

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
16/0076/OUT 28.04.2016	Messrs B & R Pugh 28 Hafon Werdd Mornington Meadows Caerphilly CF83 3BU	Erect residential development Land To The North Of Meadowland Close Caerphilly

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: The application site is situated to the north of Meadowland Close and to the rear (west) of Bedwas Road.

Site description: The application site is a grassed area of land between an existing housing site to the south and an industrial estate to the north. The land is relatively flat on the eastern end with a steep slope at the western end leading to the boundary with Virginia Park Golf Club. The land is currently used for the keeping and grazing of horses. Part of the site is also used for storage by the applicant and there are a number of single storey ramshackle buildings including stables on the site. The majority of the site is enclosed by close boarded fencing with a profile sheeting fence to the boundary with the industrial estate. There is an existing gated access into the site from Meadowland Close and the applicant has secured rights of access over this land from the developer of that estate.

Development: The application seeks outline planning consent for residential development with all matters reserved for future consideration. The plans show 11 dwellings. The indicative layout shows the dwellings being accessed via an adopted drive of 5m width with 2m footways on either side. There would be a mixture of detached, semi-detached and link dwellings with off street parking spaces. Access will be derived via Meadowland Close through the existing gated access.

Dimensions: The scale parameters for the plots shown on the indicative layout are as follows:-

- 1 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,
- 2 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,

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3 & 4 Min 10.0m x 7.6m Max 11.0m x 8.6m Ht 8.0m,  
5 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,  
6 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,  
7 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,  
8 Min 6.0m x 8.0m Max 7.0m x 9.0m Ht 8.0m,  
9,10 & 11 Min 15.0m x 7.6m Max 17.0m x 8.6m Ht 8.0m.

Materials: Not specified.

Ancillary development, e.g. parking: The indicative layout shows parking at each plot, with each dwelling having front and rear gardens.

### PLANNING HISTORY 2005 TO PRESENT

07/0447/FULL - Construct 116 dwellings and associated works - Granted 24.06.11.

### POLICY

Local Development Plan: Within settlement limits.

### Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways) and CW15 (General Locational Constraints).

Guidance Note 1 to the Adopted Supplementary Planning Guidance LDP 7 for householder development advises that the purpose of the planning system is to safeguard the existing qualities of buildings and streets and that extensions and alterations should be designed to complement the character of your street or area.

Guidance Note 2 to the Adopted Supplementary Planning Guidance LDP 7 for householder development gives advice on extensions and conservatories.

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

National Policy: Paragraph 4.11.9 of Planning Policy Wales (2012) states: - "The visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations. Local planning authorities should reject poor building and contextual designs. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."

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National Planning Guidance contained in Technical Advice Note 12 - Design.

### CONSULTATION

Natural Resources Wales - No objection subject to conditions.

Transportation Engineering Manager – No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions relating to contamination, dust and noise suppression during construction and noise mitigation in respect of the adjacent industrial use.

Senior Engineer (Land Drainage) - No objection subject to a condition requiring the submission of a drainage scheme.

Dwr Cymru - No objection subject to conditions.

CCBC Housing Enabling Officer - No objection subject to the provision of suitable affordable housing to meet local needs.

Head Of Public Services - No objection.

Wales & West Utilities - Provides advice to be conveyed to the developer.

### ADVERTISEMENT

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

Response: Six letters of objection were received.

### Summary of observations:

1. Access to and from the site onto Bedwas Road is already a problem, this proposal will exacerbate that.
2. What will happen to the existing fence and gate at the access to the site?
3. The development will cause noise and dust pollution during construction.
4. What will happen to the existing trees on the site?
5. Construction traffic would cause dangers to children playing in the nearby play area.
6. Loss of privacy to neighbouring dwellings.
7. The site is constantly water logged and soakaways are an unacceptable means of draining the site.

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8. Any works may cause subsidence to the drive of 79 Meadowland Close, which is immediately adjacent to the site.
9. The access to the site is not in the ownership of the applicant.

#### 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.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No. The site has been assessed by the Council's Ecologist and there is no objection to the principle of the development.

Is this development Community Infrastructure Levy liable? No. CIL would be liable at the Reserved Matters stage.

#### ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is located within the defined settlement limits and within a mainly residential area and as such the principle of development is considered to be acceptable. The development of the site makes best use of available urban land and the site is not protected for any use in the Local Development Plan. In that regard the main points to consider in the determination of the application are the objections raised by members of the public which will be considered in turn below:-

1. The existing access onto Bedwas Road from Meadowland Close has been an ongoing concern for residents for some time with concerns regarding visibility at the junction with Bedwas Road and in terms of the narrowness of the access road serving the site. The visibility at the junction with Bedwas Road is being dealt with by the Council's Traffic Management Section, with a number of solutions being considered. With regard to this application it is not considered that an additional 11 dwellings would lead to a significant increase in the volume of traffic accessing the site that would warrant refusal of the application as the percentage increase in traffic would be minimal.

With regard to the narrowness of the road serving Meadowland Close it should be noted that the existing carriageway is 5.5m wide which is the standard width for a new estate.

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It is often the case that vehicles are parked on the carriageway rather than on the drives provided with the dwellings and this can lead to some narrowing of the carriageway at some points. However, it would be unreasonable to refuse an application for planning consent on the basis of the narrowness of the carriageway when that issue could be resolved by the Police if the vehicles are causing an obstruction to the highway.

As access is reserved for future consideration the access within the proposed site is not for consideration here. Therefore, and whilst the indicative layout may require some amendment there is no highway objection to the proposal.

2. The existing gated access into the site will need to be removed to provide access to the development. How this is achieved is a matter that will be considered at the reserved matters stage.

3. It is inevitable that there would be some disruption to existing households during the construction stage. However, conditions will be attached to any consent granted requiring the submission of schemes to deal with dust and noise and on that basis no objection is raised by Head of Public Protection.

4. The effect of the development on the existing trees on the site is a matter to be considered fully at the reserved matters stage. However, it is considered that the trees along the western boundary of the site adjacent to the golf course should be retained in order to provide a natural buffer between the two sites. A condition would be attached to any consent granted requiring the submission of a tree survey and measures for protection and enhancement.

5. Construction traffic is a small and transient part of any housing development and it is the traffic generated by the dwellings themselves that is the main concern of the Planning system. In any event the risks posed by construction traffic are no greater than those posed by other traffic that can currently access the site and would be able to access the proposed dwellings.

6. Whilst the submitted plans are purely indicative they show that the dwellings can be accommodated within the site without having a detrimental impact on the privacy of neighbouring dwellings with minimum distances of 21m being achieved between all habitable rooms.

7. It was clear from the case officer's visit to the site that it currently has issues with regard to pooling of water and it may well prove that soakaways are not suitable to serve as the surface water drainage for the site. However, this matter would be covered by condition in any consent granted and the developer would have to satisfy the council that the site can be adequately drained by whatever means is chosen.

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If a soakaway is considered to be unacceptable then an alternative means of draining the site would have to be used.

8. Given the existing levels on site it is unlikely that any subsidence would be caused and no information has been submitted to substantiate this claim. In any event this would be a private matter between the two parties.

9. The agent has submitted copies of Land Registry Plans that prove that the land is in the ownership of Persimmon Homes. He has also confirmed that his client has secured rights of access over the land to serve the site and this is reflected in the amended plans submitted.

In conclusion it is considered that the application is acceptable in planning terms and it is recommended that consent be granted subject to conditions. The consent should also be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 in order to secure 40% affordable housing on the site in a mix to be agreed.

Comments from consultees: No objections raised.

Comments from public: These are addressed above.

Other material considerations: The requirements of the proposed Section 106 Agreement are necessary, reasonable in scale and kind and directly related to the development.

RECOMMENDATION that (A) the application is DEFERRED to allow the applicant to enter into a Section 106 Agreement. On completion of the Agreement (B) Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, 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.

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- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, 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) Prior to the commencement of works on site a scheme of land drainage shall be submitted to and agreed in writing by the Local Planning Authority. All works that form part of the agreed scheme shall be carried out before any part of the development to which they relate is occupied.  
REASON: To ensure the development is served by an appropriate means of drainage.
- 06) 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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- 07) 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.
- 08) 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.
- 09) 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.
- 10) 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.
- 11) The plans and particulars submitted in accordance with Condition 2) shall include:  
a) a plan to a scale and level of accuracy appropriate to the proposal that shows the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or nearby ground to the site that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area (para. 5.2.2 of BS5837, 2005, Trees in relation to construction - Recommendations) or general landscape factors) must be shown.  
b) the details of each tree as required at para. 4.2.6 of BS5837 in a separate schedule.

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- c) a schedule of tree works for all the trees in paragraphs (a) and (b) above, specifying those to be removed, pruning and other remedial or preventative work.
- d) the details of any proposed alterations to the existing ground levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring ground.
- e) the details of all the appropriate tree protection measures for every retained tree before and for the entire duration of the course of the development.
- f) a statement setting out the principles of arboricultural sustainability in terms of landscape, spatial integration and post development pressure.
- g) No tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998. In this condition a "retained tree" means an existing tree that is to be retained in accordance with the plan referred to at paragraph (a) above.

REASON: To safeguard the vegetation that is considered to be worthy of retention in the interests of visual amenity of the area.

- 12) 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.
- 13) Prior to the commencement of any vegetation clearance, site clearance or development a detailed Reptile Assessment shall be carried out and the results of the assessment, together with any proposed remedial measures (including methodologies) shall be submitted for the agreement of the Local Planning Authority. The measures shall be complied with as agreed.  
REASON: To ensure adequate protection for protected species.
- 14) Prior to the commencement of any development works, a survey shall be carried out to establish the use of the site and the mature trees along the boundary by roosting, commuting and feeding bats and the details of the survey together with any measures to minimise impact from lighting or from tree/hedge management works, shall be submitted to the Local Planning Authority for agreement. The development shall be carried out in accordance with the agreed details.  
REASON: To ensure adequate protection to protected species.

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- 15) The development hereby approved shall be carried out in accordance with the recommendations contained within the Flood Consequences Assessment by GWP Property Services LTD submitted on 28th April 2016.  
REASON: In order to ensure that the development has regard for the possible risks of flooding in accordance with Technical Advice Note 15 (Development and Flood Risk).
- 16) 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.

Advisory Note(s)

The following policy(ies) of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010 is/are relevant to the conditions of this permission: CW2, CW3 and CW4.

Please find attached the comments of Head of Public Services, Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and Natural Resources Wales that are brought to the applicant's attention.

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