

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0870/FULL 05.12.2012	Greenhill Construction Mr K Lewis The Green House Esperanto Way Newport NP19 0RD	Erect 25 residential units Land At Upper Trelyn Fleur-de-lis Blackwood

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The site is located on the western edge of Fleur de Lys adjoining the B4254 with Upper Trelyn to the east.

Site description: The site is located to the north of houses in Oak Terrace and to the east of houses in New Road and Red Cross Villas. The site is at a higher level than the houses. The rear lane to those existing houses abuts the boundary of the application site with the lane affording access to the rear gardens and garages of the houses. Whilst the site itself generally slopes gently from its middle to the south east and north west, it has a steep embankment on its southern and western edge that slopes down to the rear lane. It is open and grassed. The B4254 runs along the north eastern boundary, with an existing access into the site being located off that road. To the north of the main road is steeply sloping open land with houses in Aneurin Avenue and Edwards Street beyond. Ysgol Gyfun Cwm Rhymni lies to the east beyond the junction of the B4254 and Oak Terrace which is at the eastern corner of the site.

Development: Full planning permission is sought for 25 dwellings, parking, landscaping and access. The dwellings would comprise 15 x 3 bed houses, 3 x 2 bed houses, 6 x 1 bed flats and 1 x 4 bed adapted bungalow. The houses are arranged in 5 pairs of semi-detached, two terraces of four, a block of flats and the detached bungalow. The applicant states that the scheme proposes a mixed tenure development of 10 units let at benchmark rents, 7 units let at intermediate/local housing allowance, and 8 units for sale. Access will be achieved from the existing point of access into the site off the B4254.

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The layout of the site leads from the existing point of access with houses (the flats, the two terraces, a pair of semis) sited along the north eastern edge of the site facing or side on to the main B4254 road, and houses (three pairs of semis and the bungalow) sited along the south and south western edge towards the rear lane of Oak Terrace and New Road, with their rear gardens facing the lane and the frontages facing onto the internal site road that runs through the middle of the site from north west to south east. A landscaped square is located at the centre of the layout. A stepped pedestrian access is proposed leading from the western edge of the site to the rear lane.

To accommodate the proposed layout of houses and gardens it is proposed to extend the site plateau some 8 metres towards the rear lane with Oak Terrace, New Road and Red Cross Villas, with retaining walls to retain the increased level of the land, the walls in some parts immediately abutting the rear lane. The heights of the retaining walls range from 2 - 3.5 metres. Where the walls retain rear gardens of the proposed houses they are topped by timber screen fencing, generally 1.8 metres in height.

The application is supported by a Design and Access Statement, a Pre-Assessment Report on Code for Sustainable Homes, a Geo Technical report and Noise Assessments.

Dimensions: The site is 0.62 hectares in area.

House Type Tryfan 4.4m wide x 10.2m depth x 9.2m ridge height, accommodating kitchen diner, wc/shower room and living on the ground floor, 2 bedrooms and a bathroom on the first floor, and a third en-suite bedroom on the second floor in the roofspace.

House Type Brecon 4.4m wide x 10.2m depth x 9.2m ridge height, accommodating kitchen diner, wc and living on the ground floor and 2 bedrooms and bathroom on the second floor.

House Type Kymin 4.5m wide x 9.6m depth x 9.6m ridge height, accommodating kitchen/diner, wc/shower room and lounge on the ground floor, 2 bedrooms and bathroom on first floor, and a bedroom and shower room on the second floor in the roofspace.

House Type Preseli 4.5m wide x 10.2 m depth x 9.2m ridge height, accommodating living room, wc/shower room and kitchen/dining on the ground floor and 2 bedrooms on the first floor.

Block of 3 storey Flats 12m overall width x 10.2m overall depth x 12.5m ridge height, each flat accommodating kitchen, 1 bedroom, living/dining room and bathroom.

Disabled bungalow 11.8m x 11.4m x 6.2m ridge height accommodating 4 bedrooms (1 en-suite) bathroom, living room and kitchen/dining.

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Materials: Roofs - Marley Modern Grey tiles: Walls - mixture of dark red facing bricks and smooth cream/off white render. Windows, doors and rainwater goods - white upvc.

Ancillary development, e.g. parking: Off-street parking serving each property is proposed to be located to the side or within parking courts. It is proposed to carry out landscaping on the site comprising hedges, shrub planting and trees. Means of enclosure comprise walls where the boundaries face the public realm, close board timber fencing between house plots and on the boundaries to the rear lane, and a dwarf wall with galvanised ball top style fencing along the frontage with the main B4254.

PLANNING HISTORY

P/99/0673 - Erect residential development of semi-detached houses - Granted 04.11.99.

P/05/1176 - Remove contaminated materials (made ground) and general earthworks reprofiling - Granted 06.10.05.

06/0167/LA - Construction of retaining structure to support garden/realigned driveway and embankment in association with new highway link road at Oak Terrace Fleur de Lys - Granted 26.10.06.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Within settlement limits and allocated for housing development - Policy HG1.31.

Policies:

Strategic Policies - SP2 (Development Strategy - Development in the Northern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP7 (Planning Obligations), SP21 (Parking Standards).

Countywide Policies - CW1 (Sustainable Transport, Accessibility and Social Inclusion), CW2 (Amenity), CW3 (Design Considerations - Highways),

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NATIONAL POLICY

National guidance is contained in Planning Policy Wales Edition 5 November 2012. Chapter 4 (Planning for Sustainability), Chapter 7 (Economic Development), Chapter 8 (Transport), Chapter 9 (Housing). Technical Advice Note (TAN) 11: Noise, TAN 12 (Design), TAN 18 (Transport), TAN 22 (Sustainable Buildings).

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? Yes.

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes, and a geotechnical report has been submitted that addresses the means by which the development will address this matter.

CONSULTATION

Principal Valuer - No comments.

CCBC - Education - Seeks a Section 106 contribution of £15,312.50 towards education provision at Ysgol Gyfun Trelyn.

Head Of Public Protection - No objections in principle but requests that consideration to be given to the following:-

Contamination:

Review of the Geotechnical report supplied with this planning application and consideration of historic uses of this site highlights the potential for contamination to still remain despite the report's conclusions. It is therefore recommended that conditions be applied requiring further ground investigation, a validation of any site remediation prior to the occupation of any houses, and a scheme to test any imported materials for contamination.

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Noise:

The TAN 11 noise report and acoustic model supplied by the developer suggests that noise may be an issue inside the bedrooms of plots 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18. It is therefore recommended that these properties require upgraded acoustic glazing capable of achieving internal noise levels of 30dB(A) measured over an 8 hour time period during the night time.

The reports also highlight that noise may be an issue in the outside areas of Plots 15, 16, 17 18. A solid, continuous, close boarded fence which is at least 2 metres high and has a minimum mass of 15kg/m² or a similar height solid brick wall should be installed around the rear boundary of these properties and must continue around the northern boundary of plot 15 as recommended in Acoustics and Noise Limited's report of 4th March 2013.

Site Control:

The development is in close proximity to existing residential properties. Conditions are therefore recommended requiring dust and noise suppression to protect residential amenity.

Senior Engineer (Land Drainage) - Comments on the surface water and land drainage flows arising from the development and recommends that a condition be attached to any consent granted requiring the submission and approval of comprehensive proposals showing how those flows would be dealt with.

Outdoor Leisure Development Officer - Requests the provision of a piece of accessible open space that is of good quality in terms of ground condition, attractiveness, aspect, light usability and the area being maintenance friendly. It is presumed that the green square forms part of the open space area. In addition, a contribution, based on a figure of £800 per property is requested towards off site play and leisure to meet the demands of this local development.

Head Of Public Services - Advises that the Authority provides a kerbside collection service for refuse and recycling with the onus on the developer to provide sufficient storage off the highway/footpath for one refuse bin, one recycling bin and one food caddy per property.

Transportation Engineering Manager - No objections subject to conditions.

Dwr Cymru - Advises that foul and surface water discharges should be drained separately from the site and no surface water should be allowed to connect, either directly or indirectly, to the public sewerage system. Recommends that a scheme for the comprehensive and integrated drainage of the site should be submitted for the approval of the Local Planning Authority.

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Police Architectural Liaison Officer - Provides advice to be passed on to the applicant to ensure that the design and the layout of the development achieves the principles of Secure by Design.

ADVERTISEMENT

Extent of advertisement: Neighbour notification and site notices.

Response: Two letters have been received.

Summary of observations:

1. One writer expressed concern about the timing and extent of the notification. The consultation was undertaken just before Christmas 2012 at a time when the Council offices would be closed for the seasonal break limiting the time available to object. Only residents of Oak Terrace and Red Cross Villas were consulted when the development would affect residents of Warn Street, Francis Street, Plas Terrace and Bryn Gwyn Terrace. The description of the location of the development on the notices was misleading, the location never being known as Upper Trelyn. This may have resulted in many more objections if the correct location was known. The writer formally objected to the application and advised that a full statement of concerns would follow.
2. Object for the following reasons:-
 - a) Add further danger to an already unsafe road and an already overcrowded residential area. This is a very heavy foot traffic location used by nearby school children and local residents. To build another housing estate so close to an already densely populated, low amenity area would only contribute to the overcrowding issue and could potentially disrupt the social stability and safety of the existing community.
 - b) Upper Trelyn is a marshland with gradually depleting woodland. More houses and roads would only exacerbate the potential damage from flooding and contribute to the annual increase in surface water levels. To undertake further development work on this land could have serious ramifications should the levels of rainfall continue as predicted.
 - c) The elevation of the ground in relation to existing properties. If the dwellings exceed a suitable height and number, they may encroach on those properties and obscure the views.

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- d) Urge the Planning Committee to consult the Welsh Assembly's Planning Policy in order to ensure the above matters have been adequately addressed.

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? The Police Architect has given advice on the design and layout of the development in order to plan out crime.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The Council's Ecologist has visited the site to assess for potential impacts on protected species and habitats of nature conservation value. The centre of the site contains a mosaic of semi-improved grassland, small patches of marshy grassland and bare ground with scattered gorse and willow scrub. The site is bounded by the Bryn road (B4254) and housing, and was previously used as a site compound during the road development. As the site is isolated and was previously cleared during the road construction the site provides low potential for reptiles. However, as reptiles are protected from killing under the Wildlife and Countryside Act 1981 a reptile advisory note should be attached to any decision.

There is an area of dense bramble and broom scrub located along the south western boundary ditch bank. As this provides suitable bird nesting habitat the standard bird clearance condition should be placed on any decision.

ANALYSIS

Policies: The assessment of the application has considered the adopted local plan policies and national planning guidance referred to above.

The principle of the development is consistent with the housing allocation (Policy HG1.31) in the local plan. Outline planning permission (Ref. P/99/0673) has been granted in the past for residential development of the land, that permission expiring in November 2009.

Policy CW2 (Amenity) of the local plan states "Development proposals must have regard for all relevant material planning considerations to satisfy the following requirements:-

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- A There is no unacceptable impact on the amenity of adjacent properties or land;
- B The proposal would not result in over-development of the site and/or its surroundings;
- C The proposed use is compatible with surrounding land uses and would not constrain the development of neighbouring sites for their identified land-use;
- D Where applicable the viability of neighbouring land-uses would not be compromised by virtue of their potential impact upon the amenity of the proposed new residential development.

The immediately adjacent land uses are the houses in Oak Terrace, New Road and Red Cross Villas, with open land to the north and Ysgol Cwm Rhymni beyond to the east. The residential use of the site is compatible with those adjoining land uses and therefore complies with C and D above.

It is considered that the density and layout of the proposed development are acceptable and would not result in over development of the site or its surroundings and therefore meets the requirements of B above.

The main issue to consider is the physical relationship between the proposed houses and the existing houses, particularly given the difference in levels between them, the site being generally 3-4 metres above the level of the lane that divides the two. Supplementary Planning Guidance LDP7 'Householder Development' gives guidance on distances between windows to a lounge, dining room, bedroom or kitchen that will directly face a similar window of a neighbouring property and recommends that the distance between them should be at least 21 metres in a back to back situation, or a minimum of 18 metres if directly overlooking between the windows is avoided. If the angle between the windows reduces and the views become more oblique, a lesser distance may be acceptable. Where there is a change in level separation then the distance between them may need to be increased to maintain adequate privacy.

The main relationship to consider is that between the houses in Oak Terrace, New Road and Red Cross Villas, and the houses and bungalow proposed on the extended and increased in level part of the site along its southern and western edge. The proposed houses are set at angles to the existing houses so windows should not be directly facing each other. The separation distances between the rear elevations of the houses when measured off the submitted plan, and depending on the angle line, ranges from a minimum of 21 metres upwards. Taking all these factors into account it is considered that the relationship between the windows of the houses is acceptable.

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On some parts of the layout the garden curtilages abut the rear lane at the top of the retained land, giving a level some 3 - 3.5 metres above the lane. However, views from the those gardens into the rear gardens of the existing houses and the houses themselves will be screened by the proposed close boarded timber fencing. Although the combination of the retaining walls and the screen fences on top of the walls would result in a structure as high as 5 metres in certain circumstances, it is considered that the distance between them and the existing houses, together with the structures (sheds/garages) that exist in the rear gardens of the existing houses that would assist in obscuring the view of the structures, results in an acceptable relationship as well.

In conclusion, whilst it is recognised that the development on the elevated site will result in a significant change to the outlook from the rear of the existing houses, it is considered that the requirements of part A of Policy CW2 are met.

Comments from Consultees: The observations made by consultees have highlighted matters that require further consideration and these can be addressed by planning conditions.

Comments from public: The following comments are made in response to the public representations:-

1. The timing of the publicity for the application is generated by the timing of the submission and the extent of neighbour notification was in accord with standard practice. Notwithstanding these factors, the application has been with the Authority some three months thus allowing sufficient time for representations to be made. The individual who raised these points has submitted no further representations.
2. With regards to matters of highway safety, the Transportation Engineering Manager has raised no objection to the proposed development subject to the conditions referred to in his observations above. The site is an allocated housing site in the local development plan with an indicative number of units of 21, the site being described as a brownfield site which will provide a natural rounding off of Fleur de Lys. The number of built units in the proposed development is 23, with two of the units accommodating flats. It is considered that this is a reasonable density for the development consistent with the objective of making the best use of land for housing. The provision of affordable housing would meet a need for this type of housing.
3. The Land Drainage Officer has raised no objection to the development subject to the details of a scheme for land drainage and surface water being submitted to ensure that the development is served by an appropriate means of drainage.

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4. The physical relationship between the proposed and existing houses, taking account of the difference in ground levels between them, has been assessed and concluded to be acceptable. It is acknowledged that the development of this site will make a significant difference to the outlook from the rear of the properties in Oak Terrace, New Road and Red Cross Villas, but the loss of a view is not a material planning consideration.

Other material considerations: Planning Policy Wales (PPW) and TAN 11 identifies noise as a material planning consideration and requires local planning authorities to carefully assess the likely impact of an existing source of noise on proposed development. The Head of Public Protection has assessed the submitted noise reports in connection with the proximity of the proposed housing to the adjoining B4254 and concluded that, subject to specified glazing requirements in some of the houses and the provision of acoustic barriers at either end of the site, the impact of noise from the highway is acceptable. Similarly PPW requires planning decisions to take account of the potential hazard that contamination presents to a development and its occupants. The Head of Public Protection has considered the submitted reports and concluded that further investigation is required into this matter. His suggestions for planning conditions to address the noise and contamination issues are incorporated into the recommendation below.

Policy SP7 of the Local Development Plan states that the Council will seek to secure Planning Obligations (Section 106 Agreements) where they are necessary to meet local needs and make development more sustainable. Such obligations will include (amongst other things) schools and ancillary facilities and formal and informal open and leisure space. A planning obligation must meet all of the following tests:-

- a) It is necessary to make the development acceptable in planning terms;
- b) It is directly related to the development;
- c) It is fairly and reasonably related in scale and kind to the development.

Contributions have been requested towards Education provision and off-site play and leisure to meet the demands that the housing development will place on local facilities. It is considered that these contributions (£15,312.50 for Education and £20,000 for leisure) meet all of the tests.

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RECOMMENDATION: (A) That the determination of this application be DEFERRED to allow the applicant to enter into a Planning Obligation to secure the contributions towards Education and Leisure provision as set out above, and following completion of the Obligation (B) the Head of Regeneration and Planning be authorised to issue the grant of planning permission subject to the following conditions.

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development hereby permitted shall be carried out only in accordance with the layout shown on Drawing Number SW45(04)01 Revision B.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating full engineering details of the road layout with sections, street lighting and surface water drainage and a detailed programme for the provision of the proposed highways. The development shall be carried out in accordance with the agreed details.
REASON: In the interests of highway safety.
- 04) 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.

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05) Notwithstanding the submitted plans, prior to the commencement of any work involving the construction of retaining walls on site full engineering details and structural calculations for the proposed retaining walls, 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 walls, 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.

06) 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.

07) Any gates shall be located and fitted so as not to open out over the highway.

REASON: In the interests of highway safety.

08) Prior to the commencement of work on site, a travel plan shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with any timescales contained therein.

REASON: To encourage the use of a variety of transport options.

09) 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.

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- 10) Before any soils or hardcore are brought on to site a scheme for its 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.
- 11) 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.
- 12) Prior to their occupation the windows of the properties in Plots 7 - 18 inclusive shall have acoustic glazing capable of achieving internal noise levels of 30dB(A) measured over an 8 hour time period during the night time.
REASON: In the interests of residential amenity.
- 13) Notwithstanding the submitted details and prior to the commencement of the development details of the design and construction of the means of enclosure of all of the plot curtilages and the site boundaries shall be submitted to and agreed in writing with the Local Planning Authority. The means of enclosures shall be constructed in accordance with the agreed details before the occupation of the development.
REASON: In the interests of residential and visual amenity.
- 14) 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.
- 15) 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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- 16) Prior to the commencement of works on site a scheme for the drainage of foul, land and surface water 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.
- 17) Notwithstanding the submitted drawings, prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting season following the completion of the development. Any trees or plants which within a period of five years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 18) Unless otherwise agreed in writing with the Local Planning Authority, each dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes (Version 3) Level 3 and achieve one credit under issue 'Ene1- Dwelling Emission Rate' in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010 or any equivalent subsequent guide updating or replacing that guidance.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 19) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of work an 'Interim Certificate' carried out in relation to each dwelling by an accredited body, certifying that each dwelling shall achieve Code for Sustainable Homes (Version 3) Level 3 and one credit under 'Ene1 - Dwelling Emission Rate', shall be provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.

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- 20) Unless otherwise agreed in writing with the Local Planning Authority, no dwelling hereby permitted shall be occupied until a Code for Sustainable Homes (Version 3) 'Final Certificate' issued by an accredited body, certifying that the dwelling has achieved Code Level 3 and one credit under 'Ene1 - Dwelling Emission Rate' has been provided to and its receipt acknowledged in writing by the Local Planning Authority.
REASON: To comply with the requirements of Planning Policy Wales 2010 and Technical Advice Note 22: Planning for Sustainable Buildings.
- 21) 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.
- 22) 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 building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 23) Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be carried out in accordance with the Engineering recommendations contained in Section 7 of the report prepared by Terra Firma (Wales) Ltd. Job No. 11792 dated June 2012.
REASON: To take account of ground conditions.

Advisory Note(s)

Please find attached the comments of Senior Engineer (Land Drainage), Head of Public Services, Police Architectural Liaison Officer and 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 and CW3.
