

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0714/OUT 10.08.2018	Mr Kiddie Delamere Garth Place To Rhydri Primary School Rudry Caerphilly CF83 3DF	Erect 3 bedroom detached dwelling Land Within Curtilage Of Delamere Garth Place To Rhydri Primary School Rudry Caerphilly CF83 3DF

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is situated on the north east side of the road between Garth Place and Rhydri Primary School, approximately 100m from the village hall.

Site description: The application site is the side garden of a detached dormer bungalow. The garden is a landscaped area with a lawn, plants and a number of mature trees sited to the side of the dwelling with a hardstand for parking and access to the front. There is a stream along the western boundary of the site with the existing dwelling on the eastern part of the site. Access to the existing dwelling is currently derived from a shared drive and parking area with separate in and out accesses.

Development: The application seeks outline planning consent for the erection of a single detached dwelling with all matters reserved for future consideration. Indicative plans have been submitted showing the erection of a dwelling sited alongside the existing dwelling with parking to the front for both dwellings. The plans show the existing front boundary wall being removed in order to provide access to the six parking spaces required for the two dwellings.

Dimensions: The proposed dwelling will have minimum dimensions of 8.5m by 7m by 7.8m and maximum dimensions of 9.5m by 8m by 9.3m.

Materials: Not specified.

Ancillary development, e.g. parking: None.

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PLANNING HISTORY 2005 TO PRESENT

07/0377/FULL - Alter roof to provide first floor accommodation - Granted 15.05.07.

17/0401/OUT - Erect 3-bedroom detached dwelling - Refused 14.08.17.

POLICY

Local Development Plan: Outside settlement limits and within Mynydd Rudry Common SINC (Policy NH3.184) and South Caerphilly Special Landscape Area (Policy NH1.5).

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), SP14(Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations: Highways), CW4 (Natural Heritage Protection), CW6 (Trees Woodland and Hedgerow Protection), and CW15 (General Locational Constraints).

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."

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.

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COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? Yes and a Coal Mining Risk Assessment has been submitted with the application. This has been assessed by the Coal Authority and further information is required to be submitted prior to construction works commencing on site.

CONSULTATION

Transportation Engineering Manager - No objection subject to conditions concerning parking.

Head Of Public Protection - No objection subject to conditions about contamination and soil importation.

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

Ecologist - No objection subject to conditions concerning reptiles, birds and bats.

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

The Coal Authority - No objections subject to a condition concerning a site investigation and a scheme of treatment if necessary.

ADVERTISEMENT

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

Response: None.

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.

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EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? Based on current evidence, this is unlikely to be a significant issue in this case, but an advisory note will be attached to the consent and sent to the applicant as a precautionary measure.

Is this development Community Infrastructure Levy liable? Yes, but the amount can only be calculated at the reserved matters stage.

ANALYSIS

Policies: The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. Whilst the application site is outside of the defined settlement limits and within a special landscape area and a SINC, it is considered that the development would represent infill development that may be acceptable subject to compliance with normal development control criteria and as such the principle of development is considered to be acceptable.

Policy CW15 states as follows.

Development proposals will be considered against the following criteria, where they apply: ...

C Outside settlement boundaries proposals will not be permitted unless the proposed development is either:

- i Associated with either agriculture, forestry or the winning and working of minerals or
- ii For the conversion, rehabilitation or replacement of rural buildings and dwellings, or
- iii For recreation, leisure and tourism proposals that are suitable in a countryside location or
- iv Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere or
- v Associated with the reclamation/treatment of derelict or contaminated land.

However, Planning Policy Wales states that:

"Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design."

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It also states:

"Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area."

The application site is within a short row of four dwellings and the village hall. The introduction of an additional dwelling would not have a significant impact on the character of this area, and is considered in line with the guidance in PPW.

This application seeks to overcome the reasons for objection in respect of application 17/0401/OUT which are:-

1. In the absence of adequate turning facilities within the site curtilage, the proposed development would generate vehicular reversing movements to and from the highway, creating hazards to the detriment of highway safety. The proposal is therefore contrary to Policy CW3 of the Caerphilly County Borough Local Development Plan up to 2021- Adopted November 2010.

2. In the absence of an ecological survey and adequate mitigation measures the proposed development will have an unacceptable impact on the ecology of the area and as such the proposal is contrary to Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

In respect of the turning facility it should be noted that the indicative site layout plan now shows a central access serving both dwellings with three parking spaces for each dwelling sited at the side boundaries of the site. Adequate space is now provided for the parking spaces and for vehicles to turn within the site and as such it is considered that the first reason for refusal is adequately addressed and the proposal complies with policy CW3 of the LDP.

In respect of ecology it should be noted that an Ecological Appraisal has been undertaken by a competent ecologist (B E Ecological Ltd) at an appropriate time of year (August 2018) and the methodology and findings of the report are considered to be acceptable.

The site is comprised of land currently used as a domestic garden, including, lawn shrubs and mature trees. The south western boundary is also a fence line. The northern fence line is stock fence. There is no boundary to the south east currently. There are a number of mature trees on site, including oak and silver birch. All of the trees are located at the site's south western corner with the exception of the single mature oak tree in the centre of the site's north western boundary.

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There is a small stream in parallel with the north western boundary. The stream enters the property via a culvert underneath the adjacent road and flows north east. Between the stream and north western boundary is an area formerly dominated by conifer hedging; this was removed approximately two years ago for aesthetic reasons. The shrubs in this area and across the garden in general are managed to prevent overgrowth. This has resulted in a large extent of bare ground. The site is located in a wholly rural setting with Rudry Common being located immediately south.

A phase 1 Habitat Survey has been undertaken on the 8th August 2018 and another survey was undertaken last year.

The site contained the following habitats; Bare ground, Stream, Amenity grassland, Shrubs and Boundary feature. All of the identified habitats will not be taken further, however there is some vegetation along the north western boundary fence. The trees along the north western boundary are likely to be lost as a result of the proposed development. It is thought unlikely that bats will use the trees for roosting purposes, however, should any of the trees be felled, then they will be inspected by a competent ecologist prior to felling and felled under ecological supervision. The north west boundary will not be subject to any lighting in order to maintain the boundaries as dark commuting and foraging habitat. The majority of the vegetation is to remain. The report recommends that clearance works be undertaken in conjunction with ecological supervision as a result of reptiles and bats, and to ensure that dormice and breeding birds are also covered by ecological supervision. A Method Statement for reptiles will be adopted for all vegetation clearance works.

The proposed site has been designated as a SINC along with the rest of the habitat contained within Rhydri Common. However, as the garden has been managed as garden for a number of years, the habitat it originally contained has been lost. Therefore, the nature of the whole SINC will not be affected. In that regard it is considered that the second reason for refusal has been adequately addressed and the proposal complies with Policy CW4 of the LDP.

The site can be developed without having a detrimental impact on the amenity of the neighbouring dwellings and the indicative plans show a dwelling that would be acceptable in design terms. Therefore it is considered that the proposal complies with Policy CW2 of the LDP.

Comments from Consultees: No objections raised.

Comments from public: None.

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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) 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.
- 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.

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- 05) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan (107-104) and Ecological Appraisal by BE Ecological.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 06) 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.
- 07) All site works and vegetation clearance shall be undertaken in conjunction with the Reptile Method Statement included within Appendix A of the submitted Ecological Appraisal undertaken by B E Ecological Ltd and shall be undertaken under ecological supervision, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure adequate protection of protected species.
- 08) A Reptile Hibernaculum as shown in Appendix C of the submitted Ecological Appraisal undertaken by B E Ecological Ltd and shall be undertaken under ecological supervision, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure proper measures are taken to safeguard the habitat of protected species.
- 09) Prior to the commencement of development, details of the proposed 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 dark corridors are retained for protected species.
- 10) Any mature trees that require felling shall be checked/surveyed by a competent ecologist prior to any pruning or felling works. The results of checks/surveys and any mitigation measures if required shall be submitted to the Local Planning Authority for approval.
REASON: To safeguard protected species.

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- 11) 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 dwelling hereby approved 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).
- 12) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow, Swift, House martin and Starling) in the new property at Land within curtilage of Delamere, Garth Place, Rhydri, 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).
- 13) 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.
- 14) 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.

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- 15) 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.
- 16) The building shall not be occupied until the area indicated for the parking and turning 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 and turning of vehicles.
REASON: In the interests of highway safety.
- 17) Any boundary treatment fronting the public highway shall be limited in height to 0.9m, to ensure adequate visibility for vehicles leaving the site.
REASON: In the interests of highway safety.
- 18) The proposed development shall be served by a single means of vehicular access serving both the existing dwellings at Delamere and the dwelling hereby approved, not exceeding 5m in width, to prevent the likelihood of reversing movements to and from the public highway. This shall be provided prior to beneficial occupation of the new dwelling in a manner to be agreed in writing by the Local Planning Authority prior to any works commencing on site.
REASON: In the interests of highway safety.
- 19) Prior to the commencement of the development there shall be submitted for the approval of the Local Planning Authority a scheme of intrusive investigations of the mine entry on site together with a report of the findings of those investigations and any mitigation measures required as a result of those findings. The development shall thereafter be carried out in accordance with those details.
REASON In order that adequate measures are put in place to ensure the safety of the development in respect of past mine workings.

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

