

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0654/NCC 07.08.2019	Persimmon Homes East Wales Persimmon House Llantrisant Business Park Llantrisant CF72 8YP	Vary condition 1 (Approved plans) of planning consent 17/1095/RM (Seek approval of the reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200) for residential development of 155 dwellings) to specify revised site layout as a minor material amendment Land At Grid Ref 318978 197966 Oakdale Golf Course Lane Oakdale

APPLICATION TYPE: Development without complying with conds

SITE AND DEVELOPMENT

Location: The application site is part of the housing development allowed on appeal at the former golf course that lies to the south of the settlement of Oakdale. More specifically, it comprises plots 88 to 93 at the north-western end of the site.

Site description: Work has commenced on the housing development at the eastern end of the approved estate, but the current site is undeveloped. The estate as a whole is at a similar level to Llwyn On Crescent, but the current site is at a lower level as the land drops down into the valley that runs southwards from Oakdale and contains the Nant Philkins.

Development: The reserved matters approval for this development granted in July 2018 showed the six flats at plots 88 to 93 in a single two-storey block running in an east-west direction, with a parking area to the south. Following that, an application was received to discharge the condition requiring the approval of any change in land levels at the development. Plots 88 to 93 were shown to be raised some 5 metres out of the ground.

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The plans for the levels show the finished ground floor levels of the flats ranging from 243.3m to 244.2m, whereas the existing levels at the similar points are approximately 238.29m to 243.37m, an increase of between 0.8m and 5.9m, which would put the flats at a similar level to the existing bungalows on Llwyn On Crescent. It was concluded that when viewed from Springfield Bungalow, the proposed change in levels, with a two-storey building on top would be an intrusive feature, which would be detrimental to the amenity of the occupants of the neighbouring dwellings because of the change in the aspect of those properties, which currently enjoys a vista into the open countryside. That change in levels was refused permission on those grounds.

The current application has been submitted to overcome that refusal, and shows the block running north south, so that only the gable end of the building would face the dwellings to the north. The parking area would be to the front of the block running along the western boundary of plot 94.

PLANNING HISTORY 2005 TO PRESENT

P/05/0561- Erect one detached house - Refused 06.10.05.

P/05/1682 - Erect two storey dwelling to be used as holiday let - Granted 16.02.06.

P/06/0392 - Erect two dormer bungalows - Granted 01.06.06.

06/0753/FULL - Erect extension to driving range - Granted 25.01.07.

11/0095/FULL - Erect two dormer bungalows with associated groundworks, access and car parking - Granted 31.03.11.

15/0567/OUT - Erect residential development of up to 175 units including open space provision, access and parking arrangements - Refused 07.04.16 - Allowed on appeal 15.11.17.

17/0270/OUT - Erect residential development of up to 175 units including open space provision, access and parking arrangements and to approve the matters of access and scale - Not yet determined.

17/1095/RM - Seek approval of the reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200) for residential development of 155 dwellings - NYD.

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18/0051/COND - Discharge condition 10 (Reptile and Amphibian Mitigation Strategy) of planning application 15/0567/OUT (APP/K6920/A/16/3160200 - Erect residential development of up to 175 units including open space provision, access and parking arrangements) - Decided 30.01.18.

18/0062/COND - Discharge conditions 12 (bat provision) and 13 (bird nesting provision) of planning application 15/0567/OUT (APP/K6920/A/16/3160200 - Erect residential development of up to 175 units including open space provision, access and parking arrangements) - Decided 16.03.18.

18/0071/COND - Discharge condition 11 (light mitigation strategy) of planning application 15/0567/OUT (granted on APP/K6920/A/16/3160200 - Erect residential development of up to 175 units including open space provision, access and parking arrangements) - Decided 18.07.18.

18/0106/COND - Discharge condition 04 (Construction Method Statement) of planning application 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 - Erect residential development of up to 175 units including open space provision, access and parking arrangements) - Decided 18.07.18.

18/0107/COND - Discharge condition 17 (Affordable Housing) of planning application 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 - Residential development of up to 175 units including open space provision, access and parking arrangements) - NYD.

18/0268/COND - Discharge conditions 15 (Sustainable drainage system) and 16 (Foul and surface water) of planning consent 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200 Erect residential development of up to 175 units including open space provision, access and parking arrangements) - NYD.

18/0605/COND - Discharge condition 09 (provision of footway) of planning application 15/0567/OUT (APP/K6920/A/16/3160200 - Erect residential development of up to 175 units including open space provision, access and parking arrangements) - NYD.

18/0665/COND - Discharge conditions 12 (Bats) and 13 (Birds) of planning consent 15/0567/OUT (APP/K6920/A/16/3160200 (Erect residential development of up to 175 units including open space provision, access and parking arrangements) - NYD.

18/0678/COND-Discharge condition 08 (floor levels) of planning consent 17/1095/RM (Seek approval of the reserved matters regarding appearance, landscaping, layout and scale reserved under outline planning permission 15/0567/OUT (granted on appeal reference APP/K6920/A/16/3160200) for residential development of 155 dwellings)- DECIDE-08.10.2018.

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POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is outside the settlement.

Policies: Policy CW 2 states that:-

“Development proposals must have regard for all relevant material planning considerations in order to satisfy the following requirements:

A There is no unacceptable impact on the amenity of adjacent properties or land

B The proposal would not result in overdevelopment of the site and / or its surroundings

C The proposed use is compatible with surrounding land-uses and would not constrain the development of neighbouring sites for their identified land-use

D Where applicable, the viability of existing neighbouring land uses would not be compromised by virtue of their potential impact upon the amenity of proposed new residential development.”

NATIONAL POLICY Paragraph 3.9 of Planning Policy Wales states that:

"The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations."

ENVIRONMENTAL IMPACT ASSESSMENT

Did the application have to be screened for an EIA? No.

COAL MINING LEGACY

Is the site within an area where there are mining legacy issues? The site is within a Coal Mining Development Low Risk Area.

CONSULTATION

Senior Arboricultural Officer (Trees) - No objection.

CCBC - 21st Century Schools - Current projections indicate that there is adequate provision in both the English and Welsh Medium Schools (Primary and Secondary).

CCBC Housing Enabling Officer - Affordable housing at the development should be in clusters of no more than six dwellings.

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Senior Engineer (Land Drainage) - A statutory Sustainable Urban Drainage standards statement should be submitted to support the application. Should the proposed layout be submitted as a SAB application then the proposals are unlikely to be favourably determined.

Head Of Public Services - Adequate provision should be made for refuse collection.

Dwr Cymru - No objections.

Wales & West Utilities - The location of the company's plant is brought to our attention. It is not affected by the proposed development.

Western Power Distribution - No objections. The developer should contact the company if they wish to make a connection to the local network.

Natural Resources Wales - No objections.

CADW - No comments.

Conservation & Design Officer - No objections subject to the use of appropriate brickwork.

Landscape Architect - In the interests of visual amenity, walls should be used instead of a mixture of walls and hit and miss fencing.

ADVERTISEMENT

Extent of advertisement: Fifty seven neighbouring properties have been consulted, and a site notice posted.

Response: Thirteen letters of objection have been received, including ones from the two ward members.

Summary of observations:

- attention is drawn to the previous refusal of the level changes at the site
- loss of open aspect
- intrusive feature
- visual eyesore in the conservation area
- the land was formerly an ash tip and would require a lot of work to build it up
- no reptile or amphibian barrier has been erected around the plot
- contrary to policy CW2 of the LDP
- loss of light
- the amended layout has a greater impact on the properties in Llys Cyncoed to the west of the site

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- the submitted information about the variation is unclear, and the specified grid reference is wrong.

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.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes. The rate in this part of the borough is £25 per square metre of floorspace subject to indexation.

ANALYSIS

Policies: The existing ground level at the site varies from 238.29m to 239.51m on the western side, to 243.37m to 244.11m at its eastern side. The proposed block would be located at approximately 244m, so the maximum increase in levels would be around 5.8m. That would place the block at a similar level to the bungalows on Llwyn On Lane. The distance from the backs of those neighbouring dwellings to the side of the proposed block is some 55 metres minimum, well over the normal minimum of around 21 meters. Whilst the application to vary the levels was refused, that was on the basis of the rear of the block of flats facing those neighbours directly, a facade of 23m in width, whereas it is now proposed that the gable end of 8m in width would face those properties. The gable would be 8.6m high to the ridge. The view from the rear of these neighbouring properties will change as a result of this development, but on that basis of the altered orientation, there would be no significant harm to their amenity. Also, a planting scheme has been approved on the intervening land which will mitigate the impact of the development in time. A condition could be imposed seeking the enhancement and early implementation of the landscaping.

There are also existing houses at Llys Cyncoed to the west of the site, which are at a lower level. The block would now face westwards, whilst the rears of those neighbouring houses face eastwards. However, they do not face each other directly; they are off-set by 20m and are no closer to each other than 37m. Therefore, there will be no significant impact on those neighbouring properties.

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Comments from Consultees: A number of comments have been received, and it should be borne in mind that planning permission has already been granted for this estate, and associated conditions discharged. With regard to affordable housing, the proposed block is a stand-alone cluster of six affordable homes. A drainage scheme has been approved in accordance with a condition on the outline planning permission associated with an off-site attenuation scheme. There is adequate room for refuse provision, and details of materials and wall construction have been agreed for the whole scheme.

Comments from public: The objections raised by neighbours will be considered in turn below.

- attention is drawn to the previous refusal of the level changes at the site - the difference between the previous refusal and the current proposal is discussed above. The re-orientation of the building and the distance between the building and the neighbouring properties, mitigated by proposed landscaping makes the scheme acceptable.
- loss of open aspect - this concern has now been overcome from a planning point of view for the reasons stated above.
- intrusive feature - this concern has now been overcome from a planning point of view for the reasons stated above.
- visual eyesore in the conservation area - the boundary of the conservation area runs along Llwyn On Lane, and proposed flats are almost 100m to the south, with the modern bungalows on Llwyn On Lane in between. In determining a planning application, the Council must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In view of the intervening distance and buildings, the proposal will not affect the conservation area.
- the land was formerly an ash tip and would require a lot of work to build it up - this is a matter for the developer to address under the Building Regulations.
- no reptile or amphibian barrier has been erected around the plot - this will be secured by condition in line with the approach taken by the inspector at appeal.
- contrary to policy CW2 of the LDP - for the reasons discussed, the development is satisfactory from the point of view of this policy.
- loss of light - there would be no such loss due to the distance between the proposed building and the existing dwellings.
- the amended layout has a greater impact on the properties in Llys Cyncoed to the west of the site - this matter is discussed above.
- the submitted information about the variation is unclear, and the specified grid reference is wrong - it is evident from the comments received that the local residents are aware of the location of the development, and that the submitted information is clear enough to allow the application to be determined.

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Other material considerations: The duty to improve the economic, social, environmental and cultural well-being of Wales, have 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) This permission is solely for plots 88 to 93 as shown on drawing 609/SP-01 Rev W, and the associated parking area and refuse provision for that block of dwellings. The remainder of the housing estate shown on that drawing shall be carried out in accordance with the details agreed in accordance with outline planning permission APP/K6920/A/16/3160200, and reserved matters approval 17/1095/RM, and the details subsequently agreed with the Local Planning Authority in respect of the conditions on those consents.
REASON: For the avoidance of doubt as to the extent of this consent.
- 03) The development hereby approved shall be carried out in accordance with the Construction Method Statement approved by the Local Planning Authority on 18 July 2018 (reference 18/0106/COND).
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 development hereby approved shall be carried out in accordance with the Reptile and Amphibian Mitigation Strategy approved by the Local Planning Authority on 30 January 2018 (reference 18/0051/COND).
REASON: In the interests of nature conservation in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) The development hereby approved shall be carried out in accordance with the light mitigation strategy approved by the Local Planning Authority on 18 July 2018 (reference 18/0071/COND).
REASON: In the interests of residential amenity, and nature conservation in accordance with policies CW2 and CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 06) The development hereby approved shall be carried out in accordance with the biodiversity enhancement plan approved by the Local Planning Authority on 8 October 2018 (reference 18/0665/COND).
REASON: In the interests of nature conservation and enhancement in accordance with policy CW4 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) The development hereby approved shall be carried out in accordance with the affordable housing statement approved by the Local Planning Authority on 21 September 2018 (reference 18/0107/COND).
REASON: To ensure the provision of affordable housing in accordance with policies SP15 and CW11 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) The development shall be carried out in accordance with the following approved plans and documents: 609/SP-01 Rev W; 609 2.1.1-1BF-16 [B].
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 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 prior to the first 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.
- 10) The development hereby approved shall not be occupied until the roads linking it to the remainder of the housing estate have been installed in accordance with the details agreed in accordance with outline planning permission APP/K6920/A/16/3160200, and reserved matters approval 17/1095/RM, and the details subsequently agreed with the Local Planning Authority in respect of the conditions on those consents.
REASON: To ensure that the development has satisfactory highway access in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) The development shall not be occupied until the area indicated for the parking 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 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.

