

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0293/OUT 23.03.2016	Mr Russell Turner C/o Asbri Planning Ltd Miss I Hallett Unit 9 Oak Tree Court Cardiff Gate Business Park Cardiff CF23 8RS	Erection of one dwelling Land At Colliery Road Llanbradach Caerphilly

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: Land At Colliery Road, Llanbradach, Caerphilly.

Site description: The site is a broadly rectangular land parcel approximately 47 metres long by 25 metres wide. It is located to the east of Colliery Road Llanbradach, just to the north of existing commercial/industrial units. The site is partially screened by dense woodland which lies to the north and east of the site which is designated as ancient semi natural woodland and forms part of a Special Landscape Area. Colliery Road provides the western boundary to the site with woodland beyond and an access point for forestry track. The land falls sharply away to the east and south east as further industrial/commercial uses are located at a lower level than the application site on the Graddfa Industrial Estate. A railway line is located approximately 95m east of the site. The site is fenced off and has been partially used as a builder's yard and as such is considered to be previously developed land. It is a relatively flat land parcel with light scrub and some concrete slabs from former structures which have been demolished. The Nant Owen Field Site for Nature Conservation (SINC) lies approximately 70m north west of the site.

Development: Outline planning consent is sought in respect of the change of use of the land to residential purposes. The indicative details submitted indicate the construction of a single detached dwelling house with associated off-street parking provision. It is only access that has been requested to be considered at outline stage with matters of appearance, landscaping, layout and scale reserved for subsequent approval.

Dimensions: Dwelling Maximum 14.6m by 11.2m ridge height 6.35m.  
Garage: 6.7m by 6.7m with ridge height of 5.1m.

Materials: Not specified.

Cont....

Application No. 16/0293/OUT Continued

Ancillary development, e.g. parking: On plot parking indicated within the indicative details.

### PLANNING HISTORY 2005 TO PRESENT

14/0813/OUT - Change the use of land to residential use - Refused 17.06.15.

### POLICY

#### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the defined settlement boundary.

Policies: SP5 (settlement boundaries), SP6 (place making), CW2 (amenity), CW3 (design considerations - highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection) and CW15 (general locational constraints).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design, TAN 11: Noise.

### 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? No.

### CONSULTATION

Countryside And Landscape Services - The application site is within the current settlement boundary and immediately adjacent to the eastern boundary of the Mynydd Eglwysilian Special Landscape Area, It is an enclosed derelict / semi derelict site, which has previous been used for industrial use. There appears to be no significant vegetation growing on the site, though the site is adjacent to a large area of woodland, of which the area immediately adjacent to the north eastern and eastern site boundaries is designated as Ancient Semi Natural Woodland.

Cont....

Application No. 16/0293/OUT Continued

There are no objections to the principle of Residential development on this site. Should the application be approved careful consideration should be given to the treatment of the site boundaries, and to the method of working the site and storage of materials on the site during the development process, in order to secure an aesthetically pleasing means of enclosure and minimise the impact of the development upon the Ancient Semi Natural Woodland. These points can be addressed by suitably worded conditions.

Rights Of Way Officer - Footpath 46 in the community of Caerphilly abuts the site, and must remain free from obstruction at all times.

Natural Resources Wales - Offer no comment on application.

Transportation Engineering Manager - No objection subject to the following conditions:-

Colliery Road shall be improved in a manner to be agreed in writing with the LPA prior to beneficial occupation of the development first commencing. The improvements shall be in the form of providing suitable passing bays along Colliery Road south of the application site to its junction with Station Road along with a widening of Colliery Road to a minimum width of 4.1m across the frontage of the site.

Parking provision at the site shall accord with the requirements of LDP5 Car Parking Standards.

Head Of Public Protection - No objections subject to the attachment of conditions in relation to contamination.

Senior Engineer (Land Drainage) - No objection subject to conditions

Dwr Cymru - No objections.

### ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and neighbour notification letters were sent to 4 nearby premises.

Response: At the time of writing this report no responses had been received relative to the consultation exercise, however the consultation period had yet to elapse. Any representations received will be verbally reported to members at planning committee. The application was requested to be reported to committee by an elected member.

Summary of observations: None.

Cont...

Application No. 16/0293/OUT Continued

### SECTION 17 CRIME AND DISORDER ACT

What is the likely effect of the determination of this application on the need for the Local Planning Authority to do all it reasonably can to prevent crime and disorder in its area?

It is not considered that crime and disorder will be materially affected by the development.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Site lies within higher viability area within Llanbradach, however as this application is for outline permission CIL is not calculated at this stage.

### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The main issues are considered to be the compatibility of the use with neighbouring land uses, noise, ecological and highway considerations.

A previous application on the site (14/0813/OUT) which included an indicative plan showing two dwellings was refused in June 2015 for two reasons;

1. Colliery Road is substandard in terms of its width, horizontal alignments and lack of pedestrian footways. The proposed additional use of this substandard access will create increased hazards to the detriment of highway safety. This would be contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010, Technical Advice Note 12: Design (2014) and Planning Policy Wales (2014).
2. The application has not been accompanied by a Noise Assessment in accordance with the provisions of Technical Advice Note (Wales) 11: Noise, and the amenities of the proposed development cannot, therefore, be assessed in terms of compliance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 and Technical Advice Note 11 (Noise).

Cont....

Application No. 16/0293/OUT Continued

The current application is for outline planning permission with access being considered and all other matters reserved for future consideration. The submitted indicative details provides a layout for one detached dwelling with a detached garage.

The land is located within the defined settlement boundary by Policy SP5 of the adopted Local Development Plan and neither the application site nor the commercial uses to the south are on allocated land. It is therefore considered that development of the site for residential use would be acceptable in principle subject to other material planning considerations.

The application has been supported by a noise survey and a transport assessment. The noise survey has considered the closest commercial uses which are adjacent to the southern boundary of the site identified within the report as Lyngar Scaffolding, Busy Bees Recycling and MCK Automotive as well as other sources of noise generation within the wider area which include the Rhymney to Cardiff Railway line and the A469. The noise survey focused on undertaken noise monitoring on the application site during the morning peak period which had been identified with the Council's Environmental Health Officer as the primary area of concern in relation to noise generation from the commercial uses to the south of the site which included a scaffolding company. The noise survey concluded that the monitoring indicated that there were no significant noise impacts on the site.

The Highway Authority objected to the previous application (14/0813) on the basis of the substandard Highway access to the site along Colliery Road. They have not objected to the current application but have requested that the applicant be required to improve Colliery Road to the south of the application site in relation to the provision of laybys. In considering this request regard has been had to recent planning decisions in the area. An application for a Cattery at Llanbradach Fawr Farm which lies approximately 1.8km to the north west of the current site was approved in October 2015. The Cattery would be accessed via Colliery Road with vehicles passing the site subject to this application and continuing northwards on Colliery Road. The Cattery application included details that it would employ an additional 2 part time staff amounting to 3 full time staff, and 3 part time staff as a result of the development. A condition was attached to the Cattery Permission requiring the improvement of Colliery Road and this condition referred to a drawing. That drawing showed a number of required improvements to Colliery Road for passing bays, however all of these improvements are shown to be located to the north of the current application site. No improvements were required south of the application site in the part of Colliery Road which runs down to the railway bridge and station road, Llanbradach.

Cont....

Application No. 16/0293/OUT Continued

The application has been supported by a Transport Assessment which has considered trip generation for a single dwelling. The Transport Assessment has sought to justify the development by assessing previous commercial/industrial uses on the application site. It is however known that part of the site was subject to a personal permission (P/97/0710) for use as a builder's yard and therefore it is not necessarily the case that the whole site could be brought back into commercial use without the need for planning permission. However noting the relatively low projected 6 daily vehicle movements associated with a single residential dwelling, the previous industrial use of the site and the recent Cattery permission which did not require improvement to the part of Colliery Road that the new dwelling would be served by, a condition requiring the introduction of passing bays along Colliery Road would be difficult to justify given the scale of the development proposed and likely associated traffic movement. The Highway Authority's request that improvements to the width of Colliery Road along the site frontage are reasonably related to the development.

The application is outside but adjacent to the Mynydd Eglwysilian Special Landscape Area with areas adjacent to the site being also designated as Ancient Semi Natural Woodland. The Council's Landscape Officer has offered no objections to the development but has advised that careful consideration of site enclosures and methods of working should be ensured to minimise the impact of the development on the adjacent designated woodland. The Council's Ecologist had offered no comments at the time of writing the committee report but had provided detailed comments in relation to the previous application on the same site and did not offer any objections to that application subject to the imposition of conditions in relation to protecting the woodland and providing ecological mitigation. It is considered appropriate to impose those previously requested conditions with minor amendments to reflect the change to one dwelling.

It is considered that with suitable conditions the impact of the development would be acceptable on the adjacent designated Woodland, the property would not be subject to unacceptable noise or nuisance from the surrounding land uses and residential use would be acceptable in this location. It is considered that the Highway implications for the development would be acceptable and the application is recommended for approval accordingly.

Comments from Consultees: Have been addressed within the body of this report.

Comments from public: None.

Other material considerations: None.

Cont....

Application No. 16/0293/OUT Continued

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) Notwithstanding the detail shown on the submitted plans, revised details of land drainage shall be submitted to and agreed in writing with the Local Planning Authority before any works commence on site. The development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 06) Parking throughout the development hereby approved shall be in accordance with Caerphilly Council Approved Supplementary Planning Guidance LDP5 - Car Parking Standards (November 2010).  
REASON: In the interests of highway safety.

Cont....

Application No. 16/0293/OUT Continued

- 07) Notwithstanding the plans submitted prior to the commencement of works a scheme shall be submitted for the written approval of the Local Planning Authority detailing the widening of Colliery Road along the frontage of the site to a minimum width of 4.1m. The agreed scheme shall be implemented before the development hereby approved is first occupied.  
REASON: In the interests of highway safety.
- 08) The development hereby approved shall be restricted to a single dwelling only.  
REASON: To define the scope of the permission and the interests of highway safety.
- 09) 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.
- 10) Prior to the commencement of development a scheme shall be submitted for the written approval of the Local Planning Authority detailing methods of working, protection measures and storage of materials having regard for the areas of Ancient Semi Natural Woodland which surround the site. The site shall be developed in full accordance with the agreed scheme.  
REASON: To minimise the impact of the development on the adjacent ancient semi natural woodland.
- 11) Prior to the commencement of works on site, details of a buffer strip between the existing woodland and the development boundary shall be incorporated. The buffer strip should be a minimum of 1.5m wide from the woodland edge to the closest boundary treatment to prevent encroachment into the existing habitat.  
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and Policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation Planning (2009).
- 12) Prior to the commencement of development details of the lighting of the development shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.  
REASON: To ensure adequate protection to protected species.

Cont....



Application No. 16/0293/OUT Continued

- 13) 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 development at Land at Colliery Road, Llanbradach, 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.
- 14) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species in the new development at Land at Colliery Road, Llanbradach, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new development hereby approved is 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.
- 15) 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.
- 16) 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.

Cont....

Application No. 16/0293/OUT Continued

- 17) 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.

Advisory Note(s)

Please find attached the comments of Rights of Way Officer, Countryside & Landscape Services, Senior Engineer (Land Drainage) 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: CW3.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com).

This Standing Advice is valid from 1st January 2015 until 31st December 2016.

---

