

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0551/OUT 06.11.2018	Mr & Mrs S Link C/o LHS Planning Miss L Hughson-Smith 19 Starling Walk Penallta Hengoed CF82 6BH	Erect residential development up to 3 No. dwellings and associated works and seek approval of access Land Within The Curtilage Of Westwinds New Road Gelli-haf Pontllanfraith Blackwood NP12 2QE

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on New Road, Gelli-haf.

Site description: Side curtilage of existing residential dwelling.

Development:

Outline planning permission is sought to construct three detached dwellings with all matters other than access reserved for future consideration. The proposed dwellings are located on land to the north of the existing dwelling running roughly parallel to the highway. Access would be at the centre of the application site frontage with a drive going to the north and south to serve the proposed dwellings and the existing dwelling. This application is reported to Planning Committee because the agent is related to a member of the Council staff.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building): Width: 9m-17m; Depth: 7m-11m; Height: 5m-9m.

Materials: To be agreed.

Ancillary development, e.g. parking: None.

Cont'd

Application No: 18/0551/OUT Cont'd

PLANNING HISTORY 2005 TO PRESENT

17/0152/OUT - Outline planning consent for one dwelling - Granted - 21/04/17.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: Policy SP5 - within the settlement boundary.

Policies

Strategic Policies

SP2 (Development Strategy in the Northern Connections Corridor), SP6 (Place making), SP21 (Parking Standards)

Countywide Policies

CW2 (Amenity), CW3 (Design considerations: Highways), CW15 (General locational constraints), supplementary planning guidance contained in LDP5 -Parking Standards, LDP7 - Householder Developments.

NATIONAL POLICY

Planning Policy Wales, TAN 12 - Design, Manual for Streets.

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 Coal Authority has raised no objection to the application subject to the applicant carrying out intrusive site investigations prior to works commencing on site. On that basis it is considered that the risks of mining can be adequately addressed as part of the proposal.

Cont'd

Application No: 18/0551/OUT Cont'd

CONSULTATION

Ecologist - No objection subject to conditions.

Landscape Architect - Raises concern with regard to the landscape impact of the proposal in respect of trees on site and the works required to provide adequate vision splays.

The Coal Authority - No objection subject to the submission of a site investigation report prior to the commencement of works on site.

Transportation Engineering Manager - No objection subject to conditions.

Head Of Public Protection - No objection subject to conditions.

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

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

ADVERTISEMENT

Extent of advertisement: Nine neighbouring properties were consulted by way of letter and a site notice was displayed near the application site.

Response: None.

Summary of observations: Not applicable.

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 an issue for this application.

EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No.

Cont'd

Application No: 18/0551/OUT Cont'd

COMMUNITY INFRASTRUCTURE LEVY

Is this development Community Infrastructure Levy liable? Yes. A new dwelling is CIL liable, and the application site is located within the Mid Viability Zone. However, as the application is made in outline, the relevant sum will be calculated at reserved matters stage.

ANALYSIS

Policies: This application has been considered in accordance with National Planning Policy and Guidance, Local Plan Policy and Supplementary Planning Guidance. This application seeks outline planning consent for the erection of three dwellings within the curtilage of an existing dwelling on a site within the defined settlement limits. There is an extant consent for the erection of a single dwelling on the site and as such the principle of the development is considered to be acceptable.

The scale and layout of the proposed dwellings is considered to be acceptable and the dwellings can be accommodated without impacting on the privacy or amenity of neighbouring dwellings. In that regard the proposal complies with Policy CW2 of the LDP.

Therefore the main issue to consider in the determination of this application is whether the proposal is acceptable in highway safety terms. It should be noted that the application site is accessed off the A4049 which is a County Route providing one of the main north/south transport routes in the County Borough. Policies in the LDP prevent the creation of new accesses onto such routes in order to maintain the free flow of traffic. In this instance and whilst a new access onto the A4048 is proposed, this access would replace the existing access to the existing dwelling at Westwinds (which is currently sub standard in terms of highway safety) and provide a new access which would have improved visibility and turning facilities. Whilst there would be an increase in traffic from four dwellings as opposed to two dwellings, it is not considered that this would be significant enough to warrant the refusal of this application. In that regard it is considered that the proposal complies with Policy CW3 of the LDP.

Comments from Consultees: With regard to the concerns raised by the Council's Landscape architect in respect of the loss of landscaping in order to provide adequate access to the site, it is not considered that this would justify refusal of this application. Whilst there is existing vegetation and planting on the frontage of the site, these are not indigenous species and they do not contribute to the traditional character of the area. In that regard it is considered that the removal of this and the provision of replacement planting would be acceptable in this instance.

Comments from public: No objections raised.

Cont'd

Application NO: 18/0551/OUT Cont'd

Other material considerations: None.

In conclusion it is considered that the proposal is acceptable subject to 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 appearance, landscaping, layout and scale (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 appearance, landscaping, layout and scale, of the site, 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.

Cont'd

Application No: 18/0551/OUT Cont'd

- 05) 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.
- 06) 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 70 metres. 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.
- 07) 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 existing access shall be permanently stopped-up prior to the completion or first occupation of the development hereby approved, whichever is the sooner, and in a manner which shall first be agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety.
- 08) The access to serve the proposed development shall not be less than 4.1m wide and shall include a suitable turning facility which shall be maintained free of obstruction so that vehicles can both enter and leave the site in a forward gear at all times.
REASON: In the interests of highway safety.
- 09) The proposed access shall be at a gradient not steeper than 1 in 10 for the first 5m from its junction with the highway and thereafter not steeper than 1 in 8.
REASON: In the interests of highway safety.
- 10) Before any development commences the developer shall carry out an investigation of the underground strata (the results of which shall be submitted to the Local Planning Authority) in order to satisfy himself as to the stability of the site and the measures which should be taken to mitigate against the risk of subsidence. Details of the design of the foundations of the proposed building(s) and/or proposals for ground treatment shall take account of the result of the investigation and shall be submitted to and agreed with the Local Planning Authority before development commences. The foundations and/or ground treatment shall thereafter be completed in accord with such details as may be approved.
REASON: In the interests of health and safety.

Cont'd

Application No: 18/0551/OUT Cont'd

- 11) The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan and PL 01 (C).
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 12) 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.
- 13) No development or site or vegetation clearance shall take place until a detailed reptile survey has been carried out and the results of the survey, including an impact assessment, and if necessary details of any proposed mitigation measures, have been submitted to and approved by the Local Planning Authority. The approved measures shall be carried out in accordance with the agreed details.
REASON: To ensure that reptiles are protected, in the interests of biodiversity.
- 14) Unless otherwise agreed in writing with the Local Planning Authority, prior to the commencement of any vegetation or site clearance works, details of the retention, protection, translocation and replacement of hedgerows within the site, including where necessary their method of translocation or species composition and structure, shall be submitted to the Local Planning Authority for approval. The approved details shall be complied with and any replacement hedgerow shall be planted within 12 months of the completion of the development.
REASON: In the interests of biodiversity conservation and enhancement in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales (2010) TAN 5 Nature Conservation and Planning (2009).
- 15) 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.

Cont'd

ApplicationNo: 18/0551/OUT Cont'd

- 16) 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 on the building shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the development hereby approved is first occupied.
REASON: To provide additional roosting for bats as a biodiversity enhancement, in accordance with Section 40 Natural Environment and Rural Communities Act 2006, and policy contained in Welsh Assembly Government's Planning Policy Wales and TAN 5 Nature Conservation and Planning.
- 17) 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.
- 18) 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.
- 19) 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 A4049 capable of achieving an internal Lmax level of 45dB(A). The development shall be carried out in accordance with the approved details before the dwellings hereby approved are brought into beneficial use.
REASON: In the interests of residential amenity.

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 CW4.0

