

Application Number: 20/0957/FULL.

Date Received: 19.04.2022.

Applicant: Mr W Richards.

Description and Location of Development: Erect two detached dwellings - Land At The Old Farmhouse Pentref-Y-Groes Farm Lane East Croespenmaen.

APPLICATION TYPE: Full Application.

SITE AND DEVELOPMENT

Location: The application site is located on land to the north of Pentref-Y-Groes Farm Lane, Croespenmaen.

Site description: Vacant parcel of land within the settlement boundary. The site is bounded to the south by Pentref-Y-Groes Farm Lane, to the west by existing residential properties, to the north by the Croespenmaen Industrial Estate, and to the east by the Unilever commercial building.

Development: Erect two detached dwellings.

Dimensions: The dwellings proposed measure as follows:

Plot 1 measures approximately 19.5m wide by 13m deep with an overall height of 9.3m.
Plot 2 measures approximately 19m wide by 11m deep with an overall height of 9.6m.

Materials: Walls: Render, stone and cedar cladding, Roof: Artificial Slate.

Ancillary development, e.g. parking: Off street parking spaces and turning space are provided for each dwelling.

PLANNING HISTORY 2010 TO PRESENT 15/0430/FULL - Erect 2 detached residential dwellings - Refused 28.11.2016.

15/0666/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 09.11.2015.

16/0943/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 06.01.2017.

17/0023/FULL - Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid - Granted - 07.03.2017.

17/0407/NCC - Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7) - Granted - 05.07.2017.

17/0602/COND - Discharge conditions 5 (land drainage), 9 (hard and soft landscaping), 11 (lighting scheme), 12 (method statement for treatment of Himalayan Balsam) and 13 (habitat management) of planning consent 17/0407/NCC (Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7)) - Decide - 06.09.2017.

17/0603/COND - Discharge conditions 5 (land drainage), 9 (hard and soft landscaping), 11 (lighting scheme) and 12 (method statement for treatment of Himalayan Balsam) of planning consent 17/0023/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) - Decide - 06.09.2017.

17/0619/NMA - Seek approval of a non-material amendment to planning consent 17/0023/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to provide a different specification of generator and amendments to the site layout, including the layout of the internal access road - Granted - 09.08.2017.

18/0943/NCC - Vary condition 06 (Hours of use) of planning consent 17/0407/NCC (Vary condition 14 of planning consent 16/0943/FULL (Install diesel powered generators and associated infrastructure for the provision of a Flexible Generation Facility to provide energy balancing services via the capacity market for the National Grid) to make reference to an updated site plan and technical specification details (reducing the number of generators from 16 to 7)) to allow for an increase in the facilities' annual operating hours - Granted - 10.01.2019.

19/0378/OUT - Erect two detached dwellings - Granted - 15.08.2019.

POLICY

LOCAL DEVELOPMENT PLAN

Site Allocation: The site is located within the Settlement Boundary.

Policies: Policy SP5 (Settlement Boundaries), SP6 (Place Making), CW2 (Amenity), CW3 (Design Considerations - Highways), CW4 (Natural Heritage Protection).
Supplementary planning guidance contained in LDP6 - Building Better Places to Live, LDP5 - Parking standards.

NATIONAL POLICY Planning Policy Wales 11th Edition - and TAN12 (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? No. The site is located in the Low Risk area.

CONSULTATION

Ecologist - No objections, recommends planning conditions to require adherence to ecological mitigation measures and provision of biodiversity enhancement (nest boxes).

Environmental Health Manager - Environmental Health previously recommended refusal of this development and consider significant adverse impacts are likely. However, we understand that an extant outline planning permission still exists for the proposed development. Environmental Health are still very concerned about the proposed development, however, if the planning department are minded to grant permission we recommend that a noise mitigation scheme be provided. The scheme must include sound insulation for all habitable rooms to be capable of achieving a night-time internal LAeq level of 30 dB(A) (measured over an 8 hour period) and LAmax level of 45 dB(A). The scheme must also be capable of achieving an LAeq level of 50 dB(A) (measured as a 16 hour period) in garden areas.

Also advise conditions to address any contamination.

Senior Engineer (Drainage) - Advises SAB approval is required. Requests drainage condition be imposed.

Transportation Engineering Manager - CCBC - Advise current parking layout would be very tight to provide 3 parking spaces and turning space however there appears to be scope to amend the driveway provision so this matter could be dealt with by a condition.

Estates Manager - No adverse comments.

Dwr Cymru - Public sewer crosses site. Advise that Dwr Cymru understands it is the applicant's intention to divert the sewer. Recommends planning condition are attached in respect of drainage.

ADVERTISEMENT

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

Response: 3 representations have been received.

Summary of observations:

1. Increased size and level of dwellings,
2. Query Boundary finishes,
3. Site clearance works and ecology,
4. Utilities infrastructure,
5. Business use and parking demand,
6. Increased traffic on the adopted highway,
7. Concern over traffic/access during construction.

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? A survey was carried out and no evidence was found, 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, new residential development in the Mid-Range CIL liability area where the chargeable amount is £25 per square metre (plus 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 impact on neighbour amenity and the visual appearance of the development on the character of the area.

The application site is located within the Settlement Boundary and therefore the principle of residential development is considered acceptable providing material planning considerations do not indicate otherwise. In addition the principle of residential development has been established through the grant of outline planning permission on the site through planning permission 19/0378/OUT. That application considered the site's proximity to the Croespenmaen Industrial Estate and found it acceptable for residential development and noted that existing residential properties (including numbers 2 and 3 Pentref-Y-Groes Farm) are close to the industrial estate which includes the Braces Bread factory. The previous planning permission considered the existing soundscape in the area (which includes industrial development) and found that due to the existing residential properties that already surrounded the industrial estate that the proposal for residential development on the application site would not introduce a 'change' involving a new type of sensitive use to the area and therefore the 'agent of change' principle would not apply in this instance. This is still the case with the current proposal.

The visual impact of the proposal is considered acceptable, the principle of having residential development at the site has been established and it is sited within an area where other dwellings are located. The design of the two dwellings are considered acceptable and will have no detrimental impact on the character of the area. The proposal accords with adopted Local Development Plan policy SP6 (Placemaking).

The issue of the existing noise climate for the proposed residential properties was previously considered under the outline application. It is noted that the Environmental Health department objected to the previous application for residential development on this site given the proximity to the existing commercial uses that may have an unacceptable impact on the amenity of future occupiers. This was considered by members at planning committee and the application was approved on the basis that noise attenuation measures would be able to be incorporated into the proposed dwellings. The applicant has submitted a noise report with the current application which indicates that measures such as uprated glazing and mechanical ventilation would result in an acceptable level of noise for future residents. The Environmental Health response received indicates that the Environmental Health department do not support the development however they indicate that a noise mitigation scheme could be agreed. It is considered based upon the information supplied in terms of the noise survey undertaken that there would be technical solutions which could be incorporated into the build of these properties to meet the suggested noise levels advise by the Environmental Health Officer and therefore it is considered appropriate to require a noise mitigation scheme to be agreed with the Local Planning Authority prior to the commencement of development on the dwellings.

The impact on neighbouring properties has been considered. The previous outline permission found there was no unacceptable impact on the amenity of existing properties and the siting and layout of this application is considered to have an acceptable impact on the amenity of those surrounding dwellings. The proposal accords with Policy CW2 (Amenity).

Comments from Consultees: The Land Drainage Officer and Dwr Cymru have both requested a drainage condition be imposed on the permission. It is noted that SAB (sustainable drainage approval) approval is required for the development and therefore this approval will cover drainage matters. In respect of Dwr Cymru they have advised that the applicants intention is to divert a sewer and therefore this matter will be subject to separate approval and agreement with Dwr Cymru. It is proposed to highlight to the applicant by way of advisory information the comments of Dwr Cymru and the need to obtain SAB approval.

It is considered, as advised by the Transportation Engineering Manager, that adequate parking for each dwelling can be achieved through a revised parking layout and this can be agreed by planning condition. The development would accord with Policy CW3 (Highways).

Comments from public:

1. Increased size and level of dwellings - The application has been submitted as a full application and is therefore not bound by previous outline permission scale parameters - The proposed dwellings are acceptable given the application site area and are sufficiently well separated from surrounding dwellings to avoid any unacceptable impacts on neighbour amenity. The natural topography of the area rises to the north and the proposed level is considered appropriate.
2. Query Boundary finishes - Boundary finishes will be agreed by planning condition.
3. Site clearance works and ecology - The Council's Ecologist has raised no objection to the development subject to planning conditions requiring works to be carried out in accordance with the submitted ecological report and provide ecological enhancement.
4. Utilities infrastructure - This would be a matter for the developer to address.
5. Business use and parking demand - The planning application seeks planning permission for two residential dwellings and the application form indicates that no non-residential floorspace is sought. Should the applicant seek to utilise any floorspace within each property for a commercial use which is not ancillary or incidental to the lawful residential use of the dwelling or dwellings then this would require planning permission.
6. Increased traffic on the adopted highway.
7. Concern over traffic/access during construction - It is not considered, given the scale of the development, that unacceptable impacts in terms of traffic or access would be likely to occur and in any event any impacts could be mitigated by the developer.

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.

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 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, drawing reference SL01 revision A;
Proposed Site plan, drawing reference PL02 revision A;
Plot 1 floorplans and elevations - sheet 1, drawing reference PL03 revision A;
Plot 1 floorplans and elevations - sheet 2, drawing reference PL04 revision A;
Plot 2 floorplans and elevations - sheet 1, drawing reference PL05 revision A;
Plot 2 floorplans and elevations - sheet 2, drawing reference PL06 revision A;
Proposed Street Elevation, drawing reference PLO7 revision A;
Ecological Assessment report by BE Ecological Ltd.
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
- 03) The site clearance and construction phases shall be carried out in accordance with the Mitigation Measures made within Sections 4.2.7, 4.4.10 and 4.5.9 and the Recommendations made within Section 5 of the Ecological Assessment, undertaken by B E Ecology dated July 2020, unless otherwise agreed in writing by the Local Authority.
REASON: To ensure adequate protection and mitigation for protected species.

- 04) An integrated nest box for either house sparrow or swift shall be installed in the new buildings during construction, on the east elevations at the gable apex on the gable walls.
REASON: To provide nesting for house nesting birds as a long term biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2016) and Tan 5 Nature Conservation and Planning (2009).
- 05) Notwithstanding the approved plans before each dwelling is occupied 3 off-street parking spaces (a total of 6 parking spaces on the whole site) shall be provided within the curtilage of the site 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.
- 06) Prior to the occupation of either of the dwellings hereby approved a scheme shall be submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each plot shall be completed in accordance with the approved details before the occupation of each of the respective dwellings that it relates to.
REASON: In the interests of the visual amenities of the area amenity in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 07) Prior to the commencement of the development a scheme shall be submitted to and agreed in writing by the Local Planning Authority to deal with the contamination of the site. That scheme shall include a ground investigation and a risk assessment to identify the extent of the contamination and the measures to be taken to avoid risk to the occupants of the development when the site is developed. The development shall be carried out in accordance with the approved scheme.
REASON: In the interests of public health.
- 08) Before any soils or hardcore that do not fall within the green category set out in Table 2 of the WLGA document 'Requirements for the Chemical Testing of Imported Materials for Various End Uses and Validation of Cover Systems 2013' are brought on to site, a scheme for their importation and testing for contamination shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.
REASON: In the interests of public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.

- 09) No building approved by this permission shall be occupied or approved uses commence until a report has been submitted to and approved in writing by the Local Planning Authority which verifies that the required works have been undertaken in accordance with the remediation strategy.
REASON: To protect public health and in accordance with Policy CW2 of the Caerphilly County Borough Local Development Plan up to 2021.
- 10) Prior to the commencement of development a scheme for noise insulation of each property shall be submitted for the written approval of the Local Planning Authority. The scheme to be submitted shall include measures for each property to ensure that:
All habitable rooms are capable of achieving a night-time internal LAeq level of 30 dB(A) (measured over an 8 hour period) and LAmax level of 45 dB(A), and Each plot is capable of achieving an LAeq level of 50 dB(A) (measured as a 16 hour period) within each of the garden areas.
Each dwelling shall be fitted with any measures identified and required by the approved scheme prior to that dwelling's occupation and those measures shall be retained thereafter.
REASON: In the interests of the amenity future residents of the dwellings in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

Advisory Note(s)

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

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

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority