

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
13/0520/OUT 19.12.2013	Llanover Estates Mr M Lennon 23A Gold Tops Newport NP20 4UL	Erect a 4 bedroom detached dwelling with integral garage Graig Cottage The Graig Cwmcarn Newport

**APPLICATION TYPE:** Outline Application

### SITE AND DEVELOPMENT

Location: Within a sporadic group of dwellings to the north of Nantcarn Road, The Graig, Cwmcarn.

Site description: The broadly rectangular sloping site, approximately 35m long by 20m wide (average), rises from the south-west corner to the north-east corner. The site is largely grassed with areas of shrub and small trees. Two larger trees are sited close to the southern site frontage. The southern, eastern and western boundaries of the site are bounded by public highway. The site is adjoined by a traditional two-storey cottage (Graig Cottage) and open hillside to the north, a split-level bungalow (Beechwood) to the east, a bungalow (Brookvale) to the south, and bungalows (Glenbrook and 1 & 2 Graig View Bungalows) to the west (on the opposite side of the Cwm Gofapi).

Development: Outline permission is sought for the erection of a detached two-storey dwelling with 'basement' garage. All matters are reserved for subsequent approval apart from access which is shown to be from the southern end of the site, with a further hardstanding off the lane at the north-east end of the site.

Dimensions: Height max 11.65m min 11.1m, length max 12m min 11m, width max 8m min 7.5m.

Materials: Painted render and natural stone walls, synthetic slate roof.

Ancillary development, e.g. parking: The scheme incorporates an integral single garage with additional parking on drive.

### PLANNING HISTORY

No previous planning history.

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## POLICY

### LOCAL DEVELOPMENT PLAN

Site Allocation: The site lies within the settlement boundary.

Policies: 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 and TAN 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? Yes. The applicant has submitted a Coal Mining Risk Assessment, on the basis of which the Coal Authority has no objection subject to a condition requiring intrusive site investigation works, and remedial works if necessary, prior to the commencement of development.

### CONSULTATION

Transportation Engineering Manager - No objection subject to conditions regarding the precise location and gradient of the access and requiring adequate parking and turning facilities.

Head Of Public Protection - Requests conditions to address potential site contamination and the importation of materials.

Senior Engineer (Land Drainage) - Advises on the surface water and land drainage of the development and requests a comprehensive drainage scheme for consideration.

Dwr Cymru - Requests conditions regarding the drainage of the development.

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Countryside And Landscape Services - no objection in principle but would wish to comment on details at a later stage.

Council's Ecologist - requests conditions requiring a method statement for the protection of reptiles, biodiversity enhancement measures, and to prevent site/vegetation clearance during the bird breeding season.

The Coal Authority - No objection subject to a condition requiring intrusive site investigation works and any necessary remedial works to be undertaken before the commencement of development.

Glam/Gwent Archaeological Trust - The works are unlikely to cause further adverse impact to the historic environment as it is not expected that significant archaeological remains would be discovered.

### ADVERTISEMENT

Extent of advertisement: The occupiers of eight neighbouring dwellings were notified by letter and site notices were displayed.

### Response:

- 4 letters (from 3 addresses).
- Letter representing 7 addresses.
- Petition with 18 signatures (from 11 addresses).
- Letter from Cwmcarn Residents Association.

### Summary of observations:

- Out of keeping with the development in the immediate area, which is characterised by bungalows.
- Detrimental to the landscape quality of the adjoining land designated as Visually Important Local Landscape and 'Heritage Land.'
- Loss of a remaining open area.
- Inadequate access.
- Increased volumes of traffic within the area as a result of parking charges at the nearby Forest Drive.
- Overbearing impact on neighbouring dwellings.
- Loss of privacy.
- Loss of view.
- The site contains protected species.
- The site contains a shaft and levels, some unrecorded, from past mining operations.

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- The site has been used for access to maintain a neighbouring culvert entrance, the blocking of which has caused flooding problems for Hollybush Cottages and Reece's Terrace.
- Development may undermine the adjoining highway.
- A number of utility cables/pipes cross the land.
- The site has historically given access to a water spout.

### 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? Crime and disorder are not considered to be significant issues in this case.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? The Council's Ecologist has advised that the site has potential to support nesting birds and reptiles, and requests conditions to ensure their protection.

### ANALYSIS

Policies: The application site is located within the Settlement Boundary, and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise.

Policy CW2 states that development proposals must have no unacceptable impact on the amenity of adjacent properties or land; would not result in the over-development of the site; and the proposed use is compatible with surrounding land uses. All matters are reserved apart from access but extensive details have been submitted showing the design of the dwelling. It is considered those details show that the proposed development could be designed to accord with this guidance. The site is bounded to the east, south and west by existing residential development and to the north by the extent of the Settlement Boundary. Only one dwelling is proposed, and the proposed development will not detrimentally impact on the amenity of neighbouring properties. The developer has submitted cross sections through the site to show the relationship between the proposed dwellings and the properties that surround the application site.

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From these drawing it is demonstrated that a two-storey dwelling can appropriately sit within the site and in relation to the properties that surround it. Furthermore, given the siting of the proposal, and the distance between it and the nearby properties, the development will not result in an overbearing or overshadowing impact. In terms of neighbouring privacy, this will be controlled at reserved matters stage when details of window positions are agreed.

Policy CW3 of the Local Development Plan relates to highway considerations and states that development proposals should have regard for the safe, effective and efficient use of the transportation network. The Transportation Engineering Manager raises no objection to the proposed development subject to conditions, and therefore it is considered that the proposed development satisfies Policy CW3.

Comments from Consultees: No objection from Consultees subject to conditions.

Comments from public:

- (i) Out of keeping with the development in the immediate area, which is characterised by bungalows - The Graig area is characterised by dwellings of various scale, materials and designs, and there is not considered to be a type of dwelling that characterises the area.
- (ii) Detrimental to the landscape quality of the adjoining land within designated as Visually Important Local Landscape and 'Heritage Land'. - The application site forms a natural infill opportunity within the existing settlement boundary. Use of appropriate materials for the external finishes of the development will ensure the development does not detrimentally impact on the visual amenity of the surrounding area. This will be controlled at Reserved Matters stage.
- (iii) Loss of a remaining open area - The application site is sloping and covered in brambles and other 'scrubby' vegetation. Therefore it is not considered that the area has significant value in terms of visual amenity.
- (iv) Inadequate access - The Transportation Engineering Manager raises no objection subject to condition, and therefore the existing access to the site is considered acceptable in highway safety terms.
- (v) Increased volumes of traffic within the area as a result of parking charges at the nearby Forest Drive - This proposal provides its own parking facilities and it would be unreasonable to refuse permission on the basis of the introduction of charges at nearby car parks. It would be difficult to show that one additional house would aggravate any existing congestion.

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- (vi) Overbearing impact on neighbouring dwellings - This issue has been addressed in the analysis section above and is not considered to represent an impact that would warrant a refusal of planning permission.
- (vii) Loss of privacy - This issue has been addressed in the analysis section above and is not considered to represent an impact that would warrant a refusal of planning permission.
- (viii) Loss of view - This is not a material planning consideration.
- (ix) The site contains protected species - The Council's Ecologist has requested conditions be attached to any planning permission to ensure no unacceptable impact on any protected species that may be on site.
- (x) The site contains a shaft and levels, some unrecorded, from past mining operations - The applicant has submitted a Coal Mining report and a condition will be attached to any planning permission to control this matter.
- (xi) The site has been used for access to maintain a neighbouring culvert entrance, the blocking of which has caused flooding problems for Hollybush Cottages and Reece's Terrace - Right of access onto land is a private legal matter between the interested parties.
- (xii) Development may undermine the adjoining highway - It is the responsibility of the developer to ensure this does not occur, and such matters will also be controlled by the Highway Authority.
- (xiii) A number of utility cables/pipes cross the land - This matter will be the responsibility of the land owner/developer.
- (xiv) The site has historically given access to a water spout - Right of access onto land is a private legal matter between the interested parties.

Other material considerations: None.

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 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.

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- 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) 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)
- 06) No development or site or vegetation clearance shall take place until a method statement for the protection of reptiles has been submitted to and agreed in writing with the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details  
REASON: To ensure that reptiles are protected.
- 07) Prior to the commencement of any works associated with the development hereby approved, a plan showing details of the provision of nest sites and bat roosts into the new dwelling shall be submitted to the local authority for approval. The approved details shall be implemented before the new dwelling hereby approved are first occupied.  
REASON: To provide additional roosting for bats and nest sites for house nesting birds as a biodiversity enhancement, in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, Planning Policy Wales (2012), paragraph 1.4.3 of TAN 5 Nature Conservation and Planning (2009).

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- 08) 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.
- 09) 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.
- 10) 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.
- 11) 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.
- 12) Prior to the construction of the foundations of the development hereby approved details showing the finished floor levels of the building hereby approved in relation to a fixed datum point off-site shall be submitted to and approved in writing by the Local Planning Authority and 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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- 13) The precise location of the proposed means of access onto the public highway shall be agreed in writing with the Local Planning Authority prior to the provision of that facility. Thereafter the development shall be carried out in accordance with the agreed details.  
REASON: In the interests of highway safety.
- 14) Prior to the occupation of the dwelling hereby approved parking shall be provided in accordance with the Council's Adopted Supplementary Planning Guidance LDP5 Car Parking Guidelines, and shall incorporate a turning facility to ensure that vehicles can enter and leave the site in a forward gear.  
REASON: In the interests of highway safety.
- 15) The proposed vehicular driveway shall have a maximum gradient not exceeding 12.5% (1 in 8)  
REASON: In the interests of highway safety.

Advisory Note(s)

Please find attached the comments of Dwr Cymru/Welsh Water, Head of Public Protection, Transportation Engineering Manager, Senior Engineer (Land Drainage), Council's Ecologist and The Coal Authority that are brought to the applicant's attention.

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

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