

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
18/1090/FULL 21.12.2018	Broadoak International Investments Ltd Mr P Purnell 11 Coed-Y-Pica Abertridwr Caerphilly CF83 4ET	Erect four dwellings Land At Grid Ref 312302 188899 Bronmynydd Abertridwr

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 312302 188899, Bronmynydd, Abertridwr.

Site Description: The application site is a steeply sloping parcel of scrub land to the south and east of existing housing within Bronmynydd and Coed-Y-Pica, Abertridwr. The site levels fall approximately 12m from south to north. The Mynydd Eglwysilan Special Landscape Area lies to the south of the application site.

Development: The application seeks planning permission to construct four dwellings. Each dwelling would have accommodation on a single level with three bedrooms (en-suite to master bedroom), kitchen/dining room, lounge and bathroom. A lower ground floor area mainly comprised of voids would include a small store with balcony area above and each property would be accessed by a set of steps along its frontage.

Dimensions:

Each of the four dwellings proposed measures approximately 13.5m wide by 10.5m deep (maximum extent) with an overall height of 8.5m.

Materials: The walls are proposed to be finished in a cream coloured smooth render with a tiled roof.

Ancillary development, e.g. parking: Each property would be provided with three parking spaces.

PLANNING HISTORY 2005 TO PRESENT

P/05/1664 - Erect Five Dwellings - Granted - 16.02.2006.

11/0108/FULL - Renew Planning Permission P/05/1664 for non-compliance with condition to begin works within five years - Granted - 23.04.2013.

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18/0265/NCC - Vary condition 01 of planning consent 11/0108/FULL (Renew Planning Permission P/05/1664 for non-compliance with condition to begin works within five years) to extend time allowed to commence development - Under consideration.

18/1079/FULL - Erect four dwellings - Granted 18.07.19.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW11 (Affordable Housing), CW15 (General Locational Constraints), NH1 (Special Landscape Areas), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Planning Policy Wales, Technical Advice Note 12: Design.

SUPPLEMENTARY PLANNING GUIDANCE

Supplementary Planning Guidance note LDP 7 (Householder Development).

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? This is a Low risk area, and so it is intended to attach an informative note about mining conditions in the area.

CONSULTATION

Ecologist - I have visited the above proposed site and I can confirm that the area has the potential to support both breeding birds and reptiles due to the habitat present on site. Recommends planning conditions to address ecological matters.

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Landscape Architect - Expresses no objection to the principle of this residential development but does have concerns in relation to integration of the housing area with the adjacent designated Mynydd Eglwysilan NH1.3 Special Landscape Area. Recommends additional information in relation to trees and their protection.

If you are minded to approve this application I would expect suitable mitigation planting to be carried out to compensate for the loss of any trees in order to maintain the existing soft urban edge. Therefore full soft landscape details including planting species, density, numbers, sizes, specification along with details of the 5 years defects and maintenance, period will require conditioning for further approval.

Principal Valuer - No comments from Property.

Head Of Public Protection - No objection, request conditions related to soil importation and dust and noise suppression during construction.

CCBC Housing Enabling Officer - Following an assessment of viability information no affordable housing contribution is required.

Senior Engineer (Land Drainage) - No objection, recommends a drainage condition be imposed.

Transportation Engineering Manager - No objection subject to planning conditions to address Highway considerations.

Dwr Cymru - No objection.

Aber Valley Community Council - Query the pedestrian access to the top row of Bronmynydd and who is going to be responsible for the pedestrian access in the future.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice and 18 neighbour notification letters were sent.

Response: Two representations were received.

Summary of observations:

- Overlooking/Loss of Privacy.
- Loss of Light to amenity space and property.
- Increase in traffic on the highway network.

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- Increase noise and disturbance.
- Devaluation.
- Loss of View.
- Overdevelopment.
- Could destabilise boundary walling.

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?

It is not considered that crime and disorder will be materially affected by the development.

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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? The application site is within the Lower Viability area for CIL which is zero rated for residential development.

ANALYSIS

Policies:

The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The main considerations for the application are the impact on neighbour amenity and the visual appearance of the development on the character of the area.

The principle of development is considered acceptable with the application site being located within the Settlement Boundary as defined under adopted Local Development Plan Policy SP5 (Settlement Boundaries) which specifies the area within which development would normally be allowed, taking into account material planning considerations.

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In respect of Policy CW7 (Protection of Open Space) it is considered that the amount of open space remaining in the neighbourhood would still be adequate to serve local needs with both Abertridwr Park (protected under Policy LE1 - Protection of Formal Open Spaces) and Abertridwr Heritage Park (protected under Policy LE5 - Protection of Informal Open Spaces) within 500m of the application site. The application site is not considered to have a significant value as a recreational resource due to the steeply sloping topography of much of it and is not an area of significant visual amenity.

The visual impact of the development has been considered. The sloping nature of the site is such that although the properties have their accommodation on one level in a bungalow style arrangement the front elevations of the properties would appear two storey with the lower ground floor area (apart from having a small store area at the front) being comprised of voids. The appearance of the dwellings are considered acceptable. The development accords with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The existing properties to the north are located at a substantially lower level than the application dwellings due to the natural sloping topography. The relationship between the proposed dwellings and those dwellings below would be broadly similar to that of dwellings on either side of the lower street Bronmynydd and it is noted that many properties within the locality have a similar relationship with properties in their neighbouring streets which are located at different levels due to the natural topography. The separation distance between windows in the proposed new dwellings and windows within the existing properties on Bronmynydd (numbers 1, 2 and 20-24 inclusive) and Coed-Y-Pica (1-11 inclusive) would in all instances be greater than 21 metres and this reflects many of the existing dwellings in terms of levels of privacy. The proposed new access road would be closer to the existing dwellings on the northern side and as has been required in previous permissions on the land it is considered appropriate to require a 1.8m high privacy fence on the northern side of the access road to restrict elevated overlooking from the private road to the existing properties on the northern side of Bronmynydd. There would be no unacceptable impact from the proposed development to the existing residential property to the west (31 Bronmynydd) nor to a dwelling recently granted consent to the same applicant under planning permission 18/1079/FULL. There would be sufficient separation distance to avoid any unacceptable impact on light or amenity for the occupiers of the existing properties. The development would have an acceptable impact on the existing levels of amenity of all surrounding residential properties according with adopted Local Development Plan Policy CW2 (Amenity).

The Highway Authority has considered the development and offers no objections subject to planning conditions to provide suitable access and parking arrangements. The development accords with Policy CW3 (Highways).

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Comments from consultees:

It is considered that in respect of the Landscape Officer's comments that satisfactory Landscaping can be agreed via a planning condition and suitable replacement planting can be agreed.

In respect of Community Council comments in respect of a set of steps and their future maintenance this has been considered under the planning application for a single dwelling (18/1079/FULL) to the west of the site and that permission requires a replacement set of steps to be provided.

Comments from public:

- Overlooking/Loss of Privacy.
- Loss of Light to amenity space and property.

The new dwellings would have a similar separation distance and difference in levels to those existing dwellings within the top road of Bronmynydd and those properties in the road below. The separation between habitable room windows exceeds 22 metres and is considered that there will be no unacceptable overlooking introduced by the proposed development. There will be no unacceptable impact in terms of loss of light or overshadowing to existing residential properties

- Increase in traffic on the highway network.
- Overdevelopment.

Noting the limited scale of the application the proposed development will not lead to an unacceptable increase in the general traffic levels within the locality. It is not considered that the proposal would result in overdevelopment being of a low density of below 10 dwellings per hectare.

- Devaluation.
- Loss of View.

These are not material planning considerations.

- Increase noise and disturbance.

The Environmental Health Officer has raised no objections to the proposed development and the limited construction period associated is not expected to cause unacceptable disruption. There are conditions proposed to require details of dust and noise mitigation during construction. The proposed dwellings will have an acceptable impact on neighbour amenity.

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- Could destabilise boundary walling.

This would be a matter for the developer to address in undertaking the development works and a planning condition requires certification of structural works to be submitted to the Local Planning Authority.

Other material considerations:

The applicant has separately applied to renew a planning permission (18/0265/NCC) having originally obtained planning permission in 2006 which has thereafter been renewed) for an alternative scheme on part of the site for five larger split level three storey properties which are considered to be more significantly imposing than the current dwelling design subject to this application. Due to the overlapping footprints only one of the schemes could be implemented.

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.

The development is considered to be acceptable in its design, impact on the amenity of occupiers of neighbouring dwellings and is recommended for approval accordingly.

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.

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- 02) The development shall be carried out in accordance with the following approved plans and documents:
- Proposed Site Location Plan, drawing reference SK.1.
 - Proposed Site Layout, drawing reference 1450/02, received 21.12.18.
 - Proposed Cross Section and Longitudinal Section, drawing reference 1450/03, received 21.12.18.
 - Proposed Drainage Layout, drawing reference 1450/4 received 21.12.18.
 - Proposed Plans and Elevations, drawing reference 1450/5, received 21.12.18.
- REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.
- 04) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) 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 in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) No development or site/vegetation clearance shall take place until a detailed Reptile Mitigation Strategy has been prepared by a competent ecologist and submitted for the approval of the Local Planning Authority along with any translocation or mitigation measures. The approved measures shall be strictly complied with.
REASON: To ensure that reptiles are protected in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) Prior to the occupation of the development hereby approved, nesting sites for birds 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 birds 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).
- 09) Prior to the commencement of the development a scheme depicting hard and soft landscaping shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be carried out in the first planting and/or seeding season following the beneficial occupation of the development. Any trees or plants which within a period of 5 years from the completion of the development die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
REASON: In the interests of the visual amenity of the area in accordance with policies CW2 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 10) 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.
- 11) The proposed private driveway serving the properties shall have a maximum gradient of 1 in 8, shall be constructed in permanent materials to be agreed in writing with the Local Planning Authority and shall be completed prior to beneficial occupation of the development.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The dwellings shall not be occupied until the areas indicated for the parking of vehicles have been laid out in accordance with the submitted plan, and those areas shall not thereafter be used for any purpose other than the parking of vehicles.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 13) Prior to occupation of the dwellings hereby approved or prior to the proposed parking area being brought into beneficial use (whichever is the earlier) a vehicle restraint system, barrier or equivalent scheme located at the top of the earth embankment behind 11 Coed-Y-Pica, and numbers 1& 2 and 19-21 Bronmynydd shall be constructed in a manner to have first been agreed in writing by the Local Planning Authority. The vehicle restraint measures shall be retained and maintained thereafter.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021

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- 14) Prior to the occupation of the dwelling(s) hereby approved all hard surfacing within the curtilage(s) shall have been:
- 1) constructed in porous or permeable materials, or
 - 2) provided with drainage to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse, and
 - 3) where a surface is to be used as a parking area or drive it shall have a maximum gradient of 1:8 and not be constructed in loose materials, and thereafter those areas shall be permanently maintained so as to comply with requirements 1), 2) and 3) of this condition.
- REASON: To provide a sustainable drainage system and avoid loose materials being taken out onto the highway in accordance with policies CW3 and SP6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 15) Prior to the construction of the external surfaces of the development hereby approved details of the materials to be used, in electronic or printed format shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- REASON: In the interests of the visual amenity of the area.
- 16) Notwithstanding the submitted plans, no works whatsoever shall commence on site until a slope stability analysis on the embankment supporting the proposed access, together with certification from an independent chartered civil or structural engineer that the proposals are structurally adequate and fit for their intended purpose have been first submitted to and approved in writing by the Local Planning Authority. Following construction of the agreed works, additional certification from an independent chartered civil or structural engineer confirming that the works have been constructed in an appropriate manner and that they are physically fit for their intended purpose shall be submitted to the Local Planning Authority prior to beneficial occupation of the development.
- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 17) Rainwater run-off shall not discharge into the highway surface-water drainage system.
- REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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Advisory Note(s)

Please find attached the comments of The Council's Ecologist and Dwr Cymru/Welsh Water that are brought to the applicant's attention.

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.

