

Code No. and Date Received	Name and Address of Applicant	Description and Location of Proposed Development
19/0920/FULL 14.11.2019	Mr C Hicks Nant Y Wennol Yew Tree Cottage To The Row Draethen Newport NP10 8GB	Erect detached house and garage Land At Grid Ref 321955 187224 Yew Tree Cottage To The Row Draethen

APPLICATION TYPE: Full Application

SITE AND DEVELOPMENT

Location: Land At Grid Ref 321955 187224, Yew Tree Cottage To The Row, Draethen

Site description: Land to the south-east of the road into Draethen. To the south-west is Spring Chase a detached dwelling with a substantial curtilage. To the north-east is a small access track with right of way and beyond that is Nant Y Wennol a detached property. To the south-east is the Nant Y Draethen watercourse with trees and open countryside beyond. To the north-west is the main road which runs through Draethen.

Development: Erect detached house and garage.

Dimensions: The maximum width of the dwelling is 13.5m which includes an attached garage. The depth of the dwelling is a maximum of 10m which includes a two storey rear gable element. The height of the dwelling is a maximum of 8m.

Materials: Walls: Render Painted Roof: Slate.

Ancillary development, e.g. parking:

PLANNING HISTORY 2005 TO PRESENT

18/0045/OUT-Erect detached house and garage- Application Withdrawn.

18/0460/FULL-Erect detached house and garage-Application Withdrawn-05.03.2019.

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POLICY

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

Site Allocation: The site lies outside the defined settlement boundary. It is within the Draethen Conservation Area and the Rudry Visually Important Local Landscape (VILLs).

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), NH2 (Visually Important Local Landscape (VILLs) 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 6 (Better Places to Live).

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

Strategic & Development Plans -

Transportation Engineering Manager - No objection subject to the conditions to address detailed highway considerations.

Head Of Public Protection - Environmental Health have no adverse comments to make with regards to the above planning application.

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Conservation & Design Officer - Whilst this site is a greenfield site, the land lies between two relatively recently constructed housing developments: at Spring Chase Yes Tree Cottage to The Row', and at 'Nant Y Wennol.' There is no settlement envelope boundary identified for Draethen, but this location is within an area of housing associated with and in close proximity to the historic core of Draethen village.

The built form of the detached property has been designed to blend in with the traditional building form of Draethen, its two-storey, double fronted appearance with steep roof pitches and the small dormer windows breaking through the line of the eaves. These characteristics are very much in line with the local vernacular form.

No objections to these proposals subject to agreement of suitable external finishes which can be agreed via condition.

Ecologist -

Landscape Architect - The Landscape Officer advises that the site contains a native hedgerow on the eastern boundary and is located adjacent to a water course which forms part of the Coed Craig Ruperra, Draethen SINC. The presence of a number of mature riparian trees are located along the water course and SINC which contribute to the character and biodiversity of the area. Recommends that a tree survey be submitted and also a tree protection plan be submitted.

Natural Resources Wales - Raised objection to the application in principle due to the flood risk designation. Following discussions with the Local Planning Authority NRW reviewed the submitted Flood Consequence Assessment they provided a revised response whether they advised that significant concerns remained but recommend the Local Planning Authority should only grant planning permission if you include the following document within the condition identifying approved plans and documents on the decision notice.

Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019 and Section 2.3 - Proposed Development which states that a Finish Floor Level of 54.38m AOD is proposed.

Dwr Cymru - No objection.

Wales & West Utilities -

Western Power Distribution - No objections.

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Rights Of Way Officer - Highlights that there are several rights of way in the vicinity of the application site but none are directly affected by the development.

Senior Engineer (Land Drainage) - The Land Drainage Officer has commented that:

1.The applicant has indicated the disposal of surface water via watercourse; however no/limited information has been submitted to consider the viability of this method of disposal of surface water.

2.Where the applicant intends to discharge surface water to Main River, we recommend the Local Planning Authority consult NRW for their comments. Please note the applicant may be required to obtain a Flood Risk Activity Permit (FRAP) from NRW, in relation to such proposals.

3.The site is situated within an area susceptible to groundwater flooding.

4.The site is situated within an area susceptible to surface water flooding.

5.It is noted that the proposed site is situated within a Flood Zone, as identified within the NRW Development Advice Maps. I recommend the Local Planning Authority consult Natural Resources Wales for their comments. The applicant may be required to submit a Flood Consequence Assessment (FCA) which examines the likely mechanisms that cause flooding, and the consequences on the development of the flooding, must be undertaken which is appropriate to the size and scale of the proposed development.

6.I note the applicant has provided a minimum distance from edge of bank to the dwelling; this should be retained for future maintenance access by the riparian owner. Please note CCBC recommend the distance be increase to 8m, from the bankside at the widest point.

7.The proposed development is within 20m or in close proximity to a watercourse

8.Any works that affect the existing watercourse may require an application for Ordinary Watercourse Consent. Such works may also require the submission of a Water Framework Directive Assessment.

Advise that SAB approval is required and request application is deferred.

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ADVERTISEMENT

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

Response: One response was received relative to the consultation exercise.

Summary of observations: - Raises no objections to the development but suggests that the introduction of a chimney to the plain gable end facing the road could be considered.

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? Yes, the application site is located within the Higher Viability Zone, which carries a rate of £40 per square metre of internal floor space (excluding indexation).

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 principle of the development, flood risk, impact on neighbour amenity and the visual impact of the development on the character of the area including the Draethen Conservation Area and Rudry Visually Important Local Landscape (VILL).

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The application site is located on the south-western side of Draethen within the designated Conservation Area. The entrance to Draethen village when approaching from the western side is primarily ribbon development (with the exception of Primrose Cottage) with residential properties appearing on either side of the main road with some variety in orientation and the set back of properties from the road. The application site is located in between two existing residential properties on the south-east side of the road with Nant Y Wennol to the north-west and Spring Chase to the south-west which is notable for its sizeable garden area. A public right of way is present in between Nant Y Wennol and the application site. The development is considered to represent infill development between existing residential properties.

The village of Draethen does not have an identified settlement boundary within the adopted Local Development Plan under Policy SP5 and therefore the application is considered to be a departure from the Local Plan and contrary to Policies CW15 (General Locational Constraints) and Policy SP5 (Settlement Boundaries). However as stated above the site is infill development between existing residential properties within Draethen and as such it is not considered to represent inappropriate development in the countryside, being well related to the existing built form. It will not result in a material increase in new ribbon development, being within an existing stretch of such settlement pattern and it also does not represent either coalescence of different settlements nor would represent fragmented development being within and broadly contiguous with the existing settlement pattern of Draethen. The site is within a Visually Important Local Landscape (VILL) but it would be viewed in context with the existing surrounding dwellings having an acceptable impact on the VILL. In this respect the principle for residential development on the application site is considered acceptable.

The application site is partially within a designated Flood Zone C2 and flood risk is a material planning consideration. National Planning Policy on Flood risk is contained within Planning Policy Wales and also within Technical Advice Note 15 (Development and Flood Risk). In respect of application sites within Flood Zone C2 there is presumption against residential development which is categorised as Highly Vulnerable Development within the Technical Advice Note (TAN). In circumstances where a site is partially within a flood zone (such as the application site) the TAN provides flexibility to the Local Planning Authority (TAN 15, paragraph 11.1) in whether there is a need to justify the location of the development but requires that an assessment of flooding consequences be carried out in every instance. In support of this application a Flood Consequences Assessment (FCA) has been carried out and upon request Natural Resources Wales have reviewed the FCA. The Flood Consequences Assessment undertaken by the applicant included detailed Hydraulic Modelling of the Nant Y Draethen watercourse which is to the south-east of the site. The Flood Consequence Assessment advises that provided the Finished Floor Level of the proposed dwelling is set at 54.38m AOD then the dwelling (with the exception of an attached garage) will be outside of the C2 Flood Zone. It also states that a clear access/egress route is provided that would be flood free in all events.

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The updated response from Natural Resources Wales based upon their consideration of the submitted Flood Consequence Assessment is that they advise that on a proposed Finished Floor Level of 54.38m AOD the proposed development site is shown to be flood-free in the 1% (1 in 100 year + 25% CCA allowance) flood event and the 0.1% (1 in 1000 year) extreme flood event. The site access from the road to the northwest of the site is shown to be flood-free in all scenarios. The proposed development is shown to locally raise flood levels to the vegetated area on the opposite riverbank by 7mm in a 0.1% event, however there is no increased risk to properties upstream and downstream. It is therefore considered that provided conditions are imposed to ensure the dwelling's finished floor level is as required by the Flood Consequence Assessment and also to prevent extensions to the property or conversion of the garage then the impact in terms of flooding is acceptable.

The design of the dwelling is considered appropriate and the Conservation Officer has reviewed the plans and offered no objection subject to agreement of exact finishes through submission of details under a planning condition. The property would be set back from the road but would have an acceptable siting and visual impact and would conserve the appearance of the Conservation Area. It would accord with adopted Local Development Plan Policy SP6 (Placemaking).

The impact on neighbour amenity has been considered. The adjacent property to the west (Spring Chase) has a substantial garden area between the proposed dwelling and existing fenestration in Spring Chase (circa 30m) so no unacceptable overlooking to windows would occur as a result of the development. The new dwelling has been designed with no upper floor window in the rear projecting gable which is closest to the boundary of Spring Chase. Although other upper floor windows in the dwelling would be approximately 7 metres of the boundary of Spring Chase the overall size of the curtilage of Spring Chase is such that substantial areas of garden would be well in excess of 10.5m distance from these first floor windows and Spring Chase would retain a sufficient amount of amenity space with adequate privacy following the development. There would be an acceptable impact on privacy to Nant Y Wennol and properties on the opposite side of the road. The development accords with Policy CW2 (Amenity) in having an acceptable impact on neighbour amenity.

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Comments from Consultees:

The Landscape Officer requested that a tree survey and tree protection plan be submitted prior to determination. The trees are located on the opposite side of the watercourse outside of the application site and a hedgerow also referred to is on the periphery of the site. It is considered that as the site plan indicates that the footprint of the dwelling (and likely earthworks) is located away from the watercourse and trees, a tree survey would not proportionate to request and that a tree protection plan to safeguard the offsite trees and onsite hedgerow can be secured by way of a pre-commencement condition.

No comments from Ecology have been received, however it is understood that the proposed site has the potential to support breeding birds, reptiles, amphibians and dormice as there are records for these species in the area and the habitat present on site is suitable for these species. Given the location it is also assumed that Bats may forage along the trees nearby. Planning Conditions are therefore proposed to address these ecological matters.

Comments from public:

Raises no objections to the development but suggests that the introduction of a chimney to the plain gable end facing the road could be considered.

The design of the dwelling has been reviewed by the Council's Conservation and Design Officer and is considered to have an acceptable impact on the character of the Conservation Area.

Other material considerations:

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 proposed dwelling is acceptable in principle and will have an appropriate impact on the character of the Conservation area and upon neighbouring properties. It is recommended for approval accordingly.

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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:
Site Location Plan
Proposed Site Layout, drawing reference SL.01
Proposed Floorplans, drawing reference 01
Proposed Elevations, drawing reference 02
Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The finished floor level of the dwelling hereby approved shall be set at a minimum of 54.38m AOD to accord with the recommendations set out within Section 2.3 of the submitted Nant Y Draethen, Flood Consequence Assessment, prepared by WHS, dated October 2019.
REASON: To ensure the dwelling is adequately protected in relation to flood risk.
- 04) 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 or extension of the dwelling hereby approved shall be constructed without the approval of the Local Planning Authority.
REASON: To enable the Local Planning Authority to assess the implications for flood risk in accordance with Technical Advice Note 15: Development and Flood Risk.

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- 05) 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 garage hereby approved shall not be physically altered or converted to any other domestic purpose without the prior approval of the Local Planning Authority. The garage shall be made available at all times for the parking of motor vehicles associated with the residential use of the dwelling hereby approved.
REASON: To enable the Local Planning Authority to assess the implications for flood risk in accordance with Technical Advice Note 15: Development and Flood Risk and in the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 06) 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.
- 07) No vegetation clearance, works or development shall take place until a scheme for the protection of the hedgerow and off site retained trees has been agreed in writing with the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with policies CW2 and CW6 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 08) 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.

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- 09) 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 10) 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 in accordance with policies CW4 and SP10 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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 the comments of Natural Resources Wales, Land Drainage Officer, Western Power Distribution, Public Rights of Way Officer, Natural Resources Wales that are brought to the applicant's attention.

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**WARNING:
SUSTAINABLE DRAINAGE APPROVAL IS REQUIRED PRIOR TO
COMMENCEMENT OF THIS DEVELOPMENT.**

Please note from the 7th January 2019, Schedule 3 of the Flood and Water Management Act 2010 commenced in Wales requiring all new developments of more than one house or where the construction area is of 100m² or more to implement sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers.

The Sustainable Drainage Approval process is a technical approval independent of the need to obtain planning permission, and as such you are advised to contact the Sustainable Drainage Approval Body. Their details are provided below:

Phone: 01443 866511

Email: drainage@caerphilly.gov.uk

Website: www.caerphilly.gov.uk/sab

