached dwellings together with associated off street car parking, amenity space and bin stores. The dwellings are proposed to be of a fairly modern design with apex roofs and terrace balconies. They are three storeys high with a hallway, living room, dining room and kitchen on the ground floor, three bedrooms and a bathroom on the first floor and a fourth bedroom with en-suite on the second floor. Each of the dwellings will have a terrace balcony off the second floor bedroom and these will have glazed privacy screens to the side.

The site layout shows the provision of three parking spaces per dwelling with private gardens for each property. The dwellings on Plots 2 and 3 would be sideways onto the lane with Plot 1 facing directly onto it.

Dimensions: The site has an overall area of 87m long by 13m deep. Each of the dwellings has maximum dimensions of 8.9m by 9.3m by 5.8m high to the eaves and 10.7m to the ridge.

Cont'd.....

Application Number 14/0847/FULL Continued.

Materials: The dwellings are proposed to be finished in a mixture of face brickwork and render with a tiled roof.

Ancillary development, e.g. parking: Each of the properties will be served by a foul sewerage pumping station to connect to the mains sewerage.

PLANNING HISTORY

06/0644/OUT - Erect residential development (three housing plots) - Refused 25/10/07.

13/0860/FULL - Erect four detached houses with integral garages - Withdrawn 12/02/14.

POLICY

Site Allocation

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP5 (Settlement Boundaries)

SP6 (Place Making)

SP10 (Conservation of Natural Heritage)

CW2 (Amenity)

CW3 (Design Considerations: Highways)

CW6 (Trees, Woodland and Hedgerow Protection)

CW11 (Affordable Housing Planning Obligation)

CW15 (General Locational Constraints).

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

National Policy: Planning Policy Wales (2014)

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

Cont'd.....

Application Number 14/0847/FULL Continued.

4.11.1 Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings.

4.11.2 Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals.

4.11.9 The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

5.2.9 Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.

5.2.10 Local planning authorities should, as appropriate, make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas.

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land. Pre-application discussions between the developers, local planning authorities and statutory advisers such as CCW and Environment Agency²⁹ are recommended.

Cont'd.....

Application Number 14/0847/FULL Continued.

5.5.2 When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.

5.5.3 In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the environment clearly outweighs other material considerations the development should be refused.

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult CCW before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.13 Local authorities have a duty to ensure that adequate provision is made for the planting or preservation of trees by imposing conditions when granting planning permission and/or by making Tree Preservation Orders (TPOs).

5.5.14 Local authorities have a general power to make TPOs if it appears it is expedient to do so in the interests of amenity. They can make a provisional TPO which takes effect immediately, and it can remain effective for six months or until the TPO is confirmed.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

Cont'd.....

Application Number 14/0847/FULL Continued.

13.15.1 Noise can be a material planning consideration, for example in proposals to use or develop land near an existing source of noise or where a proposed new development is likely to generate noise. Local planning authorities should make a careful assessment of likely noise levels and have regard to any relevant Noise Action Plan before determining such planning applications and in some circumstances it will be necessary for a technical noise assessment to be provided by the developer.

Technical Advice Note 5 - Nature Conservation and Planning

4.4.1 The local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application. Where a local planning authority is considering whether a planning application is likely to have a significant effect on a European site or European offshore marine site, so as to make it necessary to carry out an appropriate assessment under the Habitats Regulations, the planning authority may require the applicant to provide such information as it reasonably needs to determine that question; and where a planning authority determines that an appropriate assessment is necessary, it may require the applicant to provide such information as it reasonably needs for the purposes of that assessment. The collection, analysis and reporting of this information may sometimes mean a delay in deciding the application, especially if there are seasonal constraints on surveys.

4.4.2 The potential delay should not be seen as a justification for granting permission without taking the information into account. Apart from the harm that could result, the decision may be open to legal challenge if all material considerations are not properly addressed in the decision. Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result.

Technical Advice Note 10 - Tree Preservation Orders

The effect of planning proposals on protected trees is a material planning consideration. It may be appropriate to require applicants seeking full planning permission to provide details of all existing trees on site, including their crown spread, and the location of those to be felled.

Technical Advice Note 11 - Noise

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Cont'd.....

Application Number 14/0847/FULL Continued.

Technical Advice Note 12 - Design.

4.9 Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design.

5.11.3 The design of housing layouts and built form should reflect local context and distinctiveness, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces, consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area. All residential proposals should seek to minimise energy demand, larger schemes should investigate the feasibility of a district heating scheme especially when mixed uses are proposed for the site.

CONSULTATION

Senior Arboricultural Officer (Trees) - No objections subject to conditions.

Countryside And Landscape Services - Raises no objection.

Network Rail - Raises no objection but provides advice to be conveyed to the applicant.

Principal Valuer - Raises no objection.

Gelligaer Community Council - Objection on the grounds of highways and loss of amenity. TPOs on some of the trees all of which act as a buffer from the noise of the freight trains. The area is prone to flooding due to a natural water culvert.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - Raises no objection subject to a condition requiring secondary glazing.

Senior Engineer (Land Drainage) - Raises no objection subject to a condition requiring the provision of a drainage scheme.

Cont'd.....

Application Number 14/0847/FULL Continued.

ADVERTISEMENT

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

Response: 20 letters of objection were received. 10 letters also received in support of the application.

Summary of observations: The objections are based on the following concerns:-

1 The access to the site from Nelson Road into Brynmynach Avenue, from Brynmynach Avenue into Brynview Avenue and from Brynview Avenue into the rear lane is not suitable for further development as the roads are too busy and too narrow with vehicles parking on the pavements.

2 The application states that there are no watercourses on the site. This is not true as there is a rainwater drain on the southern part of the site.

3 Rainwater drainage from the dwellings in Brynmynach Avenue goes onto the application site. Where will this water go if the site is developed?

4 The rear lane is privately owned and not adopted. No access will be allowed to the application site.

5 No footpath or street lighting is to be provided as part of the development.

6 The rear lane is to be reduced in width to 4.8m. This will make it impossible for the residents of Brynmynach Avenue to leave their drives at the rear of their properties.

7 The proposed car parking spaces and garages are too small.

8 The lane is in the ownership of the property owners in Brynmynach Avenue. This application proposes a reduction in this width thereby encroaching on land that is not in the applicant's ownership.

9 The dwellings are overbearing, out of scale and out of keeping with the character of the other dwellings in the area.

10 The dwellings would cause a loss of privacy to the dwellings in Brynmynach Avenue and at Station Houses.

11 The proposal will compromise the safety of the railway line to the rear.

12 There have been previous applications refused in this area and circumstances have not changed.

13 The turning area provided by the applicant for the existing dwelling at 16 Brynview Avenue is used as a car parking space for that dwelling and is never available for vehicles to turn.

14 There is no amenity space for the dwellings.

15 The applicant states that the site has no amenity value. This is disputed as local residents feel that this small woodland is attractive to look at.

16 The railway line to the east of the site will cause noise issues for the occupiers of the dwellings.

17 This land should be safeguarded for the provision of new facilities should the passenger line be re-opened to Cwm Bargoed.

Cont'd.....

Application Number 14/0847/FULL Continued.

18 The trees on the site should be retained and they are now subject of a Tree Preservation Order.

19 There is Japanese Knotweed on the site.

20 There is no provision for bin storage.

21 The new pedestrian link to the rail underpass is in contravention of the covenants on the land.

22 The appeal statement appended to the planning statement is not relevant and should be ignored.

23 The rear lane is used as a play area by local children.

24 The proposal will cause a loss of light to neighbouring dwellings.

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.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area of 471 square meters the proposal is liable to CIL for £11775.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is situated within the defined settlement limits in the Caerphilly County Borough Local Development Plan and as such the principle of development is acceptable. However, the proposal falls to be considered against material planning considerations and many of these are encapsulated in the objections received from members of the public. In that regard they will be considered in turn below: -

1 The adequacy of the access to the site from Nelson Road and on into the rear lane of Brynmynach Avenue has been considered by The Transportation Engineering Manager and he has raised no objection to the principle of the development. He has had regard for the appeal decision to refuse consent for housing at the southern end of Brynmynach Avenue under application reference number P/02/1083 and the previous refusal on this site under application reference number 06/0644/OUT.

Cont'd.....

Application Number 14/0847/FULL Continued.

However, he has also been mindful of the appeal decision to approve the dwelling now known as 16 Brynview Avenue under application reference number P/03/0143 and new guidance provided by Manual for Streets. In particular the guidance contained within Manual for Streets indicates that the junctions in the area are no longer substandard and as such circumstances have changed since the previous refusal to a degree that refusal of the application would not be supported on the basis of the substandard nature of the roads serving the development.

2 It is acknowledged that there is indeed a watercourse on the application site. This is referred to in the consultation response received from the Council's Drainage Engineer, who requests that the exact location be identified and a comprehensive drainage scheme be provided as part of a condition attached to any consent granted. This is considered to be reasonable in planning terms.

3 The discharge of rainwater drainage into the application site from Brynmynach Avenue could also be covered adequately as part of a comprehensive drainage scheme.

4 The ownership of the rear lane does not affect the acceptability of the scheme from a planning point of view. Transportation Engineering Manager has considered whether or not the development would encroach onto the rear lane and is satisfied that this is not the case. It should also be noted that whilst the residents are of the opinion that the rear lane is not adopted, the Highway Authority is of the opinion that it is maintainable at the public expense and as such is usable by all members of the public.

5 The development is proposed to be served via a private drive that is in accordance with Manual for Streets and the Council's Adopted Design Guidance. As such the lack of street lighting and pavements are not in themselves a reason that justifies the refusal of this application.

6 As stated above Transportation Engineering Manager is satisfied that the development does not encroach onto the maintainable highway and a minimum width of 4.8m will be maintained for the length of the application site. Any proposal to stop up the highway would be the subject of consent under the Highways Act.

7 The parking spaces on the submitted plans all comply with supplementary planning guidance and in some instances are actually larger than suggested. As such it is considered that the proposals are acceptable in terms of parking provision.

Cont'd.....

Application Number 14/0847/FULL Continued.

8 Encroachment onto land not in the applicant's ownership is a private legal matter and it has no bearing on the determination of this application.

9 In terms of the scale and design of the proposed dwellings it should be noted that Paragraph 4.11.9 of Planning Policy Wales states: "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions". Therefore the design of the proposed dwellings should have regard for the context and character of the surrounding dwellings. However it should also be noted that Paragraph 4.9 of TAN12 Design states "Opportunities for innovative design will depend on the existing context of development and the degree to which the historic, architectural, social or environmental characteristics of an area may demand or inhibit a particular design solution. Thorough appraisal of context can provide design pointers, which help to inspire an innovative design response, which meets present and future needs. A contextual approach should not necessarily prohibit contemporary design". In that regard it is not considered that the modern design of the dwellings is in itself a reason to refuse the application. There is no distinctive or overriding architectural style in the surrounding area with traditional terraced dwellings on Brynview Avenue, split level bungalows on the southern side of Brynmynach Avenue and more modern terraced dwellings on the northern side of Brynmynach Avenue. It should also be noted that the proposed dwellings are of a similar style to the existing dwelling at 16 Brynview Avenue and as such it is not felt that the proposed dwellings would be out of character with the area. In respect of the scale of the dwellings and whether they are overbearing on the dwellings at Brynmynach Avenue, the dwellings to the west are split level bungalows with the majority of the living accommodation being at ground floor level (with lower ground floor levels at the rear). The dpc levels of the proposed dwellings are in the region of 2 to 4 metres lower than the existing dwellings. The dwellings existing and proposed are also between 14 and 28 metres apart and therefore it is not felt that the dwellings would have a detrimental effect or overbearing impact on the dwellings at Brynmynach Avenue.

10 The dwellings have been designed and sited in such a way as to maximise the distance between habitable rooms and to ensure that there is no direct window to window distance of less than 21m. It is acknowledged that the terrace balconies in the roofs of the dwellings on plots 2 and 3 would be within 21m of the rear of the properties in Brynmynach Avenue but privacy screens are proposed on the sides of these balconies which would mitigate any loss of privacy. It is also accepted that there is less than 21m between the terrace balcony on Plot 1 and the rear bedroom window of the property at number 2 Station Houses. However the angle between these two features is such that a reduced privacy distance (somewhere in the region of 6m) would be reasonable and the actual distance of 20m is more than adequate in planning terms.

Cont'd.....

Application Number 14/0847/FULL Continued.

11 The safety of the railway line to the rear is a private matter between the developer and Network Rail. Network Rail has asked for notes to be forwarded to the developer advising them of their requirements in that regard. Subject to any retaining walls at the rear of the dwellings being designed to have regard for the presence of the railway line it is not felt that this is an issue that would warrant refusal of the application.

12 As discussed above circumstances have changed since the previous refusals in this area and as such it is not felt that those decisions have a bearing on the determination of this application.

13 The availability of the existing turning facility to the front of 16 Brynview Avenue is not justification for the refusal of this application. The turning facility has been provided as part of a previous application and the fact that the occupier may park vehicles there possibly obstructing the highway is a matter for the Police.

14 It is considered that the amenity space indicated as part of the proposed scheme is adequate in planning terms. It is acknowledged that this is considerably less than the bungalows in Brynmynach Avenue but it compares favourably with the gardens of the dwellings in Brynview Avenue.

15 Paragraph 10 of TAN 11 states: "Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night". The applicant has submitted a TAN11 Noise survey which has been considered by the Council's Head of Public Protection and considered to be acceptable. Therefore the development of the land for housing is considered to be acceptable from a noise perspective subject to the provision of secondary glazing in the new dwellings.

16 The safeguarding of this land for any possible provision of passenger facilities along the Cwm Bargoed line is not a matter for the Local Planning Authority. Whilst the line itself is protected from development in order to ensure that passenger services can be provided in the future it is a matter for Network Rail to identify and secure/protect the necessary land to facilitate this. They have taken the decision to release the application site and therefore it must be assumed that does not form part of their long term planning. The provisions of a passenger service is too uncertain at present to protect this site from a planning point of view, and there are no such restrictions in the Local Development Plan.

Cont'd.....

Application Number 14/0847/FULL Continued.

17 With regard to the retention of the trees on the site the developer has submitted a tree survey which suggests that the majority of the trees on site could be removed and replaced with new specimens that would achieve the same amenity value. This report has been considered by the Council's Arboricultural Officer and he agrees with this assertion. Whilst the trees have an amenity value as a group in terms of the visual amenity of the area and in terms of providing a screen between the dwellings in Brynmynach Avenue and the railway line, they do not in themselves have any intrinsic value as trees of a high quality. As such their replacement with new trees would help to lengthen the lifespan of trees on the site. Therefore it is considered that the removal of the trees is acceptable in planning terms subject to the imposition of suitable conditions.

18 The presence of Japanese Knotweed on the site is not a justification for refusal of this application as safe removal can be secured by condition.

19 The description of the site as former railway sidings may be incorrect but this has no bearing on the determination of this application. However, as the land was formerly part of railway land (former platform and access path) it can justifiably be considered as brownfield land.

20 It is considered that there is adequate space within the site to provide for bin storage.

21 Contravention with any covenants placed on the land by Network Rail is not a material planning consideration.

22 The Appeal Decision appended to the Planning Statement has been included in order to support the developer's case that the protected trees on site should not be a barrier to development. The decision contains a comment from an Inspector to that effect and as such it has some relevance to this application.

23 As the rear lane is considered to be maintainable highway it cannot be safeguarded as a play area and it would be unreasonable to refuse any application on that basis.

24. Given the distances from the application property to the surrounding dwellings it is not considered that there would be any loss of light or overbearing impact as a result of this proposal.

In conclusion it is considered that the application is acceptable in planning terms subject to the imposition of suitably worded conditions.

Comments from consultees: The comments from statutory consultees have been addressed above.

Cont'd.....

Application Number 14/0847/FULL Continued.

Comments from public: The comments from the public have been addressed above.

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) The balconies hereby approved shall not be used until the screening shown on the approved plans has been erected. Thereafter, the agreed screening shall remain in place at all times.
REASON: To prevent a loss of privacy.
- 03) 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.
- 04) 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.
- 05) Prior to the commencement of development details of a scheme shall be submitted to and approved in writing by the Local Planning Authority to include secondary glazing systems in all windows to all habitable rooms that shall be capable of achieving an internal L_{max} level of 45 dB(A). The development shall be carried out in accordance with the approved details before first occupation of the dwellings hereby approved.
REASON: In the interests of residential amenity.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 06) 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.
- 07) The existing lane access shall be improved in a manner to be agreed in writing with the Local Planning Authority before any works commence. The improvements shall be in the form of a lane widening, where necessary, to achieve a minimum lane width of 4.8m, along with the provision of a public turning facility, street lighting and surface water drainage. The lane improvements shall be completed to at least base course level before any construction work on the dwellings commence and be completed prior to beneficial occupation of any dwelling.
REASON: In the interests of highway safety
- 08) Unless an endorsed Agreement under Section 38 of the Highways Act 1980 has been completed a detailed programme for the provision of the proposed highways and highway alterations including all stages in the statutory process for approval thereof together with a similarly detailed programme for the construction, completion and future maintenance of the proposed highways shall be submitted to and approved in writing by the Local Planning Authority before any works of construction are commenced on site.
REASON: In the interests of highway safety.
- 09) 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.
- 10) Prior to the first use the proposed parking areas shall be completed in permanent materials as 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.
- 11) No gates shall be fitted so as to open outwards towards the highway.
REASON: In the interests of highway safety.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 12) No surface water run off shall discharge onto the public highway.
REASON: In the interests of highway safety.
- 13) 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.
- 14) 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.
- 15) 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 to the dwellings consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 16) The development hereby approved relates to the details received on 05/02/2015 and 16/04/2015 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.
- 17) The layout of the development hereby approved shall include off-highway collection areas for refuse, recycling, food and garden waste to be collected by vehicles operating a highway kerbside collection service. The approved collection areas shall be completed before the residential units to which they relate are occupied and thereafter they shall be maintained free of obstruction for the storage and collection of refuse, recycling, food and garden waste only.
REASON: To ensure that adequate provision for refuse, recycling, food and garden waste collection is included in the site layout in the interest of visual amenity and highway safety.

Cont'd.....

Application Number 14/0847/FULL Continued.

- 18) In this condition a "retained tree" is an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building or the commencement of use of the approved development for its permitted use.
- a, No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998.
- b, If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- REASON: In the interests of visual amenity.
- 19) No vegetation clearance, works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall where the Local Planning Authority consider appropriate include:
- a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan,
- b) the details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule,
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work,
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works,
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837),
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase,

Cont'd.....

Application Number 14/0847/FULL Continued.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837),
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837),
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (RPA) (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground,
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees,
- l) the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction,
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site,
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity,
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837),
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
- q) the timing of the various phases of the works or development in the context of the tree protection measures.

REASON: In the interests of visual amenity.

Cont'd.....

Application Number 14/0847/FULL Continued.

20) Prior to the commencement of any vegetation clearance, works or development a specification of all proposed tree planting shall be submitted to and agreed in writing by the Local Planning Authority. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

REASON: In the interests of visual amenity.

21) Prior to the commencement of work on site a scheme for the removal and disposal of Japanese Knotweed shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in accordance with the agreed scheme.

REASON: To ensure the appropriate treatment of invasive species.

Advisory Note(s)

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 and CW4.

Mature trees are potential bat roosts. All bat species and their roosts are protected by the Conservation of Habitats and Species Regulations 2010 and its amendment 2012, which transposes the EC Habitats Directive 1992 into UK legislation, and the Wildlife and Countryside Act 1981. If bats are discovered, then all works should stop immediately and the Countryside Council for Wales should be contacted for advice on any special precautions, and whether a licence is required, before continuing.

Cont'd.....

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

Please find attached the comments of The Council's Senior Engineer (Land Drainage) and Network Rail that are brought to the applicant's attention.

