

APPENDIX 1

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
12/0376/FULL 31.05.2012	Mr & Mrs K Harris C/o Samuel Harris Limited Mr A Harris Workshop One Sandfields Business Centre Endeavour Close Port Talbot SA12 7PT	Erect one four bedroom dwelling and one three bedroom dwelling including outbuildings Land Adjacent To 128 - 134 Llancayo Street Bargoed

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land adjacent to 128-134 Llancayo Street, Bargoed.

Site description: The rectangular shaped area of vacant land is situated on the valley side and located at the north-west end of Llancayo Street. The site is bounded along its south-west, upper boundary by a single track lane, serving the rears of terraced dwellings located along Llancayo Street and also providing access to Graig Farm situated to the north west of the site. The site is bounded to the north east, (the lower section of the site) by a shared access lane leading off Llancayo Street and serving detached residential bungalows. An end of terrace property is located to the south east of the site. There is a level difference of some 27 metres between the top and bottom of the site which slopes upwards from Llancayo Street.

The site is covered in bracken and birch scrub with a small area of young birch woodland within the centre of the site and a small area of acid grassland/rock outcrop on the upper slope. The site is also bordered by Nant Bargoed Rhymney Site of Interest for Nature Conservation (SINC) along part of the northern site boundary.

Vehicular access to the site is proposed off Llancayo Street via an existing single track road. The internal site road would lead off the track and would be cut into the slope of the land to gain access to the dwellings that are located towards the upper levels of the site. In the original submission vehicular access was also proposed from the track along the south eastern edge of the site, but following comments from the Transportation Engineering Manager, the submission has been amended to delete this means of access.

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Application No. 12/0376/FULL Continued

Development: Full planning permission is sought in respect of the construction of one 4-bedroom and one 3-bedroom dwelling including outbuildings adjacent to 128- 134 Llancayo Street, Bargoed. The development includes 4 attached stables to the 4-bedroom dwelling and an enclosed courtyard. The 3-bedroom dwelling also has a courtyard to the front of the site. The development also includes off street parking provision on hardstandings adjacent to each property.

Dimensions: The split level, 4-bedroom dwelling has a maximum footprint of 13.2m x 14.2m x 7.9m high ridged roof, with attached stables having a maximum footprint of 10m x 7.2m x 2.5m high with a flat roof. The internal layout of the dwelling comprises 2 bedrooms, a snug, wet room and utility room on the ground floor and a kitchen/diner, living room, 2 bedrooms, one with en-suite and a bathroom on the first floor. The attached stable block comprises 4 stables. The design of the dwelling includes 4 cantilevered balconies on the north and east elevations.

The split level, three bedroom, dormer style, dwelling has a maximum footprint of 8.6m x 8.4m x 7.5m high with a ridged roof. The internal layout of the dwelling comprises 2 bedrooms, one with en-suite and a bathroom on the first floor and an open plan kitchen, diner, living room, bedroom and cloakroom on the ground floor.

Materials: Walls would be finished in a mixture of cedar boarding, slate hanging and random natural stone slips. Roof would be finished in a mixture of standing seam and single ply membrane (hidden roof). Windows and doors would be an aluminium/timber composite. Boundary treatments would be dry stone walling or close board fencing.

Ancillary development, e.g. parking: Six off-street parking spaces.

A Design and Access Statement, a Reptile Methodology Survey and a Hydrological Assessment have been submitted with the application.

PLANNING HISTORY

5/5/90/0002 - Erect residential development - Granted 07.12.90.

5/5/94/0781 - Erect two-storey rear and side extension and erect garage - Granted 10.04.95.

P/02/0429 - Erect garage and hardstanding - Granted 19.06.02.

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Application No. 12/0376/FULL Continued

P/04/0055 - Erect residential development - Withdrawn 30.06.04.

P/04/1647 - Erect residential development - Refused 24.06.05.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary

Policies:

Strategic Policies

SP1 - Development Strategy - Development in the Heads of the Valleys Regeneration Area, SP6 - Place Making, SP10 - Conservation of Natural Heritage and SP21 - Parking Standards,

Countywide Policies

CW2 - Amenity, CW3 - Design considerations- Highways, CW4 - Natural Heritage Protection, CW5 - Protection of the Water Environment, CW6 - Trees Woodland and Hedgerow Protection, and CW15 - General locational constraints.

Supplementary planning guidance contained in LDP5 - Car Parking standards, LDP6 - Building Better Places to Live and LDP 7 Householder Developments.

NATIONAL POLICY

Planning Policy Wales, 5th Edition, November 2012, Chapter 4 - Planning for sustainability, Chapter 9 – Housing.

TAN 12 - Design, TAN 18 - Transport, TAN 22 - Building for 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? No.

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Application No. 12/0376/FULL Continued

CONSULTATION

Transportation Engineering Manager - No objection to the development subject to conditions being attached to any consent to control the means of access to the site and the provision of parking.

Senior Engineer (Land Drainage) - Prior to the commencement of any development of the site the applicant must submit to the Local Planning Authority and receive written approval of comprehensive proposals showing how surface water and land drainage flows from the site will be dealt with as required by the Flood & Water Management Act 2010. He provides advice to be conveyed to the developer in respect of land drainage matters.

Dwr Cymru - As the applicant intends using a private treatment works they would advise the applicant to contact Natural Resources Wales who may have an input in the regulation of this method of drainage disposal.

Countryside And Landscape Services - The Council's Ecologist notes that the Gwent Wildlife Trust placed a holding objection on the original application, stating that there was insufficient information to determine the application, and requested a phase 1 vegetation survey and surveys for reptiles, birds and bats. The applicant subsequently commissioned an ecologist who undertook a reptile survey. This included a description of the vegetation communities on site, and considered measures to mitigate for any nesting birds that may be present. Although no reference was made in the report to bats, discussions with the consultant on the telephone indicated that they considered that bats were unlikely to be present in the trees scheduled for removal on site.

The reptile survey by Merlin Bio Surveys 2012 confirmed the presence on site of several slow worms. Reptiles are protected from killing under the Wildlife and Countryside Act 1981. The report put forward a mitigation strategy for the safe capture and removal of reptiles from the site, which is broadly acceptable. However, details of timing of the works was not included in the strategy, or the provision of supervision of the works by an ecologist with expertise in reptile capture and translocation.

In addition the application was further complicated by the need to excavate trial pits to inform the planning application, so a second Mitigation strategy was submitted to enable parts of the site to be cleared to facilitate the trial pit excavation. This method statement was considered to be acceptable.

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Application No. 12/0376/FULL Continued

The Ecologist recommends that conditions be attached in respect of the timing of habitat manipulation and reptile mitigation measures, compliance with the submitted reptile survey, and provision of biodiversity enhancements for bats and birds.

Rights Of Way Officer - Footpath 52 passes the site and must not be obstructed.

Head Of Public Protection - No objection but require a condition controlling the importation of soils or materials to avoid contamination, together with conditions to deal with feed stock and waste arising from the stable block.

ADVERTISEMENT

Extent of advertisement: The application has been advertised on site and 7 neighbouring properties have been consulted.

Response: Seven letters of comments have been received.

Summary of observations:

1. Concern by residents of Graig Farm, that the development of this site would result in the loss of an informal turning area, which is currently used by lorries entering their property to empty their septic tank, loss of this informal turning area would seriously inconvenience them, if they are unable to empty their septic tank.
2. Concern that access to Graig Farm via the single access track by transport vehicles delivering plant and materials may be affected.
3. With regard to the proposed stables where and how would waste be dealt with and where would the foul-water 'run-off' go from the proposed stables?
4. How would waste from any other animals that may be kept on the land be dealt with?
5. Concern about wildlife that would be disturbed through the felling of trees particularly bats.
6. Concern regarding the unsuitability of the access to serve the development.
7. Concern over site traffic and plant using the narrow access road.
8. Overlooking resulting in loss of privacy.
9. Identifies a large number of boulders within the site which are used as vantage points by local people to overlook the valley and surrounding area.

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Application No. 12/0376/FULL Continued

10. A piece of land over which the means of access is proposed is not owned by the applicant and the residents of 130 - 134 Llancayo Street can evidence exclusive use of the land. Has the applicant a legal right to use the land to gain access to the site?
11. Concerns about the drainage of the site. Problems have already been encountered with water run-off from the ground and the concern is that the development could increase these problems and affect properties below the site.
12. Loss of sunlight.
13. Loss of views.
14. Concern about the appearance of the proposed access road that cuts into the natural hillside.

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? There are no specific crime and disorder implications relative to the determination of this planning application but the applicant is advised to consider 'Secured By Design' principles.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The Council's Ecologist has assessed the surveys and past correspondence with the applicant's Ecologist together with the response from the Gwent Wildlife Trust. In the light of that assessment she has concluded that she has no objection to the proposed development subject to the imposition of conditions on any permission that may be granted.

ANALYSIS

Policies: The application has been considered in accordance with local plan policies and national planning guidance.

The application site is located within settlement limits and the principle of development is therefore acceptable.

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Application No. 12/0376/FULL Continued

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

- A. There is no unacceptable impact on the amenity of adjacent properties;
- B. The proposal would not result in overdevelopment 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 existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development."

There is residential development to the north east and south east of the site with open land to the south west and north west. The proposed two dwellings are compatible with those land uses and therefore complies with C and D above.

The density of the development is very low, would not result in over development of the site, and therefore meets the requirements of B above.

It is considered that the development would not result in an unacceptable impact on the amenity of the residential properties adjoining the application site and that the requirements of A above are met. The impact on amenity is dealt with further in the section below on comments from the public.

Policy SP6 of the local plan states 'Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features through:

- A. An appropriate mix of uses that reflect the role and function of settlements.
- B. A high standard of design that reinforces attractive qualities of local distinctiveness.
- C. Design in accordance with best practice in terms of designing out crime.
- D. A location and layout that reflects sustainable transport and accessibility principles and provides full, easy and safe access for all.

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Application No. 12/0376/FULL Continued

- E. The incorporation of resource efficiency and passive solar gain through layout, materials, construction techniques, water conservation and where appropriate the use of sustainable drainage systems.
- F. The efficient use of land, including higher densities where development is close to key transport nodes.
- G. The incorporation and enhancement of existing natural heritage features.

With regard to Criterion A above, the development of this site for two houses reflects the role and function of this area of Bargoed, which is predominantly residential and within the settlement boundary.

Criterion B of Policy SP6 considers design. In this respect, when considering the local context, the proposed houses are contemporary and do not reflect the traditional design of terraced housing along the northern side of Llancayo Street or the more contemporary style of 20th century, semi-detached houses, along the southern side of Llancayo Street. However, the proposed design of the houses has been determined by the semi-rural character and topography of the site, together with its orientation. In this respect the proposed dwellings are split level, cut into the valley side in order to reduce the visual impact of the development on the steep valley side. The use of natural materials in the external finishes of the dwellings together with the retained and proposed landscaping will ensure that the dwellings do not result in a prominent development on this valley side. The amount of development is low density and the footprint of each house has been kept to a minimum in order to reduce the impact on this parcel of land and surrounding properties. Hard landscaping has been kept to a minimum in order to retain the rural character of this valley side and in order to prevent excessive surface water run-off to the land below.

Criterion C of Policy SP6 considers the issue of designing out crime and in this respect the applicant has indicated that the development will reflect 'Secure By Design' aims and principles.

The sustainable principles of the site are good, given the proximity of local facilities to the site as well as good public transport. Vehicle and pedestrian access to the site already exists but will be developed in order to facilitate the development. Individual access will be provided in respect of each dwelling. Off-street parking provision and turning facility is provided in respect of each dwelling. In terms of design it is considered that access to each dwelling for both able and disabled persons have been considered and are incorporated into the design of each new dwelling. In this respect it is considered that the proposed development meets the requirements of Criterion D of Policy SP6.

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Application No. 12/0376/FULL Continued

With regard to Criterion E of Policy SP6, each dwelling will be constructed with the aim of contributing to energy efficiency in terms of the use of materials, and will adopt renewable technology where possible, including solar panels to reduce energy requirements. Each new dwelling will meet Sustainable Code Level 3.

The development of this land for two residential dwellings makes the most efficient use of the land in a sustainable location and thus meets the requirements of criterion F of Policy SP6 above.

With regard to Criterion G of Policy SP6, the development of the site has been considered in the context of its rural setting on the prominent valley side. Hard landscaping has been kept to a minimum and existing landscaping will be maintained or enhanced as appropriate. It is also considered appropriate to attach a condition to any consent removing permitted development rights in respect of any extensions, outbuildings or means of enclosure of the site in order to retain as much as possible of the semi-rural landscape.

Comments from Consultees: There are no objections from any of the consultees and where appropriate, conditions they may have suggested are contained within the recommendation below.

Comments from public: Responses to each of the public representations are provided below.

- 1) Whilst the occupiers of the adjoining farm have enjoyed the use of the land as a turning area for vehicles servicing the septic tank within their own land, the loss of this facility is a private matter that is not material to the determination of this planning application.
- 2 & 7) The Transportation Engineering Manager has recommended a condition that restricts all vehicular access, including construction traffic, to Llancayo Street only.
- 3 & 4) The Head of Public Protection has suggested conditions to control the waste arising from the stables and to prevent any nuisance to the surrounding houses from pests and odour.
- 5) The Council's Ecologist has considered the ecological reports that have been submitted and raised no objection subject to conditions.
- 6) The Transportation Engineering Manager has raised no objection to the proposed means of access from Llancayo Street.
- 8) Whilst the proposed dwellings are elevated some 25 metres above the levels of the properties in Llancayo Street, they are located some 50 metres from those properties. Taking this distance into account it is considered that the privacy of the houses in Llanacyo Street would not be unduly affected from a planning point of view.

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Application No. 12/0376/FULL Continued

- 9) The land is in private ownership and whilst parts may have been used as viewing vantage points, this is not a justifiable reason for refusal of the planning application.
- 10) In circumstances where the ownership of land within an application site is unknown the applicant is required to take steps to ascertain the details of the owner and if that fails then he has to place a notice in the press publicising the application. The applicant has fulfilled those requirements, thus making the matter of land ownership a private one which does not influence the determination of the application. It would be up to the applicant to satisfy himself that he has control over all the land necessary to implement a planning permission.
- 11) Having considered the Hydrological Assessment the Senior Engineer (Land Drainage) has raised no objection subject to conditions.
- 12) Bearing in mind the distance between the proposed properties and the existing properties it is considered that there would not be a material loss of sunlight arising from the development.
- 13) The loss of a view is not a material planning consideration.
- 14) The design and materials to be used in the construction of the access road are the subject of a recommended planning condition to control the appearance of the road. In addition a landscaping condition is considered appropriate in order to retain as much as possible the rural character of the site.

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 development hereby approved relates to the details received on 9th July 2013 by the Local Planning Authority.
REASON: For the avoidance of doubt as to the details hereby approved.

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Application No. 12/0376/FULL Continued

- 03) 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, access to the two dwellings and the stables hereby granted consent shall at all times be from Llancayo Street only. No vehicular access, including construction traffic delivering materials during the construction of any part of the development, shall be gained from the lane which lies to the south-west of the site.
REASON: In the interests of highway safety.
- 04) 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.
- 05) The proposed private driveway shall have a maximum gradient not exceeding 12.5% (1 in 8).
REASON: In the interests of highway safety.
- 06) The proposed private driveway shall be not less than 4.1m wide.
REASON: In the interests of highway safety.
- 07) Use of the stables shall be limited to being ancillary and incidental to the dwellings hereby approved and for no commercial purposes.
REASON: To maintain effective control over the stables and also in the interest of highway safety.
- 08) Prior to the first use of the stables hereby approved a scheme for the storage of foodstuffs, and the storage and disposal of waste and manure shall be implemented in accordance with details that shall be agreed in writing with the Local Planning Authority.
REASON: To prevent pollution.
- 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 the 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 site in the interests of public health.

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Application No. 12/0376/FULL Continued

- 10) Unless otherwise agreed in writing with the Local Planning Authority, prior to vegetation clearance works being undertaken in connection with the construction of the properties and associated access works, details of the timing of the habitat manipulation and reptile mitigation measures shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall thereafter be strictly complied with.
REASON: To ensure that reptiles and nesting birds are protected.
- 11) Unless otherwise agreed in writing with the Local Planning Authority works related to the clearance of vegetation and reptile mitigation measures shall be undertaken in accordance with Section 5 of the Merlin Biosurveys Reptile Survey 2012.
REASON: To ensure that reptiles and nesting birds are protected.
- 12) 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 into the new buildings and nesting provision for birds shall be submitted to and agreed in writing with the Local Planning Authority. The approved details shall be implemented before the new dwellings and stables hereby approved are first occupied.
REASON: To provide additional roosting for bats and nesting provision for birds as a biodiversity enhancement, in accordance with paragraph 5.2.8 of Planning Policy Wales (2010), paragraph 1.4.3 of TAN 5 (2009) and Section 40 of the Natural Environment and Rural Communities Act 2006.
- 13) 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.
- 14) 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.

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Application No. 12/0376/FULL Continued

- 15) 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.
- 16) 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.
- 17) Notwithstanding the submitted details, prior to the commencement of any works on site, details of the design and materials to be used in the construction of the private internal site access road, together with any associated landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
REASON: In the interests of the visual amenity of the area.
- 18) 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.
- 19) 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.

Cont....

Application No. 12/0376/FULL Continued

- 20) 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.
- 21) 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 and/or seeding season following the of the development. Any trees or plants which within a period of 5 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 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.

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 and CW3.

Please find attached the comments of Senior Engineer (Land Drainage), Council's Ecologist and Dwr Cymru/Welsh Water that are brought to the applicant's attention.
