

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0619/FULL 29.07.2019	Mrs S Davies 2 Princess Avenue Caerphilly CF83 1HS	Convert existing double garage to dwelling together with alteration to roof 2 Princes Avenue Caerphilly CF83 1HS

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: The application property is situated to the rear of 2 Princes Avenue, Caerphilly.

Site description: The application site comprises an existing garage and part of the rear garden of the property at 2 Princess Avenue. The existing garage is a single storey flat roof structure that provides space for two vehicles with access off the lane to the rear of Princess Avenue. The site slopes down from the garage to the northern boundary of the garden and is at a higher level than the associated dwelling. Access to the garage is via the lane to the side and rear of the dwelling at 2 Princess Avenue which also provides access to three dwellings.

Development: The application seeks consent to convert the garage into a one bedroom dwelling. The dwelling would incorporate an open plan living room, kitchen and dining area on the ground floor and a new apex roof is to be constructed to enable a bedroom with en-suite to be provided at first floor level. The garage doors onto the rear lane are to be blocked up and a high level window serving the kitchen area would be inserted into that elevation. The front elevation of the building facing north would include a door and French doors at ground floor level with rooflights serving the first floor.

A decked amenity area and garden will be provided within the site together with a parking space and a bin storage area. The parking area will be accessed via the rear lane.

Dimensions: The site measures 15.6m long and 6.6m wide. The new building measures 6m by 6.2m and will be 5.4m high from rear land level.

Materials: The building will be finished in render with a slate roof.

Ancillary development, e.g. parking: None.

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PLANNING HISTORY 2005 TO PRESENT

None.

POLICY

Local Development Plan: Within settlement limits.

Policies

Local Development Plan: SP3 (Development in the Southern Connections Corridor), SP5 (Settlement Boundaries), SP6 (Place Making), 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 3.9 –

- The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Paragraph 3.16 –

- 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. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

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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? Not applicable.

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 - Raises objection as it is considered that the lane serving the development is unsuitable to serve as the principal means of access for a dwelling and the proposal would create additional movements by service and delivery vehicles.

Head Of Public Protection - No objection subject to conditions.

Senior Engineer (Land Drainage) - Recommends that the application be deferred until such time as an application for SAB approval is submitted.

Ecologist - No objection subject to conditions.

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

ADVERTISEMENT

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

Response: One letter of objection was received.

Summary of observations: 1. Vehicles should not be allowed to park in the rear lane.

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.

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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.

Is this development Community Infrastructure Levy liable? Yes, the site is within the higher viability area where the charge is based on £40 per square metre of floorspace subject to indexation.

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 full planning consent to create a new dwelling in a residential area within the defined settlement limits and as such the principal of development is considered to be acceptable.

The main point to consider here is whether the access serving the site is acceptable having regard for the objection raised by the Transportation Engineering Services Manager. Whilst it is accepted that the lane serving the site is narrow with a 90 degree bend, it should also be noted that the lane currently serves as the principle means of access to three other dwellings. It is not considered that the introduction of a one bedroom dwelling would add significantly to the traffic using the rear lane and would not pose dangers to highway safety that would justify refusal of this application in planning terms. Moreover the Local Planning Authority has to balance the merits of the proposal against any constraints and in that regard it should be noted that the provision of this dwelling would make a small contribution to meeting the Council's shortage of housing to meet national targets and this allied to the minimal impact of the development on the highway network outweighs any potential harm.

The proposed development is considered to be acceptable in terms of design and layout and the windows have been orientated such that there would be no loss of privacy or amenity to neighbouring dwellings. In that regard it is considered that the proposal complies with Policy CW2 of the LDP.

Adequate off street parking is proposed for the new dwelling and there is adequate space within the curtilage of the existing dwelling to provide adequate parking for that property and as such the proposal complies with Policy CW3 of the LDP in that regard.

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Comments from Consultees: The concerns of the Transportation Engineering Services Manager are addressed above. With regard to the request from the Senior Engineer (Land Drainage) to defer the application to enable an application for SAB approval to be submitted it is considered that this would be unreasonable in this instance. The application site is situated within a developed urban area and currently contains a garage that occupies one third of its surface area. Whilst no details of drainage are submitted it is considered that there is adequate scope within the site to provide sustainable drainage and this matter can be adequately addressed under the SAB legislation. No other objections were raised.

Comments from public: Adequate off street parking can be provided for both the proposed and existing dwellings and a condition can be attached to any consent granted requiring this. If any vehicles are parked in the rear lane and are causing an obstruction to the highway then this would be a Police matter.

Other material considerations: Given the constrained nature of this site it is considered that it would be prudent to attach a condition to any consent granted removing permitted development rights for extensions, roof extensions, windows and outbuildings.

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: 200, 201, 202, 203 and 204.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) 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.

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- 04) Notwithstanding the approved plans prior to the commencement of any works on site 3 no. off-street parking spaces shall be provided within the curtilage of and to serve the property at No. 2 Princess Avenue in accordance with a scheme to be agreed in writing with the Local Planning Authority and shall be maintained thereafter free of obstruction for the parking of motor vehicles only.
REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 05) 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 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.
- 06) 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.
- 07) 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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- 08) 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 in the new property at 2 Princes Avenue, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
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 (2018) and Tan 5 Nature Conservation and Planning (2009).
- 09) Prior to the commencement of any works on site, details of the provision of nesting sites for bird species (House sparrow or Starling) in the new property at 2 Princes Avenue, Caerphilly, shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented before the new property hereby approved is first occupied.
REASON: To provide additional nesting opportunities for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Government's Planning Policy Wales (2018) and Tan 5 Nature Conservation and Planning (2009).
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no enlargement to the dwelling consisting of an addition to or alteration to its roof shall be constructed without the approval of the Local Planning Authority.
REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

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- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order) with or without modification, no building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwelling house as such shall be constructed without the approval of the Local Planning Authority. REASON: In the interests of residential amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

The applicant is advised that a registered Asbestos contractor should remove any asbestos within the boundary of the development.

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).

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.

Please find attached comments from Dwr Cymru/Welsh Water.

