

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/0988/OUT 19.11.2018	Mr A Davies 26 Graig Terrace Senghenydd Caerphilly CF83 4HN	Erect two detached properties with public off street parking and turning area Land At Grid Ref 311602 191525 Graig Terrace Senghenydd

APPLICATION TYPE: Outline Application

SITE AND DEVELOPMENT

Location: The application site is located on the eastern side of Graig Terrace.

Site description: The application site is an enclosed garden area opposite the dwellings in Graig Terrace. The site has been landscaped and lawned with planted areas and benches. The site slopes down from Graig Terrace towards Phillips Terrace and there is a mature hedgerow to the site boundary.

The site is located in a residential area with terraced houses in all of the surrounding streets. Access to the street is via the highway serving Graig Terrace, which is narrow with a footpath only on one side. There are also significant levels of on street parking in the street.

Development:

Outline planning consent is sought for residential development with all matters reserved for future consideration. Consent for two dwellings is sought. Due to the levels of the site a split level house of one and a half storeys to the front and two and a half to the rear is proposed.

The submitted plans show two detached dwellings (one at each end of the site) set back from the site frontage with parking and turning to the front. Each dwelling would have a separate access point off Graig Terrace.

Dimensions:

Dimensions (upper and lower limits for height, width and length of each building):
Minimum dimensions of 10m by 12m by 7.6m and maximum dimensions of 11m by 16m by 7.6m.

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Materials: Not specified.

Ancillary development, e.g. parking: It is also proposed to erect a turning head and parking facility for the use of residents. The turning facility would be offered for adoption to the Council and as such would form part of the Adopted Highway. The parking area would be built on a raised area supported by a retaining structure. The indicative plans show a proposed timber crib lock retaining wall.

PLANNING HISTORY 2005 TO PRESENT

18/0681/OUT - Erect three detached properties - Refused - 10.10.2018.

POLICY

Local Development Plan: Within settlement limits.

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) 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? The site is within a low risk area.

CONSULTATION

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.

Landscape Architect - Raises an objection to the application as the proposal does not have regard for its impact on the landscape character of the area.

Ecologist - No objection subject to the provision of ecological enhancements.

Aber Valley Community Council - Raises objection to the proposal in respect of existing parking problems in 'The Four Terraces'.

ADVERTISEMENT

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

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Response: Five letters of objection have been received.

Summary of observations:

1. Lack of parking in the street.
2. Obstruction to the highway from displaced parking.
3. Graig Terrace is too narrow to take the additional traffic.
4. There is no turning facility in the street.
5. Loss of view.
6. Loss of privacy.
7. There is no need for the housing in the area.
8. The proposed dwellings would be out of keeping with the character of the area.
9. Construction traffic could have an impact on the stability of the rear retaining walls of the properties in Phillips Terrace.
10. The proposal would lead to the loss of valuable green space.
11. Impact on the history of the area.
12. Loss of property value.

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.

Is this development Community Infrastructure Levy liable? No. The site is within a Zero viability zone.

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ANALYSIS

The application has been considered in accordance with national guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement limits and as such the principle of the development is considered to be acceptable.

The main point to consider in the determination of this application is the impact of the development on highway safety. In that regard it should be noted that the Transportation Engineering Services Manager objected to the previous application on this site for the following reasons:-

- "1. Graig Terrace is unsuitable to cater for additional traffic movements by virtue of its restricted carriageway width and extensive on-street parking demand. Further development would exacerbate traffic hazards to the detriment of highway safety.
2. In the absence of a suitable turning facility along Graig Terrace, the proposed development would create additional reversing movements from servicing/delivery vehicles to and from the un-named highway to the south-west, creating hazards to the detriment of highway safety.
3. The proposed additional use of the substandard highway junction of Graig Terrace and the un-named highway to the southwest would create increased traffic hazards to the detriment of highway safety.

On that basis it is considered that the proposal fails to comply with Policy CW3 of the LDP in that the proposal does not have regard for the safe and affective use of the highway network."

This application has been submitted to overcome those objections and in that regard the turning facility and parking area mentioned above have been proposed.

With regard for the first reason for refusal it is now considered that the proposed highways improvements addresses these concerns. Whilst the proposal does not alter the width of the highway, the ability for vehicles to turn in the street will reduce instances of vehicles having to reverse back out of the street, thereby making vehicular movements inherently safer. The proposed parking area would also reduce the number of vehicles parked on the highway, thereby increasing its effective width in those areas where cars are no longer parked. In that regard it is considered that reason 1 has been adequately addressed.

In respect of the second reason for refusal it is considered that the proposed turning facility adequately addresses this issue.

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In respect of third reason for refusal again it is considered that the highway improvements have an important part to play here. At present vehicles entering Graig Terrace have to either reverse into or out of it as there are no suitable turning facilities. This means that a significant number of vehicles are reversing around a blind bend either into or out of the street at this junction. With the provision of the turning facility, those vehicles will no longer have to reverse into or out of the street thereby improving the highway safety at this junction.

In that regard it is considered that the proposal now complies with Policy CW3 of the LDP.

As stated above the principle of the development is acceptable in this instance and it is possible to erect two dwellings and the highway improvements on the site without having a detrimental impact on the privacy or amenity of neighbouring land and as such the proposal complies with Policy CW2 of the LDP.

In terms of the visual impact of the development it is noted that the Council's Landscape Architect places value on this land as it currently serves to soften the urban edge of the settlement in this area. However, the site is within settlement limits and when viewed across the valley is set within a backdrop of terraced housing with further terraced housing to the south east. As such the site is set within an urban context in a residential area. In that regard it is not felt that a refusal on landscape grounds could be sustained at appeal.

Comments from Consultees: The objections raised by the Council's Landscape Architect and Aber Valley Community Council are addressed above. No other objection have been received.

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Comments from public: The objections are addressed as follows:-

1. Lack of parking is addressed above.
2. Traffic congestion and the increased traffic hazards caused by such is addressed above.
3. The suitability of Graig Terrace to accommodate the traffic associated with the development is addressed above.
4. The absence of a turning facility is addressed above.
5. Loss of view is not a material planning consideration.
6. It is considered that it would be possible to develop the site whilst maintaining adequate privacy between the proposed dwellings and the existing dwellings in Graig Terrace.
7. It is not for the Local Planning Authority to consider whether there is a specific need for these houses in this location. However, it is common knowledge that Caerphilly County Borough has an acute shortage of housing land and as such any proposal for residential development would make a contribution to meeting that need.
8. As this application is submitted in outline with all matters reserved for future consideration, the final design of the dwellings is not known at this time. In that regard it would not be possible to refuse this application on the basis that the design of the dwellings is unacceptable.
9. There is no evidence to suggest that construction traffic would have a detrimental impact on the retaining walls at the rear of the dwellings in Phillips Terrace but in any event this is a private legal matter between the developer and the property owners.
10. As the site is private garden area it is not considered as public amenity land. As such its loss would not be unacceptable in planning terms.
11. The site is not part of a Conservation Area and there are no Listed Buildings or protected structures on or near the site. Whilst the site may be closely linked to the Universal Colliery Mining disaster this would not justify refusal of this application.
12. Loss of property value is not a material planning consideration.

Other material considerations: Whilst the Council would seek to adopt the proposed turning facility in accordance with an Agreement under the Highways Act, it would not be possible to do so in respect of the parking area and the associated retaining wall. In that regard an Agreement under Section 106 of the Town and Country Planning Act 1990 will need to be entered into in order to secure the provision of the facility for public use in perpetuity. This would meet the tests set out for such agreements and as such is considered to be acceptable in planning terms.

In conclusion it is considered that the proposal is acceptable in planning terms subject to the imposition of conditions.

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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:(A) That the application is deferred to allow the completion of a Section 106 Agreement as set out in the above report. Upon completion of the Agreement (B) that outline planning permission is granted subject to the following conditions.

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) 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) The driveway to serve the proposed development shall be not less than 3.65m wide and shall include turning facilities to cater for calling delivery and service vehicles, in a manner to be agreed in writing with the Local Planning Authority. The agreed drive and turning facilities shall be provided before the development hereby approved is first occupied, and shall thereafter be maintained free of obstruction so that vehicles can enter and leave the site in a forward gear at all times.
REASON: In the interests of highway safety.
- 07) The site boundary fronting Graig Terrace shall be set back and a 2.0m wide footway provided along the frontage which shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and completed prior to the first occupation of the development hereby approved.
REASON: In the interests of highway safety.
- 08) A turning facility for use by the public shall be provided in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is first occupied, and shall thereafter be maintained free of obstruction so that vehicles can turn within the facility at all times.
REASON: In the interests of highway safety.
- 09) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLG A 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.
- 10) 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.

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- 11) 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.
- 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) Prior to the commencement of works associated with the development hereby approved, a 5-year hedgerow management plan, which shall include details of the timing of its implementation, shall be submitted to the Local Planning Authority for approval.
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).
- 14) 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.
- 15) Prior to the occupation of the development hereby approved, roosts and a means of access for bats shall be provided as part of the approved development and in accordance with the supplementary specification details attached to this decision notice.
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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- 16) Prior to the occupation of the development hereby approved, details of the provision of nesting sites for bird species (House sparrow, Swift, House martin and Starling) shall be provided as part of the approved development and in accordance with the supplementary specification details attached to this decision notice.
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).
- 17) Parking throughout the development shall be provided in accordance with LDP5 Car Parking Guidelines.
REASON: In the interests of highway safety.
- 18) Prior to beneficial occupation of the development, the proposed private parking facility to serve the existing residents of Graig Terrace shall be completed in a manner to be agreed with the Local Planning Authority.
REASON: In the interests of highway safety.

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.

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.

