

**Application Number:** 22/0341/FULL

**Date Received:** 12.04.2022

**Applicant:** Fletcher Dormer

**Description and Location of Development:** Demolish existing single storey dwelling and replace with new 1 1/2 storey dwelling with associated garage, car parking, landscaping and access - Llwyn Cae Bungalow Gypsy Lane Groeswen Cardiff CF15 7UP

**APPLICATION TYPE:** Full Application

### SITE AND DEVELOPMENT

Location: Llwyn Cae Bungalow is located on the North-western side of Gypsy Lane, a winding country track travelling Northwest linking Nantgarw Hill area with Hendredenny. Gypsy Lane can be accessed via Old Nantgarw Road and Groeswen Road (North). The site is set to the west of the A468 and Castlegate Business Park, just outside (approx. 0.3kms) the edge of the settlement of Caerphilly (Caerphilly Basin).

Site description: The application site is approx. 0.2 Ha currently occupied by a simple construction bungalow with detached garage. The site features access to the front amenity area directly off gypsy lane and a large curtilage. The rear curtilage is covered with dense vegetation cover inclusive of many mature trees in 'woodland' setting. The site is neighboured to the southwest with a large single-storey dwelling known as 'The Brambles' and borders open countryside (agricultural field parcels) further North and East.

The site is located on moderate to steeply sloping topography, rising to the northwest, with a southerly aspect within the LDP designated Mynydd Eglwysilan Special Landscape Area (SLA) NH1.3 and within LANDMAP Visual & Sensory CYNONVS143. The Nant Gledyr watercourse crosses the site to the Northeast and runs across the Gypsy Land Wetland (South of Groeswen), a designated SINC with LDP reference NH3.163.

Development: The existing dwelling will be demolished to create a level site for a larger sustainable new-build 1 and ½ storey dwelling with associated garage, car parking, landscaping, and access. Prior to this submission the applicant has utilised the statutory pre-application process, planning reference SPA/20/0012 to gain feedback on a similar proposal; Demolish bungalow and build new sustainable home. The conclusions provided by the Case Officer are discussed within the main body of the report.

Dimensions: As per the Proposed Ground Floor Plan (drawing No. 1201), the maximum parameters of the dwelling are as follows: Depth of elevation opposing The Brambles 9.5m x 22.7m (L) and 13.0m depth at northeast facing elevation with a height to ridge of

8.30m and eaves height varying from 3.8m (lowest) to 6.0m (highest). The footprint of the dwelling is approx. 270m<sup>2</sup> at ground floor level, surrounded by an outdoor terrace supported by low-lying retaining works. There is some variation in plans, which could be down to the software used to obtain measurements, given The DAS specifies the following measurements: Eave's height 3.7m, Ridge height 8.2m, Footprint 265m<sup>2</sup> and Volume 1,650m<sup>3</sup>.

The dwelling is set forward of the principal elevation of "The Brambles" indicated by a marked silhouette of this property on Drawing No. 1401 Rev A (Proposed Sections & Long Elevation), and at the rear the property will still be set behind the building line of the brambles is a slightly staggered relationship. This maintains the development frontage as a continuation of 'Brambles' to the southwest, with the primary massing of the dwelling orientated as per the existing relationship, with the gable fronted wing perpendicular to the main form of the dwelling. The front gable feature projects forward from the principal elevation by 2.15m to the front and outward by a length of 1.68m at the rear with a total breadth of 7.0m and height of 8.30m (pitch/ridge).

The dwelling proposed in application No. 21/0965/FULL has been outlined in red on Plans Proposed Elevations 1 & 2 and it is evident that a marginal reduction in ridge height of approx. 0.70m is proposed, coupled with a reduction in length of 0.5m (at North-eastern side). The scheme is September 2021 attempted to address the issues that presented at pre-app stage, presenting a dwelling with a more traditional form and materials with contemporary detailing. The overall massing of the building was already reduced (since 20/0379/FULL) with lowered eaves levels, so that the first floor predominantly sat within the roof. The scheme presented here is equivalent, apart from the minor adjustments to height and horizontal span as described.

The DAS specifies that the existing single-storey dwelling (bungalow) has a footprint of approx. 108m<sup>2</sup> and a total volume of 510m<sup>3</sup>. Considering the volume in isolation this would constitute a percentage increase of 224% (nearest whole figure), with a volume difference of 1140m<sup>3</sup>. If considering the footprint, this would equate to a 145% increase. The DAS specifies that the footprints of the buildings at 'Brambles' have been calculated at approximately 359m<sup>2</sup>. However, this site has not been formally surveyed.

Materials: The materials are detailed as follows:

Finishing on dwelling will be Rough Coursed Natural Stone (Blue Pennant) completed with Portland Stone Colour Copings and Cills with Light Charred Timber Cladding and Painted Timber Fascias and Soffits (Charcoal).

Roofing will be completed in Standing Seam Anthrazinc Flat Roof (Flat elements) and Natural Slate Roof.

The dwelling will feature Double Glazed Aluminium Windows and Doors in Dark Grey, the window in the front roof-slope the same, with Aluminium Rainwater Goods (Charcoal) and a Pressed Aluminium Recessed Feature Band (Charcoal).

At 1st Floor balcony features will be secured with a Toughened and laminated glass balustrade and brick detailing below feature windows at Ground Floor, will be completed in Engineering brickwork (Blue-black).

Lastly the dwelling will feature 2 no. Timber clad chimney.

Ancillary development, e.g. parking: The site will be accessed via the existing access off Gypsy Lane, which is to be retained in its current composition, this slopes towards the level of the dwelling by a degree of 1:8, with a landscaped bank and lower lying hedging. Retaining the existing access results in minimal disturbance to the southern boundary and character of Gypsy Lane. Vehicles will park in a private courtyard completed in permeable paving, with provision for 4 No. vehicles in tandem and an area to store wheelie bins. The surrounding curtilage will feature two SuDs features/infrastructure and wildflower swathes with soft landscaping

PLANNING HISTORY 2010 TO PRESENT 21/0965/FULL - Demolish existing dwelling and erect new dwelling with associated garage – Withdrawn 28.01.2022.

## POLICY

Local Development Plan: Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.

Site Allocation: The application site is located outside nearing settlement boundaries, most proximate being Caerphilly Town to the East Trecenydd), with Nantgarw to the South and Hendredenny Park to the North.

Local Development Plan: The following policies of the Caerphilly County Borough LDP are relevant to the determination of this application: SP3 (Development Strategy - Development within the Southern Connections Corridor Area), SP5 (Settlement Boundaries), SP6 (Place Making), SP10 (Conservation of Natural Heritage), SP14 (Total Housing Requirements), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection), CW6 (Trees, Woodland and Hedgerow Protection), CW15 (General Locational Constraints), CW20 (Locational Constraints - Conversion, Extension and Replacement of Buildings in the Countryside), NH1 (Special Landscape Areas SLA's) and NH3 (Sites of Importance for Nature Conservation (SINCs)).

Further guidance can be found in the Council's supporting Supplementary Planning Guidance:

LDP5: Car Parking Standards (Revision No. 2) Adopted January 2017. The application of parking standards enables a transparent and consistent approach to the provision of parking facilities associated with new development and change of use. This Supplementary Planning Guidance (SPG) identifies how the CSS Wales - Wales

Parking Standards 2014 will be applied across Caerphilly County borough, supplementing policy SP24 of the LDP.

LDP6: Building Better Places to Live (Revision No. 3) Adopted January 2017, gives advice on all levels of development.

LDP7: Householder Development (Revision No. 3) Adopted January 2017. The LDP aims to improve the standard of design in householder development, and to provide the Council with a comprehensive structure for managing the design and development process. It also gives developers a strong basis for developing proposals with some certainty that the design objectives they are working to are the same as those expected by, and acceptable to, the Council. New development is needed to make a positive contribution to creating and maintaining sustainable and attractive communities throughout Caerphilly County Borough.

LDP10: Buildings in the Countryside, Adopted January 2012. The key ethos of national planning guidance is that new building in the countryside should be strictly controlled. However, the conversion and/ or extension of existing buildings in the countryside, or the replacement of buildings, will be permitted where a proposal accords with the requirements of the LDP policy and follows the key principles set out within this guidance.

The above SPG provides further information and guidance to clarify the policy aims described in the following appraisal of these proposals.

National Policy: Future Wales - The National Plan 2040 (February 2021) sets out the spatial strategy for Wales for the next 20 years and provides Policies that should be considered in the determination of applications at all levels, along with Planning Policy Wales (Edition 11) adopted February 2021.

PPW 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.

PPW Paragraph 3.14 - Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment. The analysis process will highlight constraints and opportunities presented by existing settlement structure and uses, landscape, biodiversity, water environment, movement, infrastructure, materials and resources, soundscape and built form which will need to be considered when formulating proposals.

PPW 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.

Technical advice notes (TANs) provide detailed planning advice. The following have been considered when assessing this proposal: TAN 5: Nature Conservation and Planning (2009), TAN 12: Design (2016) and TAN 18: Transport (2007).

### 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? The site is located within a Development Low Risk Area as per LDP mapping, Coal Mining Development Referral Area (2022). As such, the application was not required to be supported with a Coal Mining Risk Assessment, or an equivalent report. The appropriate informative notes will be attached to any consent.

### CONSULTATION

Transportation Engineering Manager - CCBC - No objection subject to the following conditions:

The building shall not be occupied until the area indicated for the parking and turning of vehicles has been laid out in accordance with the submitted plans to the satisfaction of the LPA and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

The proposed parking and turning area shall be completed in materials as agreed with the LPA, to ensure loose stones or mud etc. is not carried on to the public highway.

Rainwater run-off shall not discharge into the highway surface-water drainage system.

Reasons:

In the interests of highway safety

To ensure that adequate parking facilities are provided within the curtilage of the site.

Environmental Health Manager - CCBC - Environmental Health have no adverse comments to make.

Senior Engineer (Drainage) - No Objections - Subject to Planning Conditions to request additional information in response to outlined concerns:

1. The applicant has indicated the disposal of surface water via sustainable drainage system; however limited information has been submitted to consider the viability of this method of disposal of surface water. We request that additional information is provided in the form of a "National SuDS Standards Compliance Statement" or similar prior to determination in order for us to be able to provide more substantive comments.
2. The applicant has indicated the disposal of surface water via watercourse; however limited information has been submitted to consider the viability of this method of disposal of surface water. Further information and discussions will be required with the relevant watercourse undertaker.
3. Where the applicant intends to discharge surface water to Main River, we recommend the Local Planning Authority consult NRW for their comments.
4. The site is situated within an area susceptible to groundwater flooding.
5. The proposed development is between 8m and 20m of or in close proximity to a watercourse.
6. There are past flooding incidents recorded within the immediate vicinity of the site.

Dwr Cymru - We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development:

As the applicant intends utilising a private treatment works we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Ecologist - No Objections: We recommend the inclusion of one planning condition and one advisory to secure biodiversity conservation and enhancement on site.

Landscape Architect - CCBC - I would not recommend the application is approved. This is due to the significant size and scale of the proposed build form in this sensitive SLA landscape setting and noncompliance with policy CW20 or SPG LDP10 Buildings in the Countryside. If approved in its current form the development is highly likely to result in urbanisation of the setting, as well as set a precedent for large scale residential

dwellings in the countryside. Further information is provided in appendices to this report.

Senior Arboricultural Officer (Trees) - I have attached my previous comments, which went to Jacob Cooke, for the previous application which I understand was withdrawn. None of the comments I made in my response have been addressed - they are still valid and will require addressing before determination of this new/revised application. Within the DAS, they state that the proposal will be well screened and that they have had a tree survey undertaken by Treescene. This was dated February 2021, but is now clearly out of date and will need to be done again. A revised Tree Survey and Constraints plan, including dimensioned tree protection fencing, must be submitted before this current application progresses. The recent photographs taken by the authority's Principal Landscape Architect appear to show that the root protection indicated in the Tree Constraints plan has been ignored, and this zone adversely impacted by site clearance. "Policy CW6: Any of the mature trees and mature hedgerow on Gypsy Lane (which it is acknowledged, add considerably to the landscape character) will not be adversely impacted by the proposals and a tree survey [by Treescene] has been submitted with the application to demonstrate this. This details all trees and hedgerows that might be impacted."

The photographs appear to show that the rooting zone of the off-site trees within the neighbour's garden have been compromised by changes in levels, compaction from mechanical plant and cultivation to plant a new hedgeline. "The site adjoins the detached bungalow known as the Brambles. A close board fence and tree and shrub cover within the curtilage of the Brambles provide substantial visual separation and this would be reinforced by further planting along the boundary within the ownership of the applicant".

The photographs show a line of conifers (probably Leyland cypress), contrary to their DAS, which states that "gaps must be planted up with appropriate native species that match the existing hedgerow". To be clear, Leyland Cypress are not native, nor are they appropriate in this location. Additionally they will soon outgrow this location and the stems will press on the fence causing damage. Any planting in this area should allow for expected growth and access to the fence for future maintenance.

Given the applicant seems to have ignored the contents of their DAS and that the work to date has not been in compliance with arboricultural best practice, I would suggest that a number of planning policies are not being adhered to? I would not be able to respond to the current application until the arboricultural issues are clarified, updated and resolved.

## ADVERTISEMENT

Extent of advertisement: The application was advertised via display of a site notice on 22nd April 2022 with neighbour notification letters sent to occupants at The Brambles.

Response: At the time of finalising this report 20 representations have been received from the occupants at The Brambles and members of the public. The majority of which OBJECT to the development proposals, with 3 letters of support.

Summary of observations: The key points raised within the submitted objections are summarised below:

- Works carried out without consent causing substantial damage to local environment and ecosystems.
- Destruction of woodland has been ongoing for the past 3 years, with removal of mature trees and hedgerows.
- Loss of woodland in a setting where locals enjoy walking, that is peaceful and beautiful.
- Deep trenches with drainage pipes have been installed, works which are not outlined in the submitted Design and Access Statement (DAS).
- Inappropriate close-board fencing has been constructed along the entirety of the western boundary.
- The property is of an unacceptable scale and will present overbearing and overlooking impacts upon occupants of The Brambles. 1st Floor windows will be overlooking rear garden, especially due to the slope topography.
- Mature trees along boundary are getting damaged and may need removal in future, will reduce screening and result in a loss of privacy.
- Gypsy Lane is set within an SLA, SINC and surrounded by a SSSI, removal of the woodland is unnecessary, it has become a campaign of 'deforestation'.
- The new dwelling is over 200% larger than the original bungalow against planning guidance. This grossly exceeds what is acceptable (Policy and SPG).
- Under The Well-being of Future Generations Act, public bodies in Wales are required to think about the long-term impact that a decision exactly such as this would have on the future of the climate and the environment; and allowing a development in an already designated area would go directly against this.
- Responding to notice on gypsy lane and objecting in same manor as previous applications. Wetlands/woodland are being destroyed, clearing, and tipping of rubbish on the site and considerable noise from construction equipment, impacting bird species. Enforcement action should be taken.
- Approving application will set precedent for other large developments within the countryside.
- Mature Oak Tree in front garden has been removed and the site completely cleared, with piles of rubble - owners have little respect for the land.
- 'Plant room' will be 5m away from the bedrooms in the neighbouring property.
- Development will impact upon Druid, Pagan and Wicca religious Practices at neighbouring site.
- CCTV cameras and flood lighting on the property will impact upon privacy and contribute to poor mental health.

Supporting comments are summarised below:



- The property will benefit from being improved from its current state and be sympathetic to its countryside location.
- Current dwelling is a 'shack' on a substantial 1-acre site.
- Other three dwellings on Gypsy Lane are large properties, one being a Zoo (The Meadows) attracting multiple visitors with buildings spread across the curtilage.
- Opposed dwelling is tastefully designed and will improve the quality of Gypsy Lane.
- There is bias in the council with former applications dismissed or lengthy delays, this is evident with the consistent engagement with immediate neighbours and lack of dialogue with the applicant. I trust this application will be recommended for approval, to avoid investigation of practices.
- Various property sizes along Gypsy Lane, Carreg Llwyd is the largest with considerable extensions. The dwelling at Llwyn Cae is smaller. It will increase the value of housing in the lane.
- It will significantly improve the aspect of the property, which at present consists of a shack. At the entrance of the lane there is a garden centre with portacabins and poly tunnels etc. which is a blight to the rural landscape.
- The proposed dwelling is suited to the environment and not over developed for the size of the land and is also energy efficient.

#### 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?

There are no specific crime and disorder implications material to the determination of this application.

#### EU HABITATS DIRECTIVE

Does the development affect any protected wildlife species? No, in this case there are unlikely to be any significant ecological impacts. The application is not supported by any relevant surveys e.g., European protected species (Bat Survey). The applicant proposes to retain existing hedgerow and trees on the boundaries of the property with any gaps planted up with appropriate native species that match the existing hedgerow so that the site frontage will be retained and protected in terms of character and diversity.

Given the site lies within a designated SLA, dense vegetation inclusive of established trees and hedgerows is present in a countryside locale, thus, the site has significant wildlife habitat potential. The absence of protected species cannot be guaranteed. The council's ecologist has completed a survey and raises no specific objections. In this case, the standard ecological planning conditions will be imposed, and an advisory note will be sent to the applicant as precautionary measures.

In accordance with the below policy/legislation, the council's ecologist has recommended the inclusion of one planning condition to secure biodiversity conservation and enhancement on site.

**Planning Policy Wales (Edition 11, February 2021):** Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22).

**Future Wales - The National Plan 2040:** Policy 9, states that action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment. In that regard biodiversity enhancements can be sought as part of this development through any additional landscaping proposals required if the development is considered acceptable in all other areas.

**Technical Advice Note 5: Nature Conservation and Planning:** Section 6.2.1 states, the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. Further to this, Section 6.2.2 highlights, it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

**The Environment (Wales) Act:** became law on 21st March 2016 and replaces the Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales's resources to be managed in a more proactive, sustainable, and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Governments wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment, and vibrant, cohesive communities. Caerphilly County Borough Council as a public body has obligations under section 6 of the Environment (Wales) Act 2016 to demonstrate how the Local Authority will "seek to maintain and enhance biodiversity in the proper exercise of their functions and in doing so promote the resilience of ecosystems".

Local Biodiversity: The site is within a defined Special Landscape Area NH1.3 Mynydd Eglwysilan and within LANDMAP Visual & Sensory CYNONVS143. The Nant Gledyr watercourse crosses the site to the Northeast and runs across the Gypsy Land Wetland (South of Groeswen), a designated SINC with LDP reference NH3.163. This SLA

consists of two distinct landscape types being open uplands and lowlands and represents an important landscape unit adjacent to the populated Rhymney Valley in the east and the Cynon Valley to the west.

VILLs and SLAs are a non-statutory designation applied by the local planning authority to define areas of high landscape importance within their administrative boundary. Areas of high landscape importance may be designated for their intrinsic physical, environmental, visual, cultural, and historical value in the contemporary landscape. Landscapes designated as an SLA may be unique, exceptional, or distinctive to the local authority area.

SLA NH1.3 has a range of landscape habitat types from agriculturally improved grassland with patches of broadleaved woodlands and bracken. Both upland and lowland areas are heavily grazed, and this is preventing the spread of bracken but is also preventing the improved grassland areas from increasing in ecological value. Semi-improved grassland, marshy grassland and flushes, dry heath/ acid grassland mosaic and areas of blanket mire occur throughout the SLA. Significant features are also located within this SLA inclusive of ponds, hedgerows with mature tree species, unimproved acid grasslands, marshy grassland, bracken, European Protected Species, UK Protected Species and LBAP priority species and habitats. Examples of this vegetation is seen along the circumference of the application site at all boundaries, with a proportion of the site still occupied by woodland.

### COMMUNITY INFRASTRUCTURE LEVY (CIL)

Is this development Community Infrastructure Levy liable? Yes, the proposal seeks to erect a new residential dwelling (C3 Use Class) which is CIL Liable. The site is within a Higher Viability Charging Area (PENYRHEOL), where the CIL rate is £40 per square metre.

### ANALYSIS

Policies: The primary issues in the consideration of this application relate to the impact of the proposed development on visual and residential amenities having regard to the aims of Overarching national policy, the provisions of applicable policies within the Caerphilly Local Development Plan (LDP) and all supplementary planning guidance.

Firstly, the site is within a designated Special Landscape Area (SLA) and therefore, policy NH1 is applicable. NH1.3 Mynydd Eglwysilan is an area will be protected from any development that would harm its distinctive features or characteristics. The area, whilst consisting of two distinct landscape types - open uplands and lowlands - represents an important landscape unit adjacent to the populated Rhymney Valley in the east and the Cynon Valley to the west and provides a wider landscape setting and context for the settlements of Nelson, Ystrad Mynach, Llanbradach and north Caerphilly. Long term strategies include ensuring Future development proposals do not result in the loss of any historic environment or geological or geomorphological features

present within the landscape. A wealth of archaeology from all periods, especially the Industrial/Modern period is present and should be protected. Medium term goals involve protecting Hedgerows and stone walls and restricting urban spread into the countryside to maintain a defined urban edge.

The applicant will need to demonstrate that any development proposal will not have an unacceptable impact on the specific distinctive features or characteristics associated with the SLA. There is a need to preserve the openness and character of the SLA through the development process, via prevention of encroachment into the SLA or the countryside in general. To achieve this aim, development proposals should attempt to preserve, maintain, and enhance existing features within the SLA and should seek to integrate landscape features into the overall design. With respect to this proposal, the Council's Landscape Architect has concerns in relation to the proposed development and the effect it will potentially have on the local setting.

Policy CW4 (Natural Heritage Protection) criterion A specifies "Development proposals that affect locally designated natural heritage features, will only be permitted, where (Criteria A) they conserve and where appropriate enhance the distinctive or characteristic features of the Special Landscape Area (SLA) or Visually Important Local Landscape (VILL). This policy test applies to any development proposal that would, or would be likely to, have a detrimental effect upon the distinctive biodiversity, geological or landscape features and characteristics of the County Borough. As noted, the site is adjacent to the Gwaun Gledyr Site of Special Scientific Interest (SSSI) and within the boundary of a SINC (NH3.163) and SLA.

The Landscape Visual Assessment (LVA) prepared by McQuitty Landscape Design (MLD) dated March 2022 acknowledges that "The Site lies wholly within the LANDMAP Visual & Sensory Aspect Area Llanfabon (CYNONVS143) with a Level 3 Classification: Hillside & Scarp Slopes Mosaic. This area is recognised as a pleasant landscape, with some attractive rolling farmland away from the built form urban edges of Nelson, Blackwood and Treforest with these field patterns, isolated farmsteads and urban built forms leading to a complex overall character. Its overall evaluation is 'moderate', given "scenic quality and integrity are borderline mod/high, therefore of strong local importance." In conjunction, the site also lies within the edges of the Historic Aspect Area CYNONHL308 Senghenydd and Cwm yr Aber. This is evaluated as 'outstanding.'

In prior consultations the Council's Landscape Architect notes, "the site is currently screened / filtered from public view by existing mature deciduous vegetation on northern and eastern perimeters and filtered from the west and southern edge by existing hedgerows and trees. The south being where the site access is located. Having visited the locality, it's clear that the proposed development will be visible in close range views from Gypsy Lane and to a lesser extent from the start / end of the PRoW (Eglwysilan FP68)." The promoted long distance Rhymney Valley Ridgeway Walk leaves the western edge of Caerphilly approx. 0.6kms to the south of the site, before travelling toward Groeswen and Mynydd Meio. The southern site boundary along Gypsy Lane is vegetated with a mix of evergreen and deciduous trees and shrubs.

Subsequently, the LVA addresses these comments in Appendix 1. The LVA concludes that there will be no residual substantial effects for walkers and road users when mitigation has become established as discussed in paragraph 5.7 of the LVA. The Councils Landscape Architect also advises, "I broadly concur that the development will in the wider context not pose any significant adverse impact on Landscape Character or Visual Amenity. However, this relies heavily on the existing on and off-site mature woodland and linear mature hedgerows/trees which were still in leaf at the time of the October assessment." It is recognised that the site features vegetation around its enclosure that would contribute greatly to screening, the LVA clarifies "given the small-scale nature of development and the significant site enclosure provided by woodland and hedgerow, no substantial effects are anticipated beyond 0.25kms."

However, following site inspection in May 2022 the Councils Landscape Architect has noted the Removal of mature vegetation which has contributed to urbanisation, and domestication of the countryside, noting "the site has not been sympathetically managed of late due to the recent removal of woodland, erection of urban boundary fencing, and groundworks. Comparing aerial imagery, it is evident a significant amount of woodland, including mature trees as been removed between 2018-2021 and even more so since documented in July 2021. This has been undertaken on the lower southern third of the land within the blue line boundary and extends beyond the redline boundary. The Landscape architect concludes, "This has impacted principally on woodland to the north and west of the site as well as mature trees to the south. These woodland and mature trees all form part of the landscape character and would have had the potential to constrain development. Its removal could be seen therefore as having the potential to facilitate a larger development at the expense of the sensitive rural setting and landscape character." Given the former comments in 2020/2021, it was noted how important this landscape along the site perimeters was to soften the development within the SLA.

The western boundary shared with 'The Brambles' is most impacted, with the addition of an extensive stretch of 2.0m high close board (domestic) fencing. This appears to have been recently installed (later than July 2021) and is detailed on the proposed site plan (Drawing No. 1102 Rev B). However, this fencing would be contrary to Supplementary Planning Guidance (SPG) LDP10 Buildings in the Countryside, introducing an inappropriate urban boundary treatment into the countryside and SLA, in addition to adversely affecting the amenity from the neighbouring property to the west. In this case it can be concluded there are material impacts on the SLA with respect to the issues discussed above, but also due to the sheer scale of the dwelling (debated later).

To alleviate the impacts of development upon the landscape character the council's landscape architect advises, "The close board fencing on the western boundary is replaced with a boundary [treatment] in accordance with SPG LDP10 Buildings in the Countryside, and dense native hedgerow / buffer planting undertaken. Close board fencing should be removed once planting has sufficiently established to ensure neighbouring amenity." Section 7.1 (Setting) of SPG LDP10 clarifies that Boundary treatments should be appropriate for the context of the area and should ensure that the

area remains open in character where this was traditionally the case. Any new boundary treatments are likely to include native species hedges, dry stone walls and post and wire fencing. In this case, post and wire fencing was present in some parts, prior to the addition of the close board fencing and is most appropriate in this setting, particularly in an SLA.

Given vegetation has been removed, there are conflicts with LDP Policy CW6 (Trees, Woodlands and Hedgerow Protection). Policy CW6 sets out criteria A-D relevant to development proposals on sites containing trees, woodlands, and hedgerows, or which are bordered by one of more such trees or hedgerows. It is noted that there are several mature trees present on the site as highlighted in the Tree constraints Plan which accompanies the Tree Survey prepared by Treescene (Arboricultural Consultants) dated 12th February 2021. However, at present none are covered by Tree Protection Order. Given the setting of the site within an SLA, it would be favourable that any larger trees would be retained to preserve the character of the countryside at this locale as per criterion C of CW6, "Development proposals have made all reasonable efforts to retain, protect and integrate trees, woodlands or hedgerows within the development site." The LPA should also seek to conserve the biodiversity of sites and would suspect an array of wildlife rely on this dense hedging and mature tree for habitat.

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities. Reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. Likewise, Technical Advice Note 5: Nature Conservation and Planning (2009) states at Section 6.2.1 - the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat. In this case, it was not identified then any additional surveys with respect to Protected Species (Bats or Birds) were required given the comments submitted by the Councils Ecologist. However, the loss of habitat cannot be overlooked.

The DAS describes that the mature trees and mature hedgerow on Gypsy Lane will not be adversely impacted by the proposals with the Tree Survey demonstrating that this is the case, including suggested measures to protect trees during development. Section 5.2 f the DAS advises, "remaining hedgerow and trees on boundaries of the property will be retained intact. Any gaps must be planted up with appropriate native species that match existing hedgerow so that the site frontage will be retained and protected in terms of character and diversity." However, contrary to this, following site inspection it is evident that there are conflicts with the DAS.

The Council's Landscape Architect also recognised mature native trees have been recently removed on the western boundary and conifer tree planting, likely to be non-native *Leylandii* has been recently embedded adjacent to the close board fencing. This

species is inappropriate in a countryside context and is a fast-growing conifer with the potential, unless regularly managed to form a high dense all year-round screen shading the adjacent property and landscaping, which would be visible from the wider SLA. Parts D of Policy CW6, advises "Where trees, woodlands or hedgerows are removed, suitable replacements are provided where appropriate", which given the siting, is prudent in this case. The planting utilised, has the potential to adversely impact on both visual amenity and landscape character of the SLA.

Although the DAS advises that the development would satisfy the requirements of A-D of CW6, the activities completed on site are concerning and policy objections have become apparent. Clearance works have commenced on site, inclusive of groundworks with materials stockpiled along the site boundaries following excavation. It is noted that there are changes in levels (engineering operations), compaction from mechanical plant and cultivation to plant conifer hedge within the adjacent root protection areas. Criterion B of policy CW6 specifies, "Root systems will be retained and adequately protected for the duration of all development activity on site". All works have been undertaken with little regard to the sensitive setting, mature trees, and woodland both on and off the site on adjacent perimeters.

The Council's Arboricultural Officer advised that the young Leyland's are not described within the submitted Tree Survey and a recent addition to the site (bedded later than February 2021). Trees less than 150mm in diameter are usually classed as Category C, hence this is a distinct single species group of young trees, that would have been mentioned by the appointed Arboricultural Consultant. It is noted that group 7 (G7) is highlighted as a Group of Leyland Cypress (*Cupressocyparis leylandii*) and Goat Willow (*Salix caprea*) 19m high, located off-site and on land belonging to The Brambles. This refers to the existing conifer behind the boundary fencing.

The Officer advises "With regard to the works along this alignment, whether relating to a cable or not, there will be damage to the tree roots of the neighbouring trees...The ground in this area will have been compacted damaging roots and adversely affecting the trees.". Given the site has now been cleared and there is evidence of new planting, the Tree Survey and Constraints plan are now obsolete in terms of this new application. To determine this application and secure compliance with Policy CW6 a revised Tree Survey along with recommendations for mitigation of the damage caused to the boundary trees is required. In combination, an Arboricultural Impact Assessment would be necessary as works have been undertaken. This should include (but not restricted to) site services above and below ground, drainage proposals including any soakaways, driveways and parking areas or other hardstanding's, retaining features, outbuildings and any proposed changes in existing levels relating to the building or garden development etc.

Without additional details it is not possible to assess the potential effect that the development may have upon biodiversity and resilience, given it fails to establish that it would protect the natural heritage from inappropriate forms of development. As such the proposal would fail comply with the Guidance contained within Planning Policy Wales

(Edition 11, February 2021) and Policy SP3 of the Caerphilly County Borough LDP. Criterion E of policy SP3 states, "Development proposals in the southern connections corridor will promote sustainable development that; Protects the natural heritage from inappropriate forms of development."

Policy SP5 of the Local Development Plan (LDP) seeks to delineate in plan form coherent and established urban areas within which further development, will in principle, be permitted. By defining settlement boundaries, the areas outside of the boundary are recognised for the purposes of planning policy as countryside where new development will be strictly controlled. In that regard criterion D of Policy SP5 seeks to prevent inappropriate development in the countryside and should also be applied in conjunction with Policy CW15 whereby the policy sets out general locational constraints for new development outside settlement boundaries to five defined circumstances.

The application site lies outside the settlement boundary and is, therefore, subject to criterion C of Policy CW15, which specifies outside settlement boundaries proposals will not be permitted unless the proposed development falls under the classifications presented in I-V. These are as follows: (i) Associated with either agriculture, forestry or the winning and working of minerals; ii) For the conversion, rehabilitation or replacement of rural buildings and dwellings; iii) For recreation, leisure and tourism proposals that are suitable in a countryside location; iv) Associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; v) Associated with the reclamation / treatment of derelict or contaminated land. In this instance, the proposal would satisfy part (ii) of Criterion C. Therefore, the proposed development may be considered acceptable in planning terms.

Policy CW20 permits the conversion, extension, or replacement of a building to four defined circumstances. Paragraph 2.47 clarifies the objectives of policy CW20 making it clear that, "In order to maintain appropriate forms of development in the countryside and avoid their replacement with inappropriate development, replacement buildings will only be permitted where part D can be satisfied." Where buildings are replaced, the new development must be sympathetic to its location in terms of both use and design.

Part D outlines, replacement is justified by demonstrating that:

- i) The existing building is structurally unsound and not capable of rehabilitation or conversion to an alternative use without major alteration or rebuilding;
- ii) The use of the existing building has not been abandoned;
- iii) The use cannot practicably continue to be accommodated in the existing building and;
- iv) All practical appropriate alternatives for reuse have been examined.

In this instance, the applicant argues In line with criterion (i), that the existing bungalow is structurally substandard and not capable of rehabilitation. It is stated that the property has no insulation, gas supply or foul water system. Section 3.2 of the DAS quotes, "whilst this in itself does not demonstrate that the existing building cannot continue to be



used as a dwelling, it should be recognised that a replacement dwelling that addresses these issues and complies with current building regulations would be more sustainable and substantially improve living conditions." The applicant argues that the proposal also complies with criterion (ii) as it is not considered that the existing residential use of the building has been abandoned. However, the property has been vacant for over a year and left to dilapidate. Lastly, with regards to criterion (iv), the proposal would result in the continued use of the site for residential purposes. SPG, LDP 10 also makes it clear that new buildings/dwellings in the countryside are most often unacceptable, unless proposed as part of rural development and diversification schemes, relate to acceptable rural land uses and adhere to the key principles set out in Section 7. Paragraph 6.3 states "Suitable rural development will not include residential development unless the construction of a new house is a replacement of an existing dwelling in accordance with Policy CW20."

Section 7.3 (Scale) of SPG LDP10 highlights, "If the proposal is for a replacement building it may be acceptable for the replacement to be larger in size than the original buildings where this is appropriate for the local context and would not have an adverse impact on the local landscape. However, any increase in volume should not be greater than 50% of the volume of the original building, excluding any extensions". In this case, if considering the volumes of the existing and proposed dwellings in isolation this would constitute a percentage increase of 224% (nearest whole figure), with a volume difference of 1140m<sup>3</sup>. If considering the footprint, this would equate to a 145% increase. Furthermore, guidance specifies, "Replacement buildings should reflect the type of building that is being replaced. If the original building was single storey (such as a bungalow), it would not be appropriate for this to be replaced with a building of two storeys or more unless this increase in height would accord with other buildings on the site and would have no harmful visual impact". The applicant has been formally advised (SPA/20/0012) that due to the site-specific characteristics of being well screened and situated in a large plot, it is considered that the erection of a building larger than that existing, and more than the 50% volume increase could be possible due to the replacement being unlikely to have an adverse impact on the local landscape character. However, the Councils Landscape Architect was not consulted at this time.

Following submission of two later planning applications it was concluded that the scale of the proposal needs to be reduced for it to be supported by Officers. The reduction in size of 0.7m (ridge height) and 0.5m (at North-eastern side) are not great enough to overcome the conflicts with the above guidance within LDP10. The council's Landscape Architect agrees, "The proposed large dwelling has the potential to dominate the site being elevated topographically and accessed by both ramp and steps. The footprint from south to north is also extensive and likely to involve significant level changes / retaining structures and ground works". Thus, it is considered that the scale and siting would not be justified in that it would increase domestication in an otherwise rural setting. Justifying a new dwelling of this scale in this locale is arduous, given the identified oppositions to LDP policy CW20 and SPG LDP10.

Giving regard to Policy SP6 (Placemaking), "Development proposals should contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment and its special features", according with the specified criterion. In this case, based on the above discussions and the site context, it is imperative to ensure "a high standard of design that reinforces attractive qualities of local distinctiveness" and "the incorporation and enhancement of existing natural heritage features." At the outset, it can be concluded that the scheme fails to accord with the objectives of this policy particularly given the divergence from guidance within LDP10. Although the contemporary design is welcomed in this setting, with the use of a palette of high-quality materials, the scale is an issue. The siting of the proposed residential dwelling with urban features/elements in conjunction with its scale would serve to exacerbate the visual incursion that the development proposal would have upon this countryside setting, especially in an SLA. It should also be noted that this impact is further exacerbated by the failure of the recent works on the site to have regard for its natural heritage.

Comments from consultees: The concerns of the Council's Landscape Architect and Arboricultural Officer have been addressed above. No other objections have been raised.

Comments from public: Any objection comments which have not been addressed within the main body of the report are acknowledged below:

1. Deep trenches with drainage pipes have been installed, works which are not outlined in the submitted Design and Access Statement (DAS) - This is the case, In subsequent discussions with the agent it has been concluded these works are linked to rebedding existing underground services, and the following statement was issued, "This is not site clearance but necessary works to lift and re bed a buried electrical cable that crosses the site. The original bedding material was not fit for purpose and had failed, causing water to gather and run down the line of the cable into the existing bungalow. Works have been completed in order to halt the erosion of the site and rear wall of the existing bungalow." The impacts of the works have been discussed in relation to LDP Policies CW4 (Natural Heritage Protection) and CW6 (Trees, Woodlands and Hedgerow Protection).

2. Under The Well-being of Future Generations Act, public bodies in Wales are required to think about the long-term impact that a decision exactly such as this would have on the future of the climate and the environment; and allowing a development in an already designated area would go directly against this - 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 final recommendation, the ways of working set out at section 5 of that Act have been considered, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

3. Approving application will set precedent for other large developments within the countryside - The proposal has been assessed against LDP Policy CW20 (Locational Constraints: Conversion, Extension and Replacement of Buildings in the Countryside) and SPG LDP10 (Buildings in the Countryside) and it has been concluded that there are conflicts with this guidance. The LPA is careful not to set precedent for inappropriate development in the countryside unless it can be profoundly justified.
4. 'Plant room' will be 5m away from the bedrooms in the neighbouring property - the ground floor plans indicate a 'plant room' although it is not detailed that this will house any specific plant machinery/equipment or flues. Thus, it is likely to be used as an external store. Head of Public Protection has made no adverse comments with respect to this application
5. Development will impact upon Druid, Pagan and Wicca religious Practices at neighbouring site - The impacts upon residential amenity in accordance with Policy CW2 (Amenity) are a material planning consideration and have been considered in the determination of this application. However, given the siting and orientation of the proposed dwelling it is not considered that there would be any unacceptable impacts.
6. CCTV cameras and flood lighting on the property will impact upon privacy and contribute to poor mental health - It is not indicated that these items would be installed at the site, regardless it is not a planning matter and breaches of privacy or light pollution/disturbance would be controlled by the Police or CCBC Environmental Health.

Other material considerations: None.

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 considered, and it is considered that the recommendation is consistent with the sustainable development principle as required by section 8 of that Act.

Future Wales: The National Plan 2040 was published on 24 February 2021 and forms part of the statutory development plan for the county borough. In addition to this Planning Policy Wales (PPW) has been amended to take account of Future Wales and PPW Edition 11 has also been published on 24th February 2021. In reaching the conclusion below full account has been taken of both Future Wales and PPW Edition 11 and where they are particularly pertinent to the consideration of the proposals they have been considered as part of the officer's report. It is considered that the recommendation(s) in respect of the proposals is (are) in conformity with both Future Wales and PPW Edition 11.

**RECOMMENDATION that Permission be REFUSED**

The reason(s) for the Council's decision is/are

- 01) The proposed development, by virtue of its excessive scale would be unsuitable within its context and detrimental to the character of the area and SLA. As such the proposal is contrary to the guidance contained in Supplementary Planning Guidance LDP 10 Buildings in the Countryside and the requirements of Policy CW20 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.
- 02) In the absence of a revised Tree Survey and Tree Constraints Plan it is not possible for the Local Planning Authority to fully consider the impact of the development on root protection areas, existing mature trees, hedgerows, and woodland present at the site, which may warrant protection given the setting in a Special Landscape Area. As such the proposal is contrary Criterion A-D of Policy CW6 of the Caerphilly County Borough Local Development Plan up to 2021 adopted November 2010.
- 03) The proposed development, in terms of the loss of the vegetation and the erection of a modern style dwelling of an excessive scale would have a detrimental impact on the landscape character of the Mynydd Eglwysilan Special landscape Area and as such the proposal is contrary to Policy CW4 of the Caerphilly County Borough Local Development Plan up to 2021 - Adopted November 2010.