

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0146/FULL 03.07.2017	Ms R Bowden 10 Heol Fawr Penyrheol Caerphilly CF83 2JW	Demolish 3 No. external outbuildings and the construction of a new detached domestic dwelling Ty Isaf Farm Abertridwr Road Penyrheol Caerphilly CF83 2AP

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application site is located on the north east side of Abertridwr Road approximately 30m from its junction with Bryn Siriol.

Site description: The application site forms part of the former farmyard of Ty Isaf Farm and comprises a small yard area with barns on the south east and south west boundaries. The site is accessed via an existing access onto Abertridwr Road that skirts around the existing buildings and provides access to Ty Isaf Farmhouse together with Ty Isaf Farm Bungalow. The land is relatively flat in the area of the application site with the two adjacent existing dwellings both being at higher ground levels. The barns on the south west boundary form the boundary of the site with the highway with the barns on the south east boundary being the boundary with numbers 1 and 3 Bryn Siriol.

Development: The application seeks full planning consent for the erection of a detached dwelling. The proposal will require the demolition of the barns on the south west and south east boundaries of the site together with a small barn on the common boundary with Ty Isaf Farmhouse. The proposed dwelling will be a two-storey property with accommodation in the roof space. It will encompass a porch, hall, lounge, toilet, utility room, kitchen, living room and dining room and attached double garage on the ground floor; three bedrooms and a playroom on the first floor and a fourth bedroom in the roof space.

Improvements will also be carried out to the access to re-align it and provide off street parking for two vehicles.

Dimensions: The dwelling has overall measurements of 13.4m by 9.4m by 8.1m high.

Materials: Render with brick quoins and a tiled roof.

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Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

11/0763/FULL - Demolish existing dilapidated barn and entrance porch and erect a new domestic extension and entrance conservatory - Granted 02.04.12.

POLICY

Local Development Plan: Within settlement limits.

Policies

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

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 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."

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

ENVIRONMENTAL IMPACT ASSESSMENT

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

Was an EIA required? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is in a low risk mining area.

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CONSULTATION

Head Of Public Protection - No objection subject to conditions.

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

Transportation Engineering Manager - No objection.

Dwr Cymru - Provides advice to be conveyed to the developer.

Countryside And Landscape Services - No objection subject to conditions.

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Aber Valley has requested that a site visit takes place because the barns have historic significance for the area, and there are potential traffic arrangement issues.

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations:

1. The submitted plans show the proposed driveway passing through the neighbours land.
2. The new route of the driveway travels closer to the objector's property leading a loss of privacy.
3. There is currently a shared access for the bungalow and the objector's house and this is not shown on the plans.
4. One of the barns to be demolished retains the garden of the objector's property. What measures are to be put in place to ensure that the garden is still retained after the development.
5. The proposed development is not being carried out at Ty Isaf Farm but at Ty Isaf Farm Bungalow.

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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? Yes, European protected species have been identified by a survey.

The Local Authority must apply the following three tests to the planning application:

(i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

(ii) There is no satisfactory alternative. To do nothing in this instance would not meet the overriding public interest referred to above as no new dwellings would be created. It is also not possible to construct a dwelling on this site without demolishing the barns.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The three tests were applied and answered as follows:

(i) The Council is currently failing to meet its target of providing a 5 year housing land supply. Whilst this proposal only makes a small contribution to meeting this need, nevertheless it does make a contribution. In that regard the loss of the habitat does meet other imperative reasons of overriding public interest.

(ii) To do nothing in this instance would not meet the overriding public interest referred to above as no new dwellings would be created. It is also not possible to construct a dwelling on this site without demolishing the barns.

(iii) Two common pipistrelles were seen to emerge from under the metal roof of the building from the north western elevation during a dusk emergence survey carried out by a competent ecologist with proven experience in bat surveying. The report concludes that the building is a bat roost for Common pipistrelle bats. The proposed development will therefore result in the disturbance to bats, however adequate mitigation and compensation recommendations have been put forward in the bat survey report, such as providing a temporary roost for bats by placing a single Schwegler 2FN or similar box on a tree or pole in the site's north- eastern boundary.

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In the longer term permanent mitigation will take the form of a Schwegler 1W1 bat box which will be built into the structure of the dwelling on the north east elevation. The demolition works of the building will be supervised by a suitably experienced and licensed ecologist. The report considers that the demolition of the other two buildings within the proposed site can be undertaken at any time of year but it is preferable that the work avoids the hibernation season (November - March inclusive); however, due to the low numbers of bats and the status of the roost it is considered that it may commence at any time as long as provisions are in place to take any bat(s) found into care should it not be possible to release it (them) into the temporary mitigation. New roosting features will not be subject of any direct lighting at all. Any and all external lighting of the buildings, retained hedges and boundaries will be movement sensitive and on timers to reduce adverse impacts on the bat commuting routes and foraging habitats. All lighting will be directed away from boundary vegetation and aim to retain as much of the area around the building as dark as possible. there are no restrictions on materials as bats will not be given access to the new dwelling. A detailed Method Statement of works will be submitted for the entire project and will minimise any impact to the bats providing adequate mitigation for any loss of roost. The favourable conservation status of the species is therefore unlikely to be affected by this development, as the mitigation measures will maintain and enhance the roosting opportunities for Common pipistrelle bats at this location.

Is this development Community Infrastructure Levy liable? Yes. Based on a total floor area of 241.5 square metres at a rate of £40 per square metre a CIL amount of £9660 is payable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The site is considered to be brownfield land within the defined settlement limits and as such the principle of development is considered to be acceptable. The main points to consider in the determination of this application are the impact of the proposal on highway safety, privacy of neighbouring dwellings, loss of the barns and design. These matters are considered in turn below

With regard to highway safety it should be noted that the Transportation Engineering Manager has raised no objection to the application. The application proposes alterations to the existing access to the site in order to improve access and visibility and it is considered that these alterations are acceptable from a highway safety perspective subject to the imposition of conditions. Adequate off street car parking is also proposed for the dwelling in the form of a double garage and a double drive to the front.

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In terms of the impact of the proposal on the highway network in the area it is acknowledged that there are existing congestion issues in the area but it is considered that the erection of one dwelling will not lead to a significant increase in traffic flows.

With regard to the privacy of neighbouring dwellings it should be noted that the proposed dwelling will be a minimum of 21m away from both Ty Isaf Farm and Ty Isaf Farm Bungalow and as such there would be no direct loss of privacy to those dwellings. Whilst the owner of Ty Isaf Farm has raised concerns with regard to loss of privacy as a result of the access passing close to their boundary and the loss of an element of screening from the demolition of a barn, it is not considered that these issues would lead to a significant loss of privacy that would justify refusal of this application. In respect of the dwellings at 1 and 3 Bryn Siriol it is acknowledged that the proposed dwelling would be within 21m of these properties but the only habitable room window at first floor level facing in this direction is to have obscure glazing and have opening restrictions and the windows at ground floor level can be adequately screened by a fence. In that regard it is not considered that the proposal would have any detrimental impact in terms of the privacy of neighbouring dwellings.

In respect of the loss of the barns this is an issue that has been raised by the Council's Landscape Architect, the Community Council and the neighbour for different reasons. The loss of privacy issue raised by the neighbour is addressed above. With regard to the loss of the barns for their historic or landscape value it should be noted that the barns are not protected in any way and are in a poor state of repair. The barns are not listed or within a conservation area and they are not considered to be of any particular architectural merit and therefore their loss would not have a detrimental impact on the historical character of the area. With regard to their landscape value it is considered that there is some merit in this. However, and whilst it will be necessary to demolish the majority of the barns to accommodate the proposed dwelling and to carry out the access improvements, the majority of the barn wall that forms the front boundary of the site could be retained as part of any development. In that regard it is considered that a condition should be attached to any consent granted in order to secure the retention of the wall as part of a scheme of boundary treatment.

In terms of design it is acknowledged that the proposed dwelling is of a modern design but this would not be out of keeping either with Ty Isaf Farm Bungalow or with the dwellings in Bryn Siriol. The dwelling in itself is acceptable in design terms and the materials would not have a detrimental impact on the visual amenity of the area.

Comments from Consultees: It is considered that the concerns of the Council's Landscape Architect in respect of the loss of the barns are adequately addressed above. No other objections were raised.

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Comments from public: Each of these will be considered in turn below:-

1. The plans have been amended such that the development no longer encroaches on the neighbour's land.
2. Loss of privacy is addressed above.
3. Any shared rights of access issues are a private matter between the two parties. However, it would appear that adequate provision is made for the shared access to be retained.
4. The loss of the barn from a privacy perspective is discussed above. The retaining properties of the barn are a private matter between the two parties and has no bearing on the determination of this application.
5. It is understood why the objector may be concerned that the location of the development refers to their property but the postal address of the site is Ty Isaf Farm and as such this is an accurate reflection of the location of the site.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of conditions

The duty to improve the economic, social, environmental and cultural well-being of Wales, has been considered in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015. In reaching the recommendation below, the ways of working set out at section 5 of that Act have been taken into account, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

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.

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- 02) The development shall be carried out in accordance with the following approved plans and documents: G2017-LPS-135-SLP100A, G2017/LPS/135/01A, G2017/LPS/135/02B, G2017/LPS/135/03, G2017/LPS/135/04, G2017/LPS/135/05, G2017/LPS/135/06, G2017/LPS/135/07B, G2017/LPS/135/08, G2017/LPS/135/09, G2017/LPS/135/010, G2017/LPS/135/011, 9254/001/P1 and Survey in Respect of Bats, June 2017 by Celtic Ecology.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of works on site a scheme of land and surface water drainage within the site 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 it relates is occupied.
REASON: To ensure the development is served by an appropriate means of drainage.
- 04) 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.
- 05) 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.
- 06) 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.

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- 07) 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.
- 08) 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.
- 09) Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.) Regulations 1994 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
REASON: To ensure adequate protection to protected species.
- 10) Prior to the commencement of any clearance, demolition or development works to the three buildings on the proposed development site, a detailed Bat Method Statement prepared by a competent ecologist shall be submitted for the approval of the Local Planning Authority. The Bat Method Statement shall include details on the supervision and mitigation measures for both temporary and permanent roosts. The demolition and conversion works shall be carried out in accordance with the approved Bat Method Statement.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 11) Bat activity surveys to monitor the new bat roost within the development hereby approved shall be carried out by a competent ecologist between May to August for a minimum of two years post-completion of the development and the results submitted to the Local Planning Authority annually together with any recommendations of the ecologist for amendments to the approved scheme arising from the survey results. The approved amendments shall be implemented in full.
REASON: To provide information on the success of the bat roost mitigation, in the interests of biodiversity.

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- 12) Prior to the commencement of development a light mitigation strategy, including measures to ensure that street lighting and security lighting reduces light spillage into foraging habitats for bats, shall be submitted to the Local Planning Authority for approval. The lighting shall be installed in accordance with the approved strategy.
REASON: To ensure proper measures are taken to safeguard the habitat of bats, in the interests of biodiversity.
- 13) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, House martin, Starling or Swift) in the converted dwelling at Ty Isaf Farm, Penyrheol, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the converted dwelling hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 14) 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.
- 15) 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 occupation of the dwelling.
REASON: In the interests of highway safety.
- 16) The driveway to serve the proposed development shall be not less than 3.65 metres wide and shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and be completed prior to the first occupation of the development hereby approved.
REASON: In the interests of highway safety.
- 17) 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), the garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: In the interests of highway safety.

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- 18) 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.
- 19) 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 22 metres to the west and 2.4 metres x 43 metres to the east. 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.
- 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 windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity.
- 21) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the bedroom window facing south east shall be glazed with obscure glass and any replacement or repair shall only be with obscure glass.
REASON: In the interests of residential amenity.
- 22) 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, and a timetable for its implementation. The boundary treatment shall include the retention of the stone wall fronting onto Abertridwr Road insofar as this complies with the other conditions attached to this consent and shall be completed in accordance with the approved details and timetable.
REASON: In the interests of the visual amenity of the area.
- 23) The scheme of boundary treatment referred to above shall include the provision of a 2 metre high screen fence along the south east boundary of the site. This fence shall be erected prior to the first occupation of the dwelling and shall not be removed without the prior written approval of the Local Planning Authority.
REASON: In order to protect the privacy of the occupiers of the adjacent dwellings in the interests of residential amenity.

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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.

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

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If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority.

Please find attached comments from Dwr Cymru/Welsh Water, Senior Engineer (Land Drainage) and the Council's Ecologist.

