

Application Number: 20/1027/OUT.

Date Received: 12.03.2021.

Applicant: Active Property Agents Ltd.

Description and Location of Development: Erect a two and a half storey block of flats to create 2 No. two bed flats and 1 No. one bed flat - Land At Grid Ref 314548 202993 Duffryn Terrace Elliot's Town.

APPLICATION TYPE: Outline Application.

SITE AND DEVELOPMENT

Location: Land At Grid Ref 314548 202993, Duffryn Terrace, Elliot's Town, New Tredegar.

Site description: A broadly triangular parcel of land which is located between Duffryn Terrace and Fothergills Road in Elliot's Town. It has an existing access from Duffryn Terrace and is mainly grassed. The general topography rises south-eastwards along Duffryn Terrace and more sharply north-eastwards with Fothergills Road set at a higher level than Duffryn Terrace.

Development: Erect a two and a half storey block of flats to create 2 No. two bed flats and 1 No. one bed flat.

Use: Residential.

The amount of development proposed for each use: The indicative plans are for the construction of two and half storey block of flats to create two 2no bed flats and 1no one bed flat.

Indicative layout: This shows an apartment block to the western side of the site close to the nearest end of terrace dwelling (29 Duffryn Terrace).

Indicative access points: Two vehicular access points are indicated onto Duffryn Terrace with the westernmost being an "in only" entry point and to the east is an "out only" exit point. Indicative traffic control measures in the form of one way traffic control plates have been indicated to prevent future occupiers from exiting the site via the western "in only" vehicle access point.

Dimensions: Apartment parameters: Length 11m, Width 8m, Height between 7.85m and 8.60m.

Materials: Not specified.

Ancillary development, e.g. parking: Six parking spaces are proposed within the development and a bin store area.

PLANNING HISTORY 2010 TO PRESENT None.

POLICY

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

Site Allocation: The site lies within the defined settlement boundary.

Policies: CW2 (Amenity), CW3 (Highways), CW15 (General Locational Constraints), SP5 (Settlement Boundaries), SP6 (Place making) SP10 (Conservation of Natural Heritage).

NATIONAL POLICY Future Wales: the National Plan 2040, Planning Policy Wales (Edition 11), 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 High risk area, and the Coal Authority have requested planning conditions be attached to any consent.

CONSULTATION

Dwr Cymru/Welsh Water - No objections.

The Coal Authority - No objections subject to the imposition of planning conditions to require site investigations to be undertaken prior to commencement of development and thereafter the inclusion of any necessary mitigation measures in the subsequent construction of the development.

Ecologist - No objection, recommends a planning condition to require ecological enhancement.

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

Environmental Health Manager - No objections in principle, provide recommended conditions on contamination.

Senior Engineer (Drainage) - Confirm that SAB approval is required for the development and request a planning condition is attached for drainage conditions.

ADVERTISEMENT

Extent of advertisement: The application was advertised via a site notice.

Response: 10 representations have been received.

Summary of observations:

Highway Safety concerns including accidents in the area.

Concern with new access onto Duffryn Terrace.

Would limit existing on street parking.

Existing Parking problems and level of proposed parking.

Safety of pedestrians (including children) using the pavements.

Loss of light and Privacy.

Stability issues.

Land should instead be used by the council to provide a car park for current homes.

Claim of adverse possession on the land.

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, however the site is in the lower viability area for CIL and is zero rated for residential development.

ANALYSIS

Policies: The application has been considered in accordance with national planning policy and guidance, local plan policy and supplementary planning guidance. The application site is within the defined settlement boundary for New Tredegar and the proposal for residential development on the site accords with adopted Local Development Plan Policies SP5 (Settlement Boundaries) and CW15 (General Locational Constraints) in accordance with the role and function of the settlement of New Tredegar.

The main considerations for the application are the impact on neighbour amenity, highway safety and the visual appearance of the development on the character of the area.

The application has been submitted in outline with all matters reserved for future consideration. Following detailed discussions with the applicant an amended indicative layout has been supplied which shows an indicative access point onto Duffryn Terrace indicating that a one way system with the site is feasible and vision splays on the exit can be provided and a suitable parking layout can be achieved within the site. The indicative site plan shows the apartment block sited to the east of the current end of terrace dwelling (29 Duffryn Terrace). The broad design and form of the apartment block is acceptable in principle and detailed design and layout is to be agreed under reserved matters. The proposal accords with adopted Local Development Plan Policy SP6 (Placemaking).

In terms of the impact on neighbour amenity it is noted that the main side wall of the nearest property (29 Duffryn Terrace) is unfenestrated. Number 29 Duffryn Terrace does have windows on the rear façade and also on the east facing side elevation of a rear two storey projection. The submitted indicative block plan indicates that the proposed apartment block could be sited to avoid direct overlooking to existing windows and can be designed not to have an unacceptable impact in terms of light or outlook on the existing windows of number 29 Duffryn Terrace or its amenity spaces, some of which are elevated on higher ground. The nearest properties on Fothergills Road to the north-east are elevated above the site level and no unacceptable impacts on their amenity would result from the development of the site. There would also be no unacceptable amenity impacts on properties to the south-west of Duffryn Terrace due to their position and level. The development would accord with adopted Local Development Plan Policy CW2 (Amenity) in having an acceptable impact on all existing surrounding residential properties.

The impact on highway safety has been considered. The proposal has indicated that a one way system with separate access and egress can be provided onto Duffryn Terrace and suitable visibility splay can be achieved on the eastern exit junction. There is sufficient room on the land to provide suitable parking for the development and as such the proposal is considered to accord with Policy CW3 (Highways). The Transportation

Engineering Manager has provided conditions to ensure the reserved matters submission incorporates agreed measures.

Comments from Consultees: Suitable conditions are imposed where requested by Consultees and deemed necessary.

Comments from public:

Highway Safety concerns including accidents in the area.
Concern with new access onto Duffryn Terrace.
Would limit existing on street parking.
Existing Parking problems and level of proposed parking.
Safety of pedestrians (including children) using the pavements.

The Transportation Engineering Manager has been involved in discussions with the applicant on the proposal and indicative plans have shown that a suitable access to the site can be achieved with a one-way system within the site with separate points of access and egress. The exit point can achieve suitable vision splays onto Duffryn Terrace and no objection in terms of impacts on the existing highway network have been raised in respect of the proposal. Planning conditions are proposed to ensure that the detailed design incorporates suitable highway access and parking levels. It is considered that development of the site for residential purposes can be achieved with an acceptable impact on highway safety and parking and exact details would be agreed under reserved matters.

- Loss of light and Privacy

The indicative layout indicates that an apartment block can be achieved on the site without having an unacceptable impact on light or privacy for surrounding properties. Detailed design will come forward under reserved matters and will need to maintain suitable impacts on surrounding dwellings.

- Stability issues

If applicable this would be a matter for the developer to address through the development.

- Land should instead be used by the council to provide a car park for current homes

The land is within private ownership and therefore this is the private view of the objector and not a material planning consideration in the determination of this application.

- Claim of adverse possession on the land

This would be a separate civil matter and the applicant is determined on the basis of the ownership certificate signed.

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.

The proposed development is acceptable in principle in terms of the use of the land for residential development, a suitable form of development can be agreed through reserved matters in respect of design, impact on neighbour amenity and highway safety. The application is recommended for approval accordingly.

RECOMMENDATION that Permission be GRANTED

This permission is subject to the following condition(s)

- 01) Approval of the details of the access, appearance, landscaping, layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before development is commenced and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 02) Plans and particulars of the reserved matters referred to in Condition 01) above, relating to the access, appearance, landscaping, layout and scale of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 03) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 04) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 05) No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
REASON: To ensure any mining legacy issues are suitably identified and addressed in accordance with Paragraphs 6.9.22-6.9.28 of Planning Policy Wales.
- 06) Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably qualified person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
REASON: To ensure any mining legacy issues are suitably addressed in accordance with Paragraphs 6.9.22-6.9.28 of Planning Policy Wales.
- 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 WPGA 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 development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for dust mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with dust arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 11) Prior to the development commencing on the construction of any roads, drainage, or buildings hereby approved a scheme for noise mitigation shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the agreed scheme shall be employed as necessary to deal with noise arising from construction works.
REASON: In the interests of the amenity of the area in accordance with policy CW2 of the adopted Caerphilly County Borough Local Development Plan up to 2021.
- 12) The Reserved Matters application shall include details of replacement tree planting and the inclusion of 6 No. integrated swift boxes on the new build. The boxes shall be incorporated prior to beneficial use of the building. The boxes shall be retained in situ for a minimum of 5 years.
REASON: To provide compensation and additional nesting for birds as a biodiversity enhancement, in accordance with Part 1 Section 6 of the Environment (Wales) Act
- 13) Any proposed vehicle egress point from the site shall be laid-out, constructed and maintained thereafter, with vision splays of 2.4m x 43m. No obstruction or

planting when mature exceeding 0.6m in height above the adjacent footway shall be placed or allowed to grow in the required vision splay areas.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 14) Parking throughout the development shall be provided in accordance with adopted Supplementary Planning Guidance note LDP 5 Car Parking Standards, prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 15) The parking area and access shall have a maximum gradient not exceeding 12.5% (1 in 8) and shall be completed prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 of the adopted Caerphilly County Borough Local Development Plan up to 2021.

- 16) Prior to the commencement of development a scheme for vehicular access and egress control into the site, to include any necessary physical measures to control vehicle movements and/or off-highway signage scheme to facilitate these shall be submitted for the written agreement of the Local Planning Authority. The agreed scheme shall be completed prior to beneficial occupation of the development.

REASON: In the interests of highway safety in accordance with policy CW3 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, The Coal Authority that are brought to the applicant's attention.