

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
17/0897/FULL 08.11.2017	Mrs Brazis 3 Melin Dwr Draethen Caerphilly NP10 8GL	Erect a replacement detached dwelling with associated detached garage, garden landscaping and external walls, and new vehicular access arrangements Ty Treharne Groeswen Road Groeswen

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated on the southern side of Groeswen Road.

Site description: The application site is a dilapidated former farmhouse within the Groeswen Conservation Area. The dwelling is actually made up of an original small two bedroom cottage and a two storey extension to the side of similar dimensions thereby creating a long narrow two storey dwelling. The dwelling is finished in render and stone and had a slate roof but the dwelling has been fire damaged and it is in a poor state of repair. There are large agricultural barns attached to the pine end of the dwelling and these are largely finished in profile sheeting.

The application site is on the edge of a small hamlet outside of the settlement limits with fields to the south and west, a road to the north and dwellings to the east.

Development: The application seeks full planning consent for the demolition of the farmhouse and the erection of a replacement dwelling. The replacement dwelling will be a two storey property with an entrance hallway, living room, study, utility room, sitting room, dining room and kitchen on the ground floor, and three bedrooms, a bathroom and a store on the first floor. The dwelling will be long and narrow with its pine end facing the road to replicate the existing dwelling and will have porches to the front and rear elevations.

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Consent is also sought for the erection of a detached garage to the side of the dwelling together with a new access to the highway and facilities to turn within the site. Landscaping is also proposed within the site. The detached garage will be split level as a result of the levels of the site with storage accommodation in the roof space and dead work below ground level.

Dimensions: The dwelling measures 18m long by 7.2m wide by 8.7m high with the front porch measuring 2.7m by 1.7m by 3.5m high and the rear porch measuring 2.1m by 2.1m by 3.5m high. The garage measures 6.9m by 6.2m by 6.3m high from road level.

Materials: Stone walls with a slate roof and timber windows and doors.

Ancillary development, e.g. parking: None.

PLANNING HISTORY 2005 TO PRESENT

09/0046/CON - Demolish all buildings on site - Granted 23.07.09.

09/0931/OUT - Erect residential development - Granted 06.02.13.

17/0486/CON - Demolish and provide work in connection with the safe removal of the dangerous structure (marked TT3 and TT4 on submission drawings) in accordance with the recently serviced notice under Section 77 of the Building Act 1984 - Granted 28.07.17.

17/0810/NCC - Vary conditions 3 and 4 of planning consent 17/0486/CON (Demolish and provide work in connection with the safe removal of the dangerous structure (marked TT3 and TT4 on submission drawings) in accordance with the recently serviced notice under Section 77 of the Building Act 1984) - NYD.

POLICY

Local Development Plan: Outside settlement limits and within the Groeswen Conservation Area.

Policies

Local Development Plan: SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints: Conversion, Extension and Replacement of Buildings in the Countryside) and NH1.3 (Mynydd Eglwysilan Special Landscape Area).

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

Supplementary Planning Guidance LDP 6 Building Better Places to Live gives advice on all levels of development.

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."

Paragraphs 6.5.19 - 6.5.23 apply.

Paragraphs 6.1, 6.6, 6.7, 6.10 - 6.14 of TAN 24 The Historic Environment also apply.

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? Not Applicable.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a low risk area and as such an informative note should be attached to any consent granted.

CONSULTATION

Countryside And Landscape Services - No objection subject to the submission of a landscaping scheme and conditions in respect of ecology.

Conservation & Design Officer - No objection subject to conditions.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection.

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

Rights Of Way Officer - No objection.

CCBC Housing Enabling Officer - No objection.

ADVERTISEMENT

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

Response: No objections received.

Summary of observations: None.

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.

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. Based on a floor area of 238.385 square metres a CIL amount of £9535.40 is payable.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application seeks full planning consent for a replacement dwelling on a site that is outside of the settlement limits. In that regard the application falls to be considered against Policy CW20 of the Local development Plan. Criterion D of that Policy states:-

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“D Replacement is justified by demonstrating that:

- i The existing building is structurally unsound and not capable of rehabilitation or conversion to an alternative use without major alteration or rebuilding,
- ii The use of the existing building has not been abandoned,
- iii The use cannot practicably continue to be accommodated in the existing building, and
- iv All practical appropriate alternatives for reuse have been examined”.

The existing building on site has suffered significant fire damage and as such it is not in a fit state for human habitation at present. The fire damage is so severe that renovation of the building to make it habitable would not be financially viable and as such the only practicable option is to demolish the dwelling and replace it with a new dwelling. In that regard it is considered that the proposal complies with sub criterion i of the above policy.

Whilst the dwelling is not currently in use and is not capable of being put to use, there was no intention on the behalf of the successive landowners to abandon the residential use of the site. Indeed consent has previously been granted to erect three dwellings on the site and it is considered therefore that the proposal complies with sub criterion ii.

As stated above the residential use cannot be accommodated within the existing building and as such the proposal complies with sub criterion iii.

Given the condition of the building and its proximity to the residential properties adjacent it would not be possible to use the building for any other purpose. In that regard it is considered that the proposal complies with sub criterion iv.

The design of the building is considered to be in keeping with and will enhance the character of the conservation area and the existing building and there would be no detrimental impact on the visual amenity of the area and subject to the imposition of a condition requiring the submission of details of the materials it is considered that the proposal would be acceptable in that regard. There would be no detrimental impact on the privacy of neighbouring dwellings and a residential use is considered to be acceptable in this location. In that respect it is considered that the proposal complies with Policy CW2 of the Local Development Plan.

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In respect of highway safety adequate off street parking is provided for the dwelling and an improved access is also proposed that includes an acceptable vision splay, having regard for the nature of the highway network and the existing use of the site. Vehicles are also able to turn within the site, enabling them to enter and leave in a forward gear. In that regard the proposal complies with Policy CW3 of the Local Development Plan.

The existing buildings proposed for demolition i.e. TT1, TT2 and TT5 (as well as those previously demolished, TT3 & TT4) represent unlisted buildings within the conservation area and do not make a positive contribution to the character or appearance of the conservation area. Ty Treharne itself is a burnt out, derelict and vacant former farmhouse and associated agricultural outbuildings. The main dwelling did previously have some character and represented the traditional vernacular architecture of the area. The re-use of salvaged pennant sandstone walling in the new scheme is welcomed. The existing dry stone boundary walls with their cock and hen copings are also typical of the area and form a very important part of and play a positive contribution to, the character or appearance of the conservation area and its setting and should be retained, repaired and restored as set out in the proposals. This proposal affords the opportunity to preserve the remaining features of the historic stone boundary walls and enhance the Groeswen Conservation Area as a whole.

The Heritage Impact Statement submitted justifies the demolition of the abandoned and fire damaged buildings that have been left unoccupied and exposed to the elements and proposes a replacement residential building that would serve to enhance the character and appearance of the Conservation Area.

Comments from Consultees: No objections raised.

Comments from public: None.

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable subject to conditions. It is reported to committee because the agent is related to an Officer of the Council.

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.

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RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 02) The development shall be carried out in accordance with the following approved plans and documents: Design and Access Statement October 2017, Heritage Impact Statement October 2017, AL.00.LOC Rev C, AL.00.001 Rev A, AL.00.103, AL.00.110 Rev C, AL.00.111 Rev E, AL.00.112 Rev A, AL.00.113 Rev D, AL.00.114, AL.00.115 Rev B, Arboricultural Impact Assessment & Tree Details for Ty Treharne and Further Survey for Bats October 2017.
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 depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area.
- 05) The development hereby approved shall be carried out fully in accordance with the 'Precautionary Measures' made in Section 5 of the 'Further Survey for Bats' dated October 2017, prepared by Dave Clements Ecology Ltd., unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection for protected species.

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- 06) 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.
- 07) No development or site/vegetation clearance shall take place until a detailed Reptile Method Statement has been prepared by a competent ecologist 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.
- 08) 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.
- 09) 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 property at Ty Treherne, Groeswen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).

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- 10) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Starling or House martin) in the new property at Ty Treherne, Groeswen, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property 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).
- 11) Any gates shall be located and fitted a minimum of 5m from the edge of the carriageway to enable vehicles to stand clear of the highway when entering the site.
REASON: In the interests of highway safety.
- 12) Any boundary treatments fronting onto Groeswen Road shall be limited to 0.9m in height in order to maximise visibility for vehicles emerging from the site.
REASON: In the interests of highway safety.
- 13) 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.
- 14) 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.
- 15) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, including detailed specifications for the natural roofing slate and ridge tiles, rainwater goods, doors, windows and the garage doors, 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.

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- 16) Prior to works commencing on site a method statement for the construction of the external walls using salvaged pennant sandstone random rubble walling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

REASON: In order to ensure that the proposal is in keeping with the character of the Groeswen Conservation Area.

Advisory Note(s)

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

Please find attached information from the Councils Ecologist in respect of bat and bird boxes.

Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural Resources Wales (NRW) should be contacted for advice on any special precautions before continuing.

Please also be advised that works should not take place that will disturb nesting birds from March to July inclusive. All British birds (while nesting, building nests and sitting on eggs), 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. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the local authority ecologists (01495 235253) or Natural Resources Wales (NRW) (029 20 772400).

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The age of the buildings dictate that asbestos may be present; if this is the case, a registered asbestos contractor should remove all asbestos within the boundary of the development. If the demolition is carried out regardless of this fact, the land within the boundary of the development could become contaminated.

The applicant is reminded that it is an offence to obstruct a Public Right of Way. There is a Public Right of Way in the area of this application. The planning permission does not authorise the stopping up or diversion of the Public Right of Way. The Public Right of Way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the order is made before the development is carried out. If the Public Right of Way is obstructed before the Order is made, the order cannot proceed until the obstruction is removed."

The Public Right of Way in the area of the application must remain available for use and the safety of the public using the footpath must be ensured at all times." The Public Right of Way is regularly used by the public, and the site needs to be kept free of obstructions.

(See attached map in PDF file 17-0897-FULL-PROW.pdf) which is an extract from the Definitive Map.

The 'Guidance for applications for Mod Orders PROW.pdf' flowchart is also attached, and is sent for information should you wish to modify the Public Right of Way.

Please find attached comments from the Council's Land Drainage Engineer.

