

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
15/0914/FULL 24.09.2015	Mr J Walton Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX	Erect 3 no. three bedroom houses Craig Bach Penrhiw Lane Machen Caerphilly CF83 8PX

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: This application relates to an irregularly shaped area of land located within the garden area of an existing dwelling on land off Penrhiw Lane, Machen. This site is in an area of the village, which climbs steeply from the valley floor up the mountainside to the north. As such the site has a gradient of approximately 6 metres, over its developable area.

Site description: The developable area is comprised of sloping ground, which has been used as gardens for many years. The area has become overgrown and has some evidence of rubble deposits within its boundary. The site gradient, which falls to the south-east, involves an overall drop of roughly 9 metres over a distance of approximately 54 metres.

The site is bordered to the south, north and west by existing residential properties. To the east it is bounded by established woodlands.

Development: The proposal is for three dwellings of a split level design with each providing five bedrooms. To make use of the site gradient the dwellings are two and a half storey where they face south-eastwards (i.e. towards the valley bottom). From the front elevation the dwellings have the appearance of dormer bungalows, with the dormer windows breaking through the eaves to allow development in the roof space. This space caters for three bedrooms.

The remaining floors are laid out as follows: The basement area allows for a kitchen, as well as a dining and living/garden room. The ground floor accommodates a further living room, a hallway and a study.

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Access to the site is from the highway to the west (i.e. Penrhiw Lane). The houses will be served off an expanded private drive which currently only serves "Craig Bach" and "Crestway". This will permit five dwellings off this private access.

Dimensions: The dwellings each have a footprint of 8.1m x 8.3m approximately, giving a total of 67.2 square metres. The maximum height to the apex of the roof is 8.7m, whilst the height to the eaves measures 4m on the front elevation and 6.5m on the rear elevation.

The site area measures 0.25 hectares, of which 0.15 hectares is developable. The density of the development is approximately 10 dwellings to the acre.

Materials: The finishes illustrated on the submitted drawing shows a mixture of smooth render and facing brick. The roofs are to be covered in a slate/composite slate.

Ancillary development, e.g. parking: Each of the dwellings is provided with three car-parking spaces to serve it.

PLANNING HISTORY 2005 TO PRESENT

14/0387/FULL - Erect three houses - Refused 11.06.15.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the settlement limit identified in the Adopted Local Development Plan. It is not however specifically committed to a particular use within that plan.

Policies: The policies of particular relevance to this application contained within the Adopted Local Development Plan are as follows;
CW2 - Amenity, CW3 - Design Considerations: Highways, CW6 - Trees, Woodlands and Hedgerow Protection, CW11 - Affordable housing Planning Obligation and CW15 - General Locational Constraints.

NATIONAL POLICY The national policies of relevance are as follows;
Planning Policy Wales (Ed. 7, July 2014).
TAN 12 - Design.

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ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

Was an EIA required? Not applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes. As such a Coal Mining Risk Assessment was submitted in support of the proposal.

CONSULTATION

The Coal Authority - comment that they concur with the recommendations contained in the submitted Mining Risk Assessment and raise no objection subject to the imposition of a condition relating to the treatment of shallow mineworkings, should they be confirmed as present at the site.

Dwr Cymru/Welsh Water - make a number of comments which need to be passed to the applicant/developer by way of written advice.

Senior Engineer (Land Drainage) - raises no objection to the application but requires the imposition of a condition in respect to dealing with land drainage flows from site.

Head Of Public Protection - has no objection to the application on the basis that conditions relating to noise, dust and the importation of material are imposed on any permission granted.

Transportation Engineering Manager - confirms that no objection is now raised in the light of the recent appeal decision in the Machen area. Consequently conditions relating to vision splays and car-parking etc. are requested.

Countryside And Landscape Services - is satisfied with the level of ecological information submitted and on this basis recommends the imposition of conditions relating to hedgerow management and protection, reptile translocation, Knotweed control measures, and bat and breeding bird provision.

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ADVERTISEMENT

Extent of advertisement: The application has been advertised by way of a site notice and direct consultation with 12 neighbouring properties.

Response: At the time of writing the report 3 letters of objection had been received. Also a request for a site meeting has been submitted by a local ward member, although no specific reasons have been provided.

Summary of observations: The basis of the objections contained in this correspondence is as follows;

1. The site is not suitable for an "expansion of three cramped properties"
2. The site's location and geography make the development wholly inappropriate.
3. The proposal is out of character with the area.
4. The existing transportation system is inadequate to support this increase in demand.
5. The existing highway serving the site is via a narrow single carriageway bridge. This bridge is "twisting and is blind for most of its route" and an increase in its use is detrimental to highway safety.
6. The "scope and scale" of the proposal is unacceptable in respect to the amenity and of the area.
7. The site is not "brownfield" land as previously claimed. It is an overgrown area frequented by wildlife and one which forms a buffer between urban and rural development in the village.
8. The dwellings overlook existing properties and are over-bearing to those properties.
9. The design of the dwellings do not fit in with the current development in the area.
10. The submitted plans are confusing and inaccurate with regard to their scaling and titling.
11. The dwellings should be split level bungalows, with a single storey aspect to the north. This would protect the amenities of the existing dwellings located in that direction.
12. Information contained on the Design and Access Statement is inaccurate with regard to the site's history.
13. Waste disposal arrangements, which will need to be at the entrance to the site will already reduce visibility and manoeuvring ability at the access.

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14. There is currently a telegraph pole which obstructs the access point.
15. If the bridge were to be damaged by construction vehicles seeking to get to the site this area of Machen would be cut off from emergency vehicles getting to the properties north of the bridge.
16. The development would affect the views of existing dwellings in the area.
17. The construction works could affect existing trees from the nearby wooded area. The applicant has already felled an oak and a silver birch tree that had grown on site.

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? None. The construction of three new dwellings is not considered to be a development that would adversely impact on the issues of crime and disorder in the area.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

The application was accompanied by a reptile survey, which addressed the translocation issues for any slow-worms etc. which occupied the site. No additional surveys were required.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? The gross internal floor area measures a total of 479.25 square metres. The cost per square metre of CIL in this part of the Authority's area, is £40.00. As such the CIL contribution payable totals £19,170.

ANALYSIS

Policies: Policy CW2 contains four criteria, these are as follows;

- A. There is no unacceptable impact on the amenity of adjacent properties or land.
- B. The proposal would not result in overdevelopment of the site and / or its surroundings.

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- 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.

With regard to the assessment of impact on adjacent properties, this revised scheme, shows a reduction of the number of bedrooms of each property from 5 to 3. This has been achieved by removing the upper storey of that earlier proposal and reducing the overall roof height by 1.5 metres.

Also the earlier layout did potentially adversely impact on the residential amenities of certain properties. Also to ensure that the new development does not adversely impact on Craig Bach the applicant proposes to "hand" Plot 1 to ensure that privacy between that plot and Craig Bach is retained. This has addressed any privacy infringement between the new and existing dwellings.

It has to be acknowledged that the site is located on land with a fall of roughly 6 metres, north to south, across its developable area. Such a gradient is not altogether a rare occurrence in valley settlements. This consequently often results in a split level solution being employed to utilise the slope rather than seek to regrade the site to provide a flat construction area. In this instance the applicant has chosen to construct a dwelling design which has a dormer bungalow appearance from the front and a two and a half storey appearance from the rear elevation.

The applicant has sought to protect amenity interests of adjoining properties by the orientation of the new buildings, the arrangement of internal rooms to preserve privacy distances, and the reduction in the height of the new buildings from the previously submitted scheme.

The dwellings are arranged so that there is a distance of 21 metres between habitable rooms of surrounding dwellings. There is an element of the overlooking of gardens, however this is not uncommon in the majority of layouts, particularly in valley settlements where gradients are a constant consideration.

Based on the above it is not considered that the proposal conflicts with criterion A.

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With regard to the second criterion the construction of three dwellings on a developable area of over a quarter of an acre is an acceptable density. Whilst appreciating the site is steep it is considered that scheme does not represent overdevelopment and generally accords with the pattern of urban form in the surrounding area.

In respect to the compatibility of the use with its surroundings, it is evident that the area is almost homogenously residential in regard to its development type. As such the current scheme fits into this category. In view of its location in regard to the remainder of the settlement it is not considered to constrain the development of adjoining land.

The final criterion relates to the impact on the viability of existing land uses if this proposal goes ahead. In view of the residential nature of the scheme is likely impact on the viability of other dwellings is considered to be limited.

The proposal is therefore considered to accord with the requirements of policy CW2.

The second policy of relevance in the Adopted plan is CW3, which refers to the consideration of the proposal in respect to highways requirements. The first criterion of this policy states as follows;

A The proposal has regard for the safe, effective, and efficient use of the transportation network.

The previous application (i.e 14/0387) was refused on the basis of the inadequacy of the access to the site. The Transportation Engineering Manager at that time commented that "the highway network leading to the site is substandard in terms of its width, horizontal and vertical alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create hazards to the detriment of highway safety. This view is consistent with previous refusals and appeal decisions in the same vicinity as this site".

Since that time there has been an appeal decision in the Machen area, which had similarities to the current application site in respect to highways concerns. The subsequent decision from Welsh Government was that the Council's highway reasons were not considered to be sufficient to sustain a refusal of consent which would prevent the development from taking place and, as such the Planning Inspector dealing with the matter allowed the appeal.

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Whilst each application is considered on its merits this appeal decision is considered to be a material consideration in assessing similar proposals in the general area. Consequently when the current applicant became aware of it contact was made with the Planning Department to discuss a re-submission of this proposal.

The Transport Engineering Manager, whilst disappointed with the Inspector's decision, considered the reasoning contained in the appeal letter is applicable to the current site and concluded that a further recommendation for refusal could not be sustained.

In the circumstances the proposal is considered to comply with Policy CW3.

With regard to the remaining policies in the Local Development Plan, CW6 (trees, woodland and hedgerow protection) is one that can be dealt with by condition in respect to the hedgerows on site. Policy CW11 relates to Affordable Housing provision. As the site is for less than 5 houses, and as the gross developable area does not exceed 0.15 hectares the policy is discharged. Lastly Policy CW15 (General Locational Constraints) is complied with as the proposal will not unreasonably prejudice or constrain the surrounding land uses, nor will it be out of accord with the role and function of the surrounding settlement.

With regard to the Adopted Local Development Plan it is considered that there are no policy objections to this proposal.

The national policy considerations are, by their very nature, general in character. The TAN on Design talks of respecting site context and paying due regard to the setting of the development. It is considered that the proposal has paid regard to these requirements.

Comments from Consultees: The responses received from the standard consultees raise no objections which could sustain a refusal of permission. A number of them do however require the imposition of conditions attached to any permission granted which would control the development to an acceptable position.

Comments from public: The response to the objections raised by members of the public are as follows;

1. The developable site area of 0.15 hectares allows for a density of 10 houses to the acre/25 to the hectare. This would be considered to be a relatively low density development in general terms. In the Local Development Plan medium density is put at 35 dwellings to the hectare. Consequently it is not accepted that the dwellings would be "cramped".

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2. The location and topography of the site do not make the development inappropriate. It is evident that the site is surrounded on three sides by existing residential properties. These are not considered to be inappropriately located.
3. The character of the area is almost homogeneously residential in nature, as such a housing scheme accords with this form of built development.
- 4 and 5. The transport infrastructure in this area is well established and allows limited scope for improvement. However as discussed above recent decision of a Welsh Government Planning Inspector has convinced the Transport Engineering Manager to accept that a reason for refusal on highway safety grounds can no longer be successfully argued. No objection has therefore been raised in this regard by the Highway Division.
6. The revised application shows a reduced scheme with each of the dwellings being 3-bed as opposed to 5-bed units. This has allowed the overall roof heights of the properties to be dropped by approximately 1.5 metres each thereby reducing the overall visual impact of the proposal on their surroundings.
7. The issue of "Brownfield vs Greenfield" is not strictly relevant in this instance. The site is within the settlement boundary in the Adopted Local Development Plan, and consequently so long as there are no detailed matters precluding it the development should be approved. In this instance it is considered that no such matters are present.
8. The impact of the development on the amenity of its surroundings was considered in the assessment of policy CW2 above. It was concluded there that the scheme did not have an over-bearing impact on the properties to the south.
9. An inspection of the surrounding area will reveal an eclectic mixture of dwelling designs. There is no vernacular design which is specific to this area against which the proposal could be assessed. As such it is not accepted that a split level design on a relatively steeply sloping site is unacceptable.
10. The plans are scaled and sufficiently detailed to allow an assessment to be made of this proposal.
11. The further reduction of the scheme to split level bungalows is not an option here. The applicant is requesting that the submitted scheme is considered by Committee. There is no planning reason to request such a further reduction.
12. Whilst information contained in the Design and Access Statement is disputed by residents it is not considered that this area of dispute materially affects the consideration of this scheme.
13. With regard to bin storage arrangements it is considered that a condition could be imposed to require the submission of suitable details to address this concern.
14. The telegraph pole will be re-positioned. The movement of this type of equipment is standard in such circumstances.
15. The issue of possible damage to the bridge could not be used as a reason to refuse this development. An objection based on this premise would have no foundation in planning terms.
16. Loss of view is not a material planning consideration.

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17. The trees referred to are off site and should not be under threat from this proposal. The hedgerows are on the boundary and will need to be protected by condition.

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) 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.

03) 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.

04) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

REASON: To prevent contamination of the application site in the interests of public health.

05) Details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before the works commence and shall be carried out in accordance with the agreed details before the development is brought into use.

REASON: In the interests of highway safety.

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- 06) Prior to the occupation of the development hereby approved the proposed means of access shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4 metres x 23 metres. No obstruction or planting when mature exceeding 0.9 metres in height above the adjacent carriageway shall be placed or allowed to grow in the required vision splay areas.
REASON: In the interests of highway safety.
- 07) 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.
- 08) Notwithstanding the submitted plans the development shall not commence, until details of permanent materials for the construction of the proposed means of access have been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be completed in accordance with the agreed details prior to occupied..
REASON: In the interests of highway safety.
- 09) The development hereby approved shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
- 10) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of roosts and a means of access for bats in the new properties at Craig Bach, Machen shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 11) No development or site/vegetation clearance shall take place until a detailed reptile mitigation strategy has been prepared by a competent ecologist (including a methodology for the capture and translocation of reptiles with details of the receptor site) and submitted for the approval of the Local Planning Authority. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected.

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- 12) Prior to the commencement of works measures to manage the perimeter trees and hedgerows in accordance with the submitted hedgerow management strategy, shall be implemented.
REASON: To safeguard protected species.
- 13) Prior to the commencement of works measures to protect perimeter trees , hedgerows and their roots in accordance with the submitted BS5837 "Trees in relation to design, demolition and construction - recommendations", shall be implemented.
REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of protected species.
- 14) Prior to the commencement of works on site, a method statement shall be submitted for approval to the Local Planning Authority detailing the treatment of Japanese Knotweed on site. The treatment of Japanese Knotweed shall be carried out in accordance with the approved details.
REASON: It is an offence under the Wildlife and Countryside Act 1981 (as amended) to "introduce, plant or cause to grow wild any plant listed in Schedule 9 Part 2 of the Act". Japanese Knotweed (*Fallopia japonica* / *Polygonum cuspidatum*) is included within this schedule. All Japanese knotweed waste (the plant itself or material containing its rhizome) is classed as controlled/special waste and therefore must be disposed of in accordance with the Environmental Protection act 1990 and the Environmental Protection act Duty of Care regulations 1991.
- 15) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling, Swallow and Swift) in the new properties at land adjacent to Craig Bach, Machen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new properties hereby approved are first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, Planning Policy Wales and paragraph 1.4.3 of TAN 5 Nature Conservation and Planning.
- 16) Prior to the commencement of development details of an on-site bin storage area shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter these arrangements shall be completed prior to the occupation of any of the dwellings hereby approved.
REASON: In the interest of visual amenity and highway safety.

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- 17) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format 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.
- 18) Prior to the commencement of development a scheme of intrusive site investigations shall be submitted for approval in writing from the Local planning Authority. Thereafter that scheme shall be undertaken and a report of its findings shall be submitted along with a scheme for the remedial works required to be addressed which arise from the results of the intrusive site investigation. This scheme of remedial works shall again be agreed in writing with the Local Planning Authority and thereafter these remedial works shall be implemented concurrently with the development.
REASON: To ensure that the coal mining legacy issues affecting this site are adequately dealt with in regard to the residential development hereby approved.
- 19) 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 occupation of each of the dwellings hereby approved.
REASON: In the interests of the visual amenities of the area.

Advisory Note(s)

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