

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0902/FULL 17.10.2018	Mr S Bartlett 24 Mill-race Abercarn Newport NP11 4TL	Erect two storey rear extension 24 Mill-race Abercarn Newport NP11 4TL

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: The application property is to the western side of the relatively new Coed Celyn estate in Abercarn, and is to the south of the main roundabout into the estate. The area to the south of the roundabout is characterised by predominantly two bedroomed properties, with designated parking. In the case of No. 24 Mill Race, parking for No's 21-27 is just past of the turning head facility. The property is adjacent to the Ebbw Vale to Cardiff Central railway line.

House type: An end of terrace two bedroom property.

Development: A two storey rear extension to increase living accommodation downstairs, and to increase the number of bedrooms to three.

Dimensions: The proposed two storey extension measures 2.7m deep by 4.3m wide. The height to the eaves is 4.9m and to the ridge is 6.3m.

Materials: To match existing.

Ancillary development, e.g. parking: No additional parking is proposed.

### PLANNING HISTORY 2005 TO PRESENT

P/05/0154 - Erect 193 residential houses, flats, garages, fences and all associated engineering works - Granted 19.07.05.

P/05/1672 - Erect residential development - Granted 26.01.06.

P/05/1689 - Carry out civil engineering works to replace pedestrian bridge, realign footpath and remove bridge - Granted 09.03.06.

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P/06/0658 - Erect residential development - Granted 17.08.06.

06/0716/RM - Erect 174 No. dwellings, garages, roads, drainage and alterations to existing highway and associated works - Granted 10.05.07.

08/1042/NCC - Vary Condition 15 of planning permission 06/0716/RM - Granted 14.11.08.

08/1126/FULL - Construct 124 dwellings and associated works - Granted 17.02.09.

09/0367/FULL -Substitute plots of 43 No. dwellings (previously approved under 08/1126/FULL) to be replaced by 42 No. dwellings and associated works - Granted 05.08.09.

## POLICY

LOCAL DEVELOPMENT PLAN Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The site is within the settlement boundary of Abercarn.

Policies: Policy SP6 (Place Making), Policy CW2 (Amenity) and guidance contained in Supplementary Planning Guidance LDP7: Householder Development.

Policy SP6 (Place Making) ensures that sustainable places are created and are of an appropriate mix of uses that reflect the role and function of settlements, is of a high standard of design that reinforces attractive qualities of local distinctiveness.

Policy CW2 (Amenity) ensures that development proposals have regard for all relevant material planning considerations to ensure that there is no unacceptable impact on the amenity of adjacent properties or land; the proposal would not lead to overdevelopment; and that the development would be compatible with the surrounding land uses.

Policy CW3 (Design Considerations - Highways), requires developments to ensure that the appropriate car parking standards are adhered to and that the design, layout and proposed materials will not have a detrimental impact on the highway network or highway safety.

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NATIONAL POLICY Planning Policy Wales (10th Edition) and Technical Advice Note 12: Design (2016).

Paragraph 3.16 of PPW states

"Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence."

Paragraph 2.6 of TAN 12 (2016) states

"design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities."

#### 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 lies in a low coal mining risk area. Information will be provided to the applicant should the application be recommended for approval.

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## CONSULTATION

Ecologist - No objection, subject to the imposition of biodiversity enhancements being secured through the decision notice.

Head Of Public Protection - Environmental Health recommends the following condition be included in any permission granted:

Prior to the commencement of the development, details of a scheme shall be submitted to and approved in writing by the local planning authority to include secondary glazing systems in all habitable rooms facing the railway track shall be capable of achieving an internal L<sub>max</sub> level of 45 dB(A). The Development shall be carried out in accordance with the approved details before first use of the extension hereby approved.

REASON: In the interests of residential amenity.

The developer should also be advised as follows:

Properties on Mill Race were constructed on a former colliery site which was remediated during development. The developer is advised that as part of the remediation strategy, a 600mm clean imported cap was placed in garden and soft landscape areas for the protection of human health. The developer is advised to apply caution during this development and to ensure that any materials reused on site are not from a level below 600mm.

Senior Arboricultural Officer (Trees) - No objections, as no TPOs will be directly affected by the development.

Transportation Engineering Manager - There is objection to the submitted proposals for the following reasons:

In the absence of adequate off-street parking facilities, the development would generate additional on-street parking to the detriment of highway safety. Whilst the impact of one dwelling having inadequate parking on highway safety may seem minimal, it is felt that a precedent would be set for neighbouring properties (and on the Mill Race estate generally), and the cumulative effect across the estate would have a greater impact on highway safety.

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### ADVERTISEMENT

Extent of advertisement: The application was advertised by means of site notice and letters to the adjoining two properties.

Response: No responses 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? Crime and disorder are not considered to be issues in the determination of this application.

### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? No, as the proposed increase in floorspace would be less than 100 square metres.

### ANALYSIS

Policies: This application has been considered in accordance with National policy and guidance, Local Plan policies and Supplementary Planning Guidance. The main points to consider in the determination of this application are whether the proposal is acceptable from a design perspective, whether the proposal would have an overbearing impact on the adjacent dwelling and whether the additional bedroom would lead to an increase in on street car parking to the detriment of highway safety.

Policy SP6 (Place Making) considers design. The scheme is considered acceptable as the materials proposed match those on the existing dwelling. The pitch of the roof is also low, and the fenestration proposed is not at odds with the design of the extension. The design of the extension is therefore considered acceptable.

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With regards to the impact on the adjoining property (policy CW2 Amenity), Guidance contained in LDP7: Householder Development states that

"Extensions and conservatories should not cast large shadows over, or have an overbearing impact on, a neighbour's house or garden". As a general rule single storey extension on the common boundary and near to a ground floor window of any principal room should be no longer than 4 metres however these limitations can be exceeded depending on the context of the proposed extension. Those that are pertinent to this application are:

- Orientation of the house;
- Location of any neighbouring windows and the rooms they serve;
- Where the extension does not breach a line taken at 45 degrees from the centre of the nearest ground floor window of any principal room in an adjoining property.

In terms of the single storey element, the depth of the application is commensurate with what could be erected under Permitted Development. With regards to the first floor, in this instance the 45 degree line is not breached. As the applicant has opted for a low ridge height, this assists in minimising the impact on the adjoining property. As such, the impact on No. 23 Mill Race would not be sufficient to justify a refusal. The application accords with policy CW2 (Amenity).

In order for the development to comply with policy CW3 (Design Considerations - Highways), an additional parking space would be required as the proposal is seeking to increase the number of bedrooms from 2 to 3. However given the design of the estate, there is no land available within the curtilage of the application property for an additional parking bay as the bays are in the turning head of the cul-de-sac. Concerns have been raised by the Council's Transportation and Engineering Manager as to the impact this would have on the highway network, and the precedent it could set. However, it should be noted that the property is only a small two bedroom property, where the gross floor area would increase from 91.14sqm to 114.36sqm. Given that the previous parking standards required three parking spaces where the gross floor area was 120sqm or more, coupled with the fact that there is parking available on the main estate route which is also not a through road, it is considered that the impact caused by the possible increase in car parking would not be sufficient to justify a refusal of the application. In terms of the precedent it could set, as each case needs to be assessed on its own merits, this will need to be reviewed on a case by case basis.

The application is therefore recommended for approval.

Comments from public: None.

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Other material considerations: None.

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.
- 02) The development shall be carried out in accordance with the following approved plans and documents:
  - Site Location Plan received 17/10/2018;
  - Block Plan received 17/10/2018;
  - Proposed Floor Plan received 17/10/2018; and
  - Proposed Elevations received 05/12/2018.REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) Prior to the commencement of the development, details of a scheme shall be submitted to and approved in writing by the local planning authority to include secondary glazing systems in all habitable rooms facing the railway track shall be capable of achieving an internal L<sub>max</sub> level of 45 dB(A). The Development shall be carried out in accordance with the approved details before first use of the extension hereby approved.  
REASON: In the interests of residential amenity in accordance with policy CW2 of the Adopted Caerphilly County Borough Local Development Plan up to 2021.
- 04) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.  
REASON: In the interests of the visual amenities of the area in accordance with policy CW2 of the Adopted Caerphilly County Borough Local Development Plan up to 2021.

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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: SP6, CW2 and CW3.

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).

Properties on Mill Race were constructed on a former colliery site which was remediated during development. The developer is advised that as part of the remediation strategy, a 600mm clean imported cap was placed in garden and soft landscape areas for the protection of human health. The developer is advised to apply caution during this development and to ensure that any materials reused on site are not from a level below 600mm.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).



